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Wednesday
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18521 **Pan American Day and Pan American Week** Presidential proclamation

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18525 **Nuclear Power** NRC publishes final rule regarding environmental radiation protection standards for nuclear power operations; effective 6-23-81

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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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Presidential Documents

Title 3—

The President

Proclamation 4827 of March 20, 1981

Pan American Day and Pan American Week, 1981

By the President of the United States of America

A Proclamation

Since its first observance fifty years ago, Pan American Day has served as an annual reminder of the common ideals of the nations of this hemisphere, further strengthening our peoples' bonds.

Commitment to such common goals among nations is an example for the world. Such cooperation has as its first priority the resolution of differences through peaceful conciliation and arbitration. The Organization of American States has provided a valuable framework for such progress to be made.

Through increased awareness and mutual cooperation, the Pan American nations strive to promote peace and stability in the region, as well as economic, social and cultural development. Pan American Day commemorates the voluntary cooperation of our countries in achieving solidarity of purpose while maintaining individuality of culture and tradition.

On this Pan American Day of 1981, the people of the United States extend warm greetings to their neighbors in the Americas, and reaffirm their commitment to the spirit of solidarity, the ideals and purposes of the Inter-American system, and their active support of the Organization of American States.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Tuesday, April 14, 1981, as Pan American Day, and the week beginning on April 12, 1981, as Pan American Week; and I urge the Governors of the fifty States, and the Governor of the Commonwealth of Puerto Rico, and officials of the other areas under the flag of the United States of America to honor these observances with appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th 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 fifth.

Ronald Reagan

[FR Doc. 81-9252
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Presidential Documents

Proclamation 4828 of March 20, 1981

Cancer Control Month

By the President of the United States of America

A Proclamation

This year an estimated 805,000 Americans will be diagnosed as having cancer. About 134,000 cancer patients will die who might have been saved by earlier diagnosis and prompt treatment.

While cancer is often called the disease Americans fear most, it is also now one of the most manageable chronic diseases in our country. We are approaching the day when, through surgery, chemotherapy and radiotherapy, half of the most serious forms of cancer can be cured.

Although we still face an enormous struggle in treating this disease, we must reaffirm today our ultimate goal—the cure of all those struck by this dread disease.

In addition to improving treatment for cancer patients, we must also reduce the incidence of this disease. In view of increasing evidence that a majority of cancers are related to environment and life-style, the major effort of Federal research today is in these areas.

Vigorous cancer research, directed to both treatment and prevention, must continue. All of us look to the day when this disease has been eradicated as a major threat to American lives.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of April 1981 as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag to issue similar proclamations.

To give emphasis to this serious problem and to encourage the determination of the American people to meet it, I also ask the medical and health professions, the communications industries, and all other interested persons and groups to unite during this appointed time in public reaffirmation of our Nation's abiding commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of March in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

Rules and Regulations

Federal Register
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Wednesday, March 25, 1981

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Environmental Radiation Protection Standards for Nuclear Power Operations

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to incorporate the existing Environmental Protection Agency requirement for certain uranium fuel cycle licensees to comply with the EPA's "Environmental Radiation Protection Standards for Nuclear Power Operations". These standards require certain uranium fuel cycle facilities to be operated such that releases of radioactive materials and resulting radiation doses to the public are below specified limits. The amendments also require licensees to submit reports to NRC when those standards have been or may be exceeded.

EFFECTIVE DATES: The effective dates for the existing requirement to comply with EPA's 40 CFR Part 190 are already specified in 40 CFR 190.12: December 1, 1979 for most operations; December 1, 1980 for uranium mills; and January 1, 1983 for discharges of krypton-85 and iodine-129. The effective date for these amendments to 10 CFR Part 20 is June 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John W. N. Hickey, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone: (301) 443-5966).

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) is amending its regulations in 10 CFR Part 20, "Standards for Protection Against Radiation," to incorporate the existing Environmental Protection Agency (EPA) requirement for compliance with 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations." The EPA published 40 CFR Part 190 on January 13, 1977 (42 FR 2858). In accordance with a Memorandum of Understanding between EPA and the former Atomic Energy Commission (38 FR 24936, September 11, 1973), NRC is responsible for enforcing the provisions of 40 CFR Part 190 for NRC licensees.

Title 40 CFR Part 190 requires certain uranium fuel cycle facilities to be operated so that releases of radioactive material and resulting radiation doses to the public are below specified limits. The effective dates for compliance are December 1, 1979 for most operations; December 1, 1980 for uranium mills; and January 1, 1983 for discharges of krypton-85 and iodine-129. The regulation provides that under certain circumstances variances may be granted by the regulatory agency responsible for enforcing 40 CFR Part 190.

The amendments to NRC regulations state that NRC licensees must comply with 40 CFR Part 190, and require licensees to submit reports to NRC when 40 CFR Part 190 limits have been or may be violated.

The NRC has submitted these amendments to the Comptroller General for such review as may be appropriate under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the reporting requirement of this rule becomes effective reflects inclusion of the 45-day period which that statute allows for such review (44 U.S.C. 3513(c)(2)).

As discussed in the notice of proposed rulemaking, the Commission has concluded that an environmental impact statement for the amendments is not required, because they will not significantly affect the quality of the human environment.

The amendments were published for public comment on April 17, 1980 (45 FR 26072), with comments requested by June 16, 1980. Timely comments were received from Northeast Utilities, Duke Power Company, Consumers Power Company, and the County of San Diego. The public comments are available for free inspection or copying for a fee at the NRC Public Document Room, 1717 H Street, Washington, D.C. 20555. No significant adverse comments or questions were received on the proposed amendments during the public comment period.[1] Therefore, they are being published in final form with only one minor change. Following is a discussion of the issues raised by the public comments.

1. One comment stated that the amendments were unnecessary because licensees are already required to comply with 40 CFR Part 190. The purpose of the amendments is to incorporate the existing 40 CFR Part 190 requirements into NRC regulations to make it more clear that compliance with 40 CFR Part 190 is required.

2. One comment stated that the requirements of 40 CFR Part 190 and 10 CFR Part 50 Appendix I should be combined, because both regulations relate to radioactive releases from nuclear power reactors. This is not practical because 40 CFR Part 190 also applies to fuel cycle facilities other than power reactors, and because the two regulations are not identical. However, whenever possible, the NRC staff is avoiding unnecessary duplicative requirements for reactors by combining release limits and reporting requirements for 40 CFR Part 190 with existing Appendix I requirements in individual licensees' technical specifications.

3. One comment expressed concern that 40 CFR Part 190 applied to combined radiation doses from all fuel

[1] In October, 1980 approximately four months after the comment period closed, several operators of uranium mills jointly filed later comments on this proposed rule. They basically requested the Commission to defer implementation of the NRC program to enforce Part 190 at uranium mills. Recognizing that their comments were late, these operators requested in the alternative that their filing be treated as a petition to rescind any NRC regulations imposing Part 190 requirements on uranium mills. In a separate action, the American Mining Congress also moved the Commission in October, 1980 to stay implementation and enforcement of Part 190 at NRC licensed uranium mills. The Commission is currently considering these filings. However, the issuance of these amendments as a final rule needs not be delayed. For the most part, these amendments simply incorporate into 10 CFR Part 20 the NRC's already existing responsibility to enforce 40 CFR Part 190 at fuel cycle facilities including uranium mills. Issuance of these amendments as a final rule does not modify that responsibility. Thus, because these amendments do not change the status quo regarding the Commission's authority, they can be issued before the Commission reaches a decision on pending requests to delay enforcement of Part 190.

cycle facilities, making it difficult to determine compliance. EPA addressed this issue when 40 CFR Part 190 was published. EPA stated: "* * * in the vast majority of situations, the sum of all reasonably postulable contributions from sources other than the immediate site will be small compared to these standards and should be ignored in assessing compliance" (42 FR 2858, January 13, 1977).

4. One comment pointed out that 40 CFR Part 190 allows for licensees to obtain variances to exceed 40 CFR Part 190 limits under temporary and unusual conditions, and requested NRC to specify procedures for obtaining such variances. Because variances will be considered only in unusual cases, it is preferable to treat each case on an individual basis. This is consistent with existing NRC regulations, which do not specify procedures for obtaining variances to exceed regulatory limits. Rather, 10 CFR § 20.501 states, "The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property."

One minor clarifying change related to variances was made to the proposed rule. When a licensee submits to NRC a report of excessive radioactive releases, the description of corrective steps taken or planned shall include the schedule for achieving conformance with 40 CFR Part 190 and associated license conditions. This is consistent with 40 CFR 190.11, which requires that a regulatory agency granting a variance should make public the schedule for achieving conformance with 40 CFR Part 190.

5. One comment stated that licensees should have 60 days to report violations of 40 CFR Part 190 to NRC, rather than the 30 days specified in the proposed rule. The reason given was that licensees need more time to perform calculations associated with assessing compliance. The NRC staff has concluded that the 30-day requirement is reasonable. Specific license conditions which implement this requirement for individual facilities will allow reasonable time to gather data and perform dose calculations as appropriate.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, the following amendments are published as a document subject to codification.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. A new paragraph (c) is added to § 20.105 to read as follows:

§ 20.105 Permissible levels of radiation in unrestricted areas.

* * * * *

(c) In addition to other requirements of this part, licensees engaged in uranium fuel cycle operations subject to the provisions of 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations," shall comply with that part.

2. Paragraph (f) of § 20.106 is revised, and a new paragraph (g) is added, to read as follows:

§ 20.106 Radioactivity in effluents to unrestricted areas.

* * * * *

(f) The provisions of paragraphs (a) through (e) of this section do not apply to disposal of radioactive material into sanitary sewerage systems, which is governed by § 20.303.

(g) In addition to other requirements of this part, licensees engaged in uranium fuel cycle operations subject to the provisions of 40 CFR Part 190, "Environmental Radiation Protection Standard for Nuclear Power Operations," shall comply with that part.

3. Paragraph (b) of § 20.405 is revised, and a new paragraph (c) is added, to read as follows:

§ 20.405 Reports of overexposures and excessive levels and concentrations.

* * * * *

(b) Any report filed with the Commission pursuant to paragraph (a) of this section shall include for each individual exposed the name, social security number, and date of birth, and an estimate of the individual's exposure. The report shall be prepared so that this information is stated in a separate part of the report.

(c) In addition to any notification required by § 20.403, each licensee shall make a report in writing within 30 days to the appropriate NRC Regional Office listed in Appendix D, with a copy to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, of levels of radiation or releases of radioactive material in excess of limits specified by 40 CFR Part 190, "Environmental Radiation Protection Standards for Nuclear Power Operations," or in excess of license conditions related to compliance with 40 CFR Part 190. Each report required under this paragraph shall describe the extent of exposure of individuals to radiation or to radioactive material; levels of radiation and concentrations of radioactive material involved; the cause of the exposure, levels or concentrations; and corrective steps taken or planned to assure against a recurrence, including the schedule for achieving conformance with 40 CFR Part 190 and associated license conditions.

* * * * *

(Section 161b., 161o., Pub. L. 83-703, 68 Stat. 948, 950 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243, Pub. L. 94-79, 89 Stat. 413, (42 U.S.C. 5841); Memorandum of Understanding between the Environmental Protection Agency and the Atomic Energy Commission, August 1973, 38 FR 24936, September 11, 1973)

Dated at Washington, D.C., this 17th day of March, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission

[FR Doc. 81-8640 Filed 3-24-81; 8:45 am]

BILLING CODE 7590-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

[Rev. 9, Amt. 17]

Disaster Loans; Changes in Eligibility

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: In recognition of severe funding limitations in the face of unprecedented demand for drought disaster assistance, changes in eligibility are necessary to assure the continuing availability of recovery assistance to all disaster victims. Due to the emergency nature of these changes, they will become effective March 19, 1981, for disaster loans approved on or after that date. The changes affect the rules for disaster declarations and will reduce the amounts of physical disaster loans (other than home loans) to not more than 60% of verified loss. Economic injury loans will not exceed $100,000. Business disaster loans will be made only to concerns unable to obtain the financial assistance from their own or their principals' resources or credit.

EFFECTIVE DATE: March 19, 1981.

FOR FURTHER INFORMATION CONTACT: Questions may be addressed to: Charles R. Hertzberg, Acting Director, Disaster Operations, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416, [202] 653-6574.

SUPPLEMENTARY INFORMATION: The drought catastrophes of the past summer have placed a severe strain on funds available for disaster assistance. In

addition, the critical national economic and fiscal circumstances preclude supplemental appropriations. The President has therefore directed that SBA adopt policies, forthwith, intended to ensure that SBA's Disaster Loan Fund operate within its total budgetary resources of $2.379 billion for the entire 1981 fiscal year. For these reasons, SBA avails itself of its authority pursuant to § 123.0(a) of its Disaster Loan regulation, 12 CFR 123.0(a), to change without advance notice certain regulations affecting disaster business loans. The Acting Administrator has determined that the need to resume Disaster Loan Assistance immediately to eligible persons in a rational and equitable way within the Small Business Administration's limited resources presents a circumstance contemplated by 13 CFR 101.9 and 123.0(a), thus rendering impracticable and contrary to the public interest any delay in the effectuation of these amendments. The rules for disaster home loans remain unchanged.

The amended regulations provide that disaster declarations will be made by SBA if at least 25 homes and/or businesses have suffered uninsured losses of at least 40% of their estimated fair replacement value, or at least 3 businesses have been damaged to the same extent and at least a quarter of the workforce in the community would be unemployed for at least 90 days as a result of such damage. The provision for a disaster declaration, based on 200 victims who have suffered any damage, is repealed.

No loan will be approved where SBA determines that the requested assistance is available to the damaged business either through the resources or the personal credit of the applicant concern or through its principals, as provided in 13 CFR 120.2(a)(2).

Physical disaster loan amounts will not exceed 60% of the verified loss suffered by a business concern. (It may be necessary, to insure repayment ability, that the remaining 40% will be required from other sources.) Economic injury disaster loans [Sec. 7(b)(2) of the Small Business Act, as amended (15 USC § 636)] will not be subject to the 60% limit but may not exceed $100,000.

The emergency nature of the circumstances surrounding the promulgation of these amendments makes public participation in this rulemaking procedure impractical and contrary to the public interest. SBA is publishing the rule as a final rule at this time, and is not providing an opportunity for public comment, in reliance on section 553(a)(2) of the Administrative Procedure Act ("APA"), 5 U.S.C. 553(a)(2) which provides that matters relating to loans, contracts and benefits are exempted from the public participation provisions of the Act. See also § 101.9 of SBA regulations, 13 CFR 101.9. In view of the APA exemption, no regulatory flexibility analysis is required by Pub. L. 96–354, 5 U.S.C. 603 and 604.

Finally, in accordance with section 8(a)(1) of Executive Order 12291, we are presently preparing and will transmit to the Director of the Office of Management and Budget as soon as practicable, a Regulatory Impact Analysis for these amendments.

Accordingly, and pursuant to the authority of section 5(b)(6) of the Small Business Act, as amended, 15 U.S.C. 634(b)(5), Part 123, Chapter I of Title 13 of the Code of Federal Regulations is amended as follows:

1. Section 123.1(a)(2) is revised to read as follows:

§ 123.1 General.

(a) *Disaster loan authority.* * * *

(2) Minimum damage requirements generally required for a declaration. A physical disaster declaration by the Administrator of SBA is based solely on physical property damage to items such as buildings, machinery, equipment, inventory, homes and the like of such an extent as to warrant such a declaration. The Administrator of SBA has no legal authority to make any physical disaster declaration based solely on the fact that economic injury has been incurred. The minimum amount of damage that SBA usually requires before making a physical disaster declaration is (i) At least 25 homes or 25 businesses, or a combination of at least 25 homes and businesses, in any county or other political subdivision that have sustained uninsured losses of at least forty (40) percent or more of their estimated fair replacement value. (Note: a business activity being conducted over several contiguous parcels of property, such as all growing crops in contiguous fields, is considered a single operation) or (ii) At least three businesses have sustained uninsured losses of at least forty (40) percent or more of their estimated fair replacement value and, as a result, 25 percent of the work force in the community would be unemployed for at least 90 days as a direct result of the physical damage.

* * * * *

§ 123.3 [Amended]

2. Section 123.3(a)(1) is revised to read as follows:

(a) *Physical-loss disaster assistance.* (1) The purpose of these loans is to restore a victim's home or homes (including a mobile home used as a residence of the applicant) or business property as nearly as possible to predisaster condition. Such business loans shall be made to the extent that the required financial assistance is not otherwise available from private sources, see § 120.2(a)(2) of this Chapter. A loan to an individual may be used to repair or replace damaged or lost furniture and other household belongings or personal effects, except for irreplaceable or extraordinarily expensive items. Funds may be used to repair or replace destroyed or damaged inventory, machinery, or equipment. If the disaster victim elects to construct a new home or new business facilities on a different site, the loan may be used for such purpose. However, any such loan shall not exceed the estimated cost of restoring or replacing the damaged or destroyed property. SBA's lien position shall be at least as strong as it would have been if the victim had restored in the original location; and loans to relocate a 1 to 4 family residential structure will be subject to the Real Estate Settlement Procedures Act of 1974.

3. Section 123.3(a)(2)(i) is revised to read:

(a) *Physical—less disaster assistance.* * * *

(2) *Refinancing.* * * *

(i) the property suffered uninsured damage of 30 percent or more of the market value at the time of the disaster, and * * *.

4. Section 123.3(b) is revised to read as follows:

* * * * *

(b) *Substantial economic injury assistance.* The purpose of these loans is solely to provide relief to small business concerns for substantial economic injury sustained as a result of a major or natural disaster declared by the President or Secretary of Agriculture, or SBA declared physical disaster. Personal and/or business resources must be used by the applicant to the greatest extent feasible to alleviate the injury incurred, see § 120.2(a)(2) of this Chapter. Loans may be used for working capital and to pay financial obligations which the borrower would have been able to pay had it not been for the loss of revenue resulting from the disaster. Unrealized net profits or a drop in sales not disaster-related may not be considered in arriving at the amount of injury incurred. No funds may be authorized which would provide for the payment of any dividends, distributions, bonuses, or for disbursements to owners, partners, officers, or stockholders not directly related to the performance of services.

5. Section 123.3(m)(2) is revised to read as follows:

* * * * *

(m) *Economic dislocation loan assistance.* * * *

(2) Refinancing of existing debt is permissible if such refinancing does not reduce the exposure of any other lender. Thus, refinancing is limited to debts owed to commercial lenders as defined in § 123.1(c)(2) who will participate with SBA in a guaranteed or immediate participation loan at least retaining their prior exposure, but in no event less than 10 percent.

§ 123.5 [Amended]

6. Section 123.5(a) is revised to read as follows:

(a) Physical disaster loans to businesses shall not exceed sixty (60) percent of the actual physical loss resulting from the disaster [except as permitted by §§ 123.3(a)(2) and 123.3(h)] and shall not [except for those described in § 123.3(h)] exceed $500,000 for SBA's share in the aggregate for any one disaster. Economic injury disaster loans [described in § 123.3(b)] shall not exceed the amount of economic injury and are subject to a maximum of $100,000. Economic injury loans under § 123.3 (c) through (l) are not subject to the $100,000 maximum.

* * * * *

7. Section 123.5(a)(1) is removed.

8. Section 123.5(a) (2) through (5) are hereby renumbered § 123.5(a) (1) through (4).

(Catalog of Federal Domestic Assistance Programs Nos. 59.002 (Economic Injury Disaster Loans) and 59.008 (Physical Disaster Loans))

Dated: March 19, 1981.

Roger H. Jones,

Acting Administrator.

[FR Doc. 81-9000 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 15, 16, 17, 18 and 21

Reporting Open Positions, Deliveries and Exchanges of Futures for Physicals

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending Parts 15–18 and 21 of its regulations pertaining to reporting requirements for contract markets, futures commission merchants (FCMs), foreign brokers and large traders. The amendments to Part 17 will require FCMs and foreign brokers to report the number of exchanges of futures for physicals (EFPs) and delivery notices issued or stopped against open futures positions in accounts which are being reported to the Commission. These amendments will allow the Commission to obtain more complete and timely surveillance information concerning EFPs and deliveries.

The Commission is also effecting amendments to its reporting and publication requirements which will enable the Commission to obtain open interest data from all contract markets and futures position data from all FCMs, foreign brokers and large traders which are determined exclusive of delivery notices issued or received. This action should simplify both bookkeeping procedures for FCMs and clearing members and those procedures which the Commission utilizes in its market surveillance program.

EFFECTIVE DATE: May 15, 1981.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, Telephone (202) 254–3310.

SUPPLEMENTARY INFORMATION: On August 27, 1980, the Commission published for public comment[1] the following proposed amendments to its reporting requirements:

1. Amendments to Part 17 of the Commission's regulations to require FCMs and foreign brokers to report the number of EFPs and the number of delivery notices issued and stopped for individual accounts which are reported to the Commission; and

2. Amendments to Parts 15–18 and 21 of the Commission's regulations which would require contract markets, large traders, FCMs and foreign brokers to report open interest and open positions exclusive of futures contracts against which delivery notices have been issued or stopped.

In addition to these specific proposals, the Commission also sought public comment on issues concerning the practice of allowing traders to hold contracts representing long and short positions in the same future of the same commodity, whether such positions should be included in published open figures and the extent to which such practices have caused problems.[2]

[1] 45 FR 57141.

[2] In the August 27, 1980, **Federal Register** release, the Commission also published a proposal which would have required exchanges to collect and process large trader information similar to that which the Commission obtains from FCMs and foreign brokers. The Commission is continuing its consideration of that part of its proposal.

FCM and Foreign Broker Reporting of EFP and Delivery Information

The Commission routinely obtains EFP and delivery information from individual traders on the series '03 report. However, as the Commission previously noted, the information concerning deliveries reported by traders who are not located in a city in which the Commission maintains an office, is generally not received in sufficient time to permit the Commission to adjust its surveillance to a fluid and fast changing market situation.[3] In addition, under Commission Rule 18.07,[4] traders located outside of the United States are not required to routinely file series '03 reports for any commodity regulated under the Act but not specifically set forth in Section 2(a) of the Commodity Exchange Act prior to the enactment of the Commodity Futures Trading Commission Act of 1974.

Thus, because '03 reports are neither timely nor complete, it has been necessary for Commission staff to contact FCMs on a routine basis in order to determine whether certain accounts have issued or stopped delivery notices or exchanged futures for physicals. Since it is at best difficult and time consuming to attempt to gain an accurate picture of the liquidation of a maturing future in this manner, the Commission proposed to make the filing of EFP and delivery information a routine requirement for FCMs and foreign brokers. In addition, the Commission noted that this requirement would be necessary if in the future it determined to eliminate the routine filing of series '03 reports by large traders.[5]

No FCMs commented on this proposed rule. Other commentators stated that they perceived no advantage to the adoption of such a requirement, since the Commission currently receives daily information on EFPs and deliveries by clearing member FCMs from each contract market. These commentators suggested that the Commission obtain

[3] Under Rule 18.03, 17 CFR § 18.03 (1980), if a reporting trader is located in a city in which the Commission maintains an office, reports must be filed with such office on the business day following the day covered by the report. If the reporting trader is located elsewhere, reports are transmitted by mail, postmarked not later than midnight of the day covered by the report. Depending upon the speed of the postal service, this information is received by the Commission from a substantial number of traders three or four days after the trading day for which the report is filed. See 45 FR 57143 (August 27, 1980).

[4] 17 CFR § 18.07 (1980).

[5] See 45 FR 57143–44 (August 27, 1980).

information as necessary on individual traders by directly contacting FCMs.

The Commission disagrees with these comments. Those methods recommended by commentators for obtaining EFP and delivery information correspond generally to the manner in which the Commission presently obtains information. As noted above, this method is lacking in several respects. Moreover, since adoption of this rule amendment may in the future allow the Commission to reduce the reporting burden on the trading public by eliminating the routine filing of series '03 reports, the Commission has determined to adopt its amendments as proposed.

Positions Against Which Delivery Notices Have Been Issued or Stopped

Practices of contract markets, FCMs and traders in determining open interest vary according to whether a position against which delivery notices which have been issued by the clearing organization of a contract market or stopped by traders are open or closed for reporting purposes. Varying practices in this regard are due to the fact that contract markets, FCMs and foreign brokers which were regulated by the Commission's predecessor agency, the Commodity Exchange Authority (CEA), prior to the enactment of the Commodity Futures Trading Act of 1974[6] were instructed to consider futures positions open until delivery occurred. Contract markets which came under regulation after enactment of the Commodity Futures Trading Commission Act of 1974, however, generally report and publish open interest figures net of delivery notices issued. Several exchanges had requested that the Commission reconsider CEA's views on this issue.

The Commission has carefully considered this matter and determined that the present disparity in reporting practices has resulted in unwarranted costs for FCMs. For example, several FCMs have commented that the existing reporting requirements have forced them to keep two sets of books—one for clearing organization procedures, another for Commission reporting purposes. Lack of consistency among clearing organizations has further complicated the task of bookkeeping for those FCMs which are members of different exchanges. Further, certain reporting traders who commented expressed the view that it was burdensome to report positions against which delivery notices have been issued or stopped, particularly since, in certain commodities, as many as 75 days may transpire between the time a notice is issued and delivery occurs.[7]

The Commission has determined it desirable that open interest and open position information be determined in the same manner. This approach would eliminate the Commission's current practice of manually adjusting data before it is published or used for market surveillance purposes. Further, the Commission has noted its need for timely data.[8] In this respect, if persons who are required to report do not reduce positions until delivery day, the reporting of important surveillance information is delayed.

In order to ameliorate the above problems, the Commission proposed amendments to its reporting requirements which would standardize the manner in which open interest and open positions are determined with respect to delivery notices issued and stopped. In particular it proposed that for reporting purposes, open interest and open positions be reduced when a delivery notice is issued by the clearinghouse of a contract market or stopped by a trader.[9]

Although no commentators opposed the proposals to standardize the manner in which open interest and open positions are determined, several commentators noted that standardizafion should not be an end in itself. One commentator suggested that requirements and circumstances peculiar to various markets may dictate the adoption of divergent procedures. Other commentators, however, noted the benefits of such standardized procedures with respect to the bookkeeping procedures for FCMs and clearing members. The Commission has determined that considerable benefits may accrue from standardization of the manner in which open interest is determined not only by end users of the data, such as the Commission, but also by those who initially provide the data to the exchanges, namely their members. Accordingly, the Commission is adopting its amendments to the reporting requirements as proposed.

Traders Long and Short the Same Future of a Commodity

The Commission has also requested comment on the practice of traders holding long and short open futures positions in the same future of a commodity. The Commission noted that this practice has resulted in overstatements of published open interest figures and questioned whether this practice served any purpose. The Commission requested comment concerning any problems which may have resulted from this practice.[10]

No comments were received that would indicate problems were posed by current practices in this area. In addition, commentators offered several examples of potential benefits which could result from this practice. Accordingly, the Commission has determined it will take no further action concerning this question until such time as problems are identified that would warrant reconsideration of the issue.

The Commission has determined that the provisions of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 *et seq.*, do not apply to this rulemaking proceeding. See Section 4 of the Regulatory Flexibility Act, 94 Stat. 1170.

In consideration of the foregoing and pursuant to its authority under Section 4g, 4i, 5(d), and 8a(5) of the Commodity Exchange Act, 7 U.S.C., §§ 6g, 6i, 7(d) and 12a(5) (1976), the Commission hereby amends Parts 15, 16, 17, 18 and 21, of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 15—REPORTS—GENERAL PROVISIONS

1. Section 15.00 is amended by revising paragraph (b) as follows:

§ 15.00 Definition of terms used in Parts 15 to 21 of this chapter.

* * * * *

(b) "Reportable position" means:

(1) Any open contract position in any one future of any commodity on any one contract market, excluding positions against which notices of delivery have been stopped by a trader or issued by the clearing organization of a contract market, which at the close of the market on any business day, equals or exceeds the quantity specified below for reporting purposes for the particular commodity:

(i) For the purposes of reports required by Part 17 and § 18.04, the quantity specified in § 15.03(a).

(ii) For the purposes of reports required by § 18.00, the quantities specified in § 15.03(c).

(2) For the purposes of reports required by Part 19 any open contract position in any one future or all futures combined, either gross long or gross short, of any commodity on any one contract market, excluding positions against which notices of delivery have been stopped by a trader or issued by the clearing organization of a contract

[6] 88 Stat. 1839, *et. seq.*

[7] 45 FR 57141, 57145.

[8] *Ibid.*, at 57143.

[9] *Ibid.*, at 57147.

[10] *Ibid.* at 57146.

market which, at the close of the market on the last business day of the week, equals or exceeds the quantity fixed in § 15.03(b) for reporting purposes for the particular commodity.

* * * * *

PART 16—REPORTS BY CONTRACT MARKETS

2. Section 16.00 is amended by revising paragraphs (a) and (e) as follows:

§ 16.00 Information to be furnished by contract markets.

* * * * *

(a) The total of all long open contracts and the total of all short open contracts carried at the end of the day covered by the report, excluding the number of contracts against which delivery notices have been stopped or against which delivery notices have been issued by the clearing organization of the contract market.

* * * * *

(e) The quantity of the commodity for which delivery notices have been issued by the clearing organization of the contract market and the quantity for which notices have been stopped during the day covered by the report.

3. Section 16.02 is amended by revising paragraphs (c) and (d) as follows:

§ 16.02 Publication of volume of trading and open contracts.

* * * * *

(c) The total gross open contracts excluding contracts against which delivery notices have been stopped.

(d) Open contracts against which delivery notices have been stopped on the day for which publication is made.

* * * * *

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

4. Section 17.00 is amended by revising paragraph (a) in its entirety as follows:

§ 17.00 Information to be furnished by futures commission merchants and foreign brokers.

(a) Special Accounts—Reportable Positions and Delivery Notices. (1) Each futures commission merchant and each foreign broker, except a foreign broker who carries all accounts on a fully disclosed basis with a registered futures commission merchant, shall submit a report to the Commission for each business day with respect to all Special Accounts, including house accounts, carried by futures commission merchant or foreign broker. Such report shall be made on the appropriate series '01 form and shall show each reportable position, separately for each contract market and for each future, in such account as of the close of the market on the day covered by the report. In addition, for each Special Account, for the day covered by the report, a futures commission merchant or foreign broker shall show, separately for each contract market and for each future in the commodity for which a report is filed, the quantity of exchanges of futures for physicals and the number of delivery notices issued for the account by the clearing organization of a contract market and the number stopped by the account.

(2) A report covering the first day upon which a Special Account shows a reportable position in a particular future shall also show for the preceding business day:

(i) The position in such future account;

(ii) Exchanges of futures for physicals for the account;

(iii) Delivery notices for such future issued for the account by the clearing organization of the contract market on which delivery will occur; and

(iv) Delivery notices for such future stopped by the account.

(3) A report showing the information specified in paragraphs (a)(2)(i)–(iv) of this section shall also be filed covering the first day when any account theretofore in Special Account status is no longer in such status.

* * * * *

PART 18—REPORTS BY TRADERS

5. Section 18.00 is amended by revising the introductory text, and paragraphs (a) and (c) as follows:

§ 18.00 Information to be furnished by traders.

Every trader who holds or controls a reportable position shall submit reports to the Commission. A report shall be filed for the first day on which such trader acquires a reportable position, for each day thereafter on which he has transactions in any future of each commodity on any contract market and for the first day on which he no longer holds or controls a reportable position. In addition, a report shall be filed for the day on which delivery notices are issued by the clearing organization of a contract market against short futures positions of the trader in the commodity in which the trader is reportable and for the day on which the trader stops delivery notices against long futures positions in such commodity. Each such report shall be prepared on the appropriate series '03 form, on a separate sheet for each commodity, and shall show for the day covered by the report the following information, separately for each future and for each contract market:

(a) *Open contracts.* The quantity of all open contracts, regardless of size (except those contracts against which delivery notices have been stopped or against which delivery notices have been issued by the clearing organization of the contract market upon which delivery will occur), in each future of such commodity on all contract markets, broken down to show the quantity classified as hedging (as defined in § 1.3(z)) and the quantity classified as speculative (including spreading or straddling.

* * * * *

(c) Delivery notices issued and stopped. The quantity of the commodity against which notices of delivery have been issued by the clearing organization of the contract market on which delivery will occur and the quantity against which notices have been stopped by the trader.

* * * * *

6. Section 18.00 is further amended by removing paragraph)h)(2)(v), and by redesignating paragraph (h)(2)(vi) and paragraph (h)(2)(vii) as paragraphs (h)(2)(v) and (h)(2)(vi) respectively.

* * * * *

PART 21—SPECIAL CALLS FOR INFORMATION FROM FUTURES COMMISSION MERCHANTS, FOREIGN BROKERS AND MEMBERS OF CONTRACT MARKETS

7. Section 21.02 is amended by revising paragraph (b) as follows:

§ 21.02 Special calls for information on open contracts in accounts carried by futures commission merchants, members of contract markets and foreign brokers.

* * * * *

(b) The open contracts held or controlled by such traders in each future excluding contracts against which delivery notices have been stopped or against which delivery notices have been issued by the clearing organization of the contract market upon which delivery will occur.

* * * * *

Issued by the Commission on March 19, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-9006 Filed 3-24-81; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 239

[Release No. 33-6301]

Adoption of Notice-of-Sales Forms for Transactions Pursuant to Section 4(6) and Rule 242

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of amendments to notice-of-sales forms.

SUMMARY: The Commission is adopting in final form a notice-of-sales form to be used by issuers that sell their securities in reliance upon new Section 4(6) of the Securities Act of 1933. Section 4(6) provides an exemption from registration under the Securities Act of 1933 for offers and sales of securities by any issuer solely to one or more "accredited investors" if the aggregate offering price does not exceed the amount allowed under Section 3(b) of that Act. The exemption requires the issuer to file a notice of such sales with the Commission on such forms as the Commission shall prescribe. This form is adopted today in response to the legislative amendments included in the Small Business Investment Incentive Act of 1980. The Commission, in addition, is adopting technical conforming amendments to Form 242 to reflect similar amendments to Form 4(6), and a technical conforming amendment to the instructions in Rule 242 regarding the use of Form 242.

EFFECTIVE DATE: April 24, 1981.

ADDRESS: Copies of revised Form 4(6) and Form 242 will be available from each of the Commission's Regional Offices and the headquarters office, 500 North Capitol Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Suzanne Brannan, (202) 272-2644, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that it is adopting in final form Form 4(6) [17 CFR 239.246], a notice-of-sales form to be used by issuers that sell their securities in reliance upon Section 4(6)[1] of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.]. Section 4(6) was included in the Securities Act pursuant to the recently enacted Small Business Investment Incentive Act of 1980 (the "1980 Act") [Pub. L. No. 96-477 (October 21, 1980)]. It provides an exemption from the registration provisions of the Securities Act for transactions involving offers and sales of securities by an issuer solely to one or more "accredited investors"[2] if the aggregate price does not exceed the amount allowed under Section 3(b) of the Securities Act.[3] No advertising or public solicitation is permitted in connection with such transactions, and the issuer is required to file a notice of such sales with the Commission on such forms as the Commission shall prescribe.

In order to permit issuers immediately to utilize Section 4(6), the Commission adopted Form 4(6), effective November 14, 1980, on an interim basis, and sought public comment with respect to the form and content of a final notice.[4]

Discussion

The primary purpose of the Form 4(6) notice requirement is to elicit information which the Commission expects will be necessary in addressing the effectiveness of the exemption as a capital-raising device for small business in a manner that is consistent with the public interest and the protection of investors.[5] Form 4(6) is designed to enable an issuer to respond to most questions by simply checking boxes or by filling in blanks. In response to its request for comment on interim Form 4(6) the Commission received one comment letter. Based partly on this commentary and primarily on its further review of Form 4(6), the Commission has determined to make the following technical amendments to the Form which are designed to result in a simpler, more understandable form for the user: (1) former Part C, Brief Narrative Information About the Issuer, has been combined with Part A, Basic Identification of Issuer; (2) the ranges provided for answering statistical information about the issuer in Part B have been revised; (3) former item B.6. regarding the number of shares held by non-affiliated shareholders has been deleted and a new item calling for the percentage of shares outstanding held by non-affiliated persons and an instruction defining "non-affiliated person" included; (4) former item B.9. regarding part-time employees has been deleted, and item B.8 has been revised to call for the number of full-time equivalent employees, and a definition of the term "full-time equivalent employees" has been included; and (5) item C.4. in Form 4(6), and item C.5. in Form 242, will contain spaces to subtract expenses in connection with the issuance from the aggregate offering price to arrive at the figure for adjusted gross proceeds.

Amendments to Form 242

Rule 242 [17 CFR 230.242] promulgated under Section 3(b) of the Securities Act, provides an exemption from registration for sales of securities by domestic or Canadian corporate issuers to an unlimited number of accredited persons as defined in the rule, and to 35 non-accredited persons. Form 4(6) is substantially similar to Form 242, the notice-of-sales form required by issuers for securities issued pursuant to Rule 242, except certain information that would be inapplicable to Section 4(6) offering has been deleted. In view of the substantial similarity in purpose and content of Form 4(6) and 242, the Commission has determined that

[1] Section 4 of the Securities Act of 1933 ("Securities Act") provides, in pertinent part, that the provisions of Section 5 shall not apply to:

(6) transactions involving offers or sales by an issuer solely to one or more accredited investors, if the aggregate offering price of an issue of securities offered in reliance on this paragraph does not exceed the amount allowed under Section 3(b) of this title, if there is no advertising or public solicitation in connection with the transaction by the issuer or anyone acting on the issuer's behalf, and if the issuer files such notice with the Commission as the Commission shall prescribe.

[2] New Section 2(15) of the Securities Act provides:

(15) the term "accredited investor" shall mean—

(i) a bank as defined in section 3(a)(21) of the Act whether acting in its individual or fiduciary capacity; an insurance company as defined in section 2(13) of the Act; an investment company registered under the Investment Company Act of 1980 or a business development company as defined in section 2(a)(48) of that Act; a Small Business Investment Company licensed by the Small Business Administration; or an employee benefit plan, including an individual retirement account which is subject to the provisions of the Employee Retirement Income Securities Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such Act, which is either a bank, insurance company, or registered investment adviser; or

(ii) any person who, on the basis of such factors as financial sophistication, net worth, knowledge, and experience in financial matters, or amount of assets under management qualifies as an accredited investor under rules and regulations which the Commission shall prescribe.

[3] As amended by Section 301 of the 1980 Act, the ceiling amount of Section 3(b) is $5,000,000.

[4] *See* Securities Act Release No. 6256 (November 7, 1980) [45 FR 75182] ("Interim Form Release").

[5] In its report on S. 2990, which proposed Section 4(6) as finally adopted by the House, the Senate Committee on Banking, Housing and Urban Affairs stated that it "anticipates that the Commission will monitor the effectiveness of the exemption to evaluate whether it is consistent with the underlying objectives of the federal securities laws to protect the integrity of the securities markets and fosters investor confidence in the capital formation process." S. Rep. No. 958, 96th Cong., 2d Sess., at 45 (1980).

technical amendments similar to those being made to Form 4(6) should be made in Form 242.

Amendment to Rule 242

Paragraph (h) of Rule 242 provides instructions regarding the filing and updating of Form 242. In view of the reformatting of certain items in Form 242 as described above, the Commission is adopting a technical amendment to Rule 242(h)(3) to reflect the appropriate items of Form 242 as revised.

Procedural Matters

In view of the substantial similarity in purpose and content of Forms 242 and 4(6), and in view of the technical and clarifying nature of the amendments, the Commission believes it is appropriate to adopt Form 4(6) in final form and the amendments to Form 242 and Rule 242. Accordingly, the Commission pursuant to Section 553(b) of the Administrative Procedure Act [5 U.S.C. 553(b)] for good cause finds that prior notice and comment is impracticable, unnecessary, and contrary to the public interest.

Regulatory Flexibility Act Considerations

The Commission believes that the requirement for a regulatory flexibility analysis pursuant to the Regulatory Flexibility Act [5 U.S.C. 604(b)] is inapplicable because Form 4(6) was adopted prior to the effective date of that act, and because the amendments to Form 4(6), Form 242, and Rule 242 are considered technical and are not being published for notice and comment pursuant to the Administrative Procedure Act.

Text of Amendments

Part 239 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

1. By adding § 239.246, to read as follows:

§ 239.246 Form 4(6), notice-of-sales of securities pursuant to section 4(6) of the Securities Act of 1933.

(a) Five copies of a notice on this form shall be filed with the Commission:

(1) No later than 10 days after the first sale of securities in any issue is made in reliance on section 4(6) of the Securities Act of 1933.

(2) No later than 10 days after the completion date of the offering of such issue: *Provided, however,* that only one notice need be filed if the offering of the issue is completed within the 10-day period described in paragraph (a)(1) of this section and this form is filed not later than at the conclusion of that period but subsequent to the completion of the offering of the issue; and

(3) Every six months after the first sale of securities in the issue made in reliance on section 4(6) unless the final notice required by paragraph (a)(2) of this section has been filed.

(b) If more than one notice is required to be filed as to any issue of securities offered in reliance on section 4(6), notices other than the original notice need only report the issuer's name and the information in response to Part C and any material changes in Parts A and B from the facts previously reported.

(c) A notice on this form shall be deemed to be filed with the Commission:

(1) As of the date on which it is received at the Commission's principal office in Washington, D.C., or

(2) If the notice is delivered to the Commission after the date on which it is required to be filed, as of the date on which the notice is mailed by means of United States registered or certified mail to the Commission's Office of Small Business Policy, Division of Corporation Finance, at the Commission's principal office in Washington, D.C.

2. By revising § 239.242(b) as follows:

§ 239.242 Form 242, notice of sales of securities pursuant to § 230.242 of this chapter.

* * * * *

(b) If more than one notice is required to be filed pursuant to paragraph (h)(1) of the rule as to any issue of securities offered in reliance thereon, notices other than the original notice need only report the information in response to Part C and any material changes in Part A and B from the facts previously reported.

* * * * *

Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

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

3. By revising paragraph (h)(3) of § 230.242 to read as follows:

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

* * * * *

(h) * * *

(3) If more than one notice is required to be filed pursuant to paragraph (h)(1) of this rule as to any issue of securities offered in reliance thereon, notices other than the original notice need only report the information required by Part C and any material change in the facts from those set forth in Parts A and B of the original notice.

* * * * *

Effective Date

Adopted Form 4(6) and amended Form 242 are effective April 24, 1981.

Authority

The Commission hereby adopts Form 4(6) pursuant to Sections 4(6) and 19(a) of the Securities Act of 1933 [Sec. 19(a), 48 Stat. 85; Sec. 209, 48 Stat. 908; Sec. 308(a), (2), 90 Stat. 57; 15 U.S.C. 77s(a)] and amends Form 242 pursuant to Sections 3(b) and 19(a) of the Securities Act of 1933. [Secs. 3(b), 19(a), 48 Stat. 75, 85; Sec. 209, 48 Stat. 908; 59 Stat. 167; 84 Stat. 1480; Sec. 308(a) (1), (2), (3), 90 Stat. 56, 57; Sec. 18, 92 Stat. 275; sec. 2, 92 Stat. 962; 15 U.S.C. 77c(b), 77s(a)]

By the Commission.

George A. Fitzsimmons,

Secretary.

March 19, 1981.

[FR Doc. 81-9107 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 250

[Release No. 35-21968; File No. S7-862]

Allocation of Consolidated Income Tax Liability by Registered Holding Companies and Their Subsidiaries

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting an amendment to Rule 45 under the Public Utility Holding Company Act of 1935 ("Act") pertaining to the methods by which registered holding companies and their subsidiaries may allocate consolidated income taxes. The amendment replaces subsection (b)(6) of Rule 45 adopted in 1955 with subsection (c), dealing with the same subject. Both are exceptions from the requirements of Rule 45(a). The amendment recognizes intervening changes in tax laws which have tended to restrict the use of the subsection (b)(6).

EFFECTIVE DATE: March 25, 1981. The amendment applies to all tax returns due after September 30, 1981, and all tax years ending on or after that date. It may be applied to the tax return for the preceding tax year, if such return has not been filed before its adoption.

FOR FURTHER INFORMATION CONTACT: Grant G. Guthrie, Associate Director (202) 523-5156, or James E. Lurie, Special Counsel (202) 523-5683, Division of Corporate Regulation, Securities and

Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The proposed amendment to Rule 45 was published for comment by release dated October 29, 1980 (HCAR No. 21767) (45 FR 73509, November 5, 1980). The history of Rule 45(b)(6) and its predecessors was sufficiently described therein. Changes in the kind and significance of available tax benefits and in methods of allocation recognized under the tax laws have made the 1955 rule inadequate. The registered systems have found it necessary to rely increasingly on a case-by-case series of applications for relief by order under Rule 45(a). Rule 45(c) reenacts the Commission's original purpose of regulating this whole subject by a general rule.

Comments on the proposed rule were received from seven registered holding company systems, two major accounting firms and one large nonutility system. All urged adoption of the rule. Several comments offered suggestions for clarification of the text, which are reflected in the final rule. None of the changes have substantive significance.

Rule 45(c) does not specify kinds of tax benefits. These change as tax laws and regulations are revised. An important function of the tax agreement, required by the rule, is to identify currently the material elements of allocation in terms of the applicable tax law. The rule specifies the amount to be allocated, that is, the difference between the consolidated return and separate return results, and establishes the principle of allocating to the individual members of the group the material effects of any particular features of the tax law applicable to them. The rule extends to all aspects of allocating consolidated return benefits. The Commission agrees with those comments which stressed the need for broad and comprehensive application.

The introductory paragraph of the rule has been revised to clarify two ambiguities. It was drawn, like its predecessor, with the Federal Internal Revenue Code in mind. Parts of some systems are also eligible to file consolidated returns under comparable state laws. The rule explicitly includes such returns also. If there are special needs with respect to state returns, suggestions for dealing with them by interpretation will be considered.

The requirement that tax agreements cover full tax years was not intended to exclude associate companies added or disposed of during a year. The text has been recast to eliminate any contrary implications and a sentence has been added to the definition of corporate taxable income to specify the treatment of partial years.

The definition of "consolidated tax" has been clarified. If the consolidated tax is negative, it would represent a refund. The "adjustments thereto thereafter determined" are adjustments to the tax shown on the return, i.e., the liability to the taxing authority. Such liability changes only by a revision of the tax, whether by an amendment of the return, a settlement or a final decision in any litigation. The procedure for dealing with such changes, and particularly with negotiated adjustments which may not involve an item-by-item modification of the return, is one of the subjects for which the tax agreement should provide.

The definition of "corporate taxable income" has been revised to make it unequivocal that the items eliminated in consolidation refer to the consolidation in the tax return under tax standards rather than to possibly inconsistent generally accepted accounting principles. The provisions for adjustment for other year carryover rights have been transferred from the definition of separate return tax to the definition of corporate taxable income, from which the separate return tax is calculated. This assures that these adjustments will be reflected in either allocation method.

The definitions of "separate return tax" and "corporate tax credit" have been rewritten to eliminate the terms "hypothetical" and "inconsistent" which might be misunderstood. The rule states the hypothesis of nonconsolidation to which these terms referred.

The first sentence of subsection (3) has been amended to correct an unintended omission by adding "(2)(ii)." The elimination of intercompany transactions would affect the allocation under the (2)(ii) method in essentially the same way as it affects a (2)(i) method allocation. In the first sentence of subsection (4), "subsidiary companies" has been changed to "associate companies." As stated in the release on the proposed rule, the holding company will not normally have a positive corporate taxable income, since intercompany dividends, its principal resource, are excluded.

Several comments also noted a failure to deal with the possibility that the tax saving in a year, including consolidated carrybacks, might not exhaust the deductions accrued in that year, so that only a partial cash reimbursement could be made. Subsection (5) has been enlarged to deal with that contingency. For reasons already stated, the rule does not prescribe the priorities to be accorded to various kinds of benefits. Such specifics depend on the tax laws then effective and should be dealt with in the tax agreement.

The final sentence of draft subparagraph (5), dealing with accounting for corporate tax credits, has been deleted.[1] The purpose of the deleted sentence was to identify the applicable principles, a purpose more appropriate for comment than in the text of the rule.

No provision was made in the proposal for amending the tax agreement. This was not an oversight. The proposal stressed the necessity of a current, reasonable and unequivocal annual determination of each member company's tax. The filing of a return on an agreed basis commits each of the associate companies to the procedures adopted, and their planning and reporting during the tax year may be affected by the terms of the agreement.

Unexpected events, including changes in the tax laws, may require modification of the agreement during its operation, as may some kinds of adjustments by the taxing authority after the return is filed. But amendments with retroactive effect cannot be treated as routine filings.[2] The effect of the rule, as proposed, would have been to require a declaration under Rule 45(a) for amendments. The adopted rule permits amendment, subject to Commission approval if the Commission directs within 60 days of the filing that the amendment be deemed a declaration under Rule 45(a). It thus eliminates formal procedures under Rule 23 if the amendment is of a character which does not need further examination.

All of the registered systems use a calendar year, except for one which uses a fiscal year ending September 30. Tax returns are filed the following year. The rule does not change the principles of present regulation. It will be effective for all tax years, including the current year, ending after its adoption. Registered systems may elect to apply it to returns for 1980, filed after its adoption, or to rely on Rule 45(b)(6) and applicable orders.

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[1] The deleted sentence read: "Such payments for tax benefits contributed to the consolidated return shall be accounted for in the same manner as tax refunds, provided that any such payment received by a subsidiary company which is not a public utility company shall be applied to reduce the costs incurred by such company for purposes of determining the costs of goods or services supplied by such company to associate companies under section 13(b) of the Act in the manner prescribed by the Commission by rule or order under that section."

[2] *Standard Gas & Electric Company*, 37 SEC 532, 542–550 (1957).

None of the outstanding orders under Rule 45(a) on this subject are inconsistent with Rule 45(c). To the extent they are more detailed, they incorporate matter which will be dealt with by the tax agreement under the new rule. The initial tax agreement will recognize carryover and other rights, if any, which have accrued under past regulation. If an amendment of existing orders is considered necessary for the orderly implementation of Rule 45(c), it should be applied for. The rule will not affect any prior or future orders under section 13 of the Act, relating to the accounting for tax benefits of service companies.

Statutory Basis and Text of the Rules

The Securities and Exchange Commission hereby amends Title 17, Chapter II of the Code of Federal Regulations, pursuant to its authority under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79(a) *et seq.* and particularly sections 12(b), 12(f) and 20(a) thereof [15 U.S.C. § 79/(b), 79/(f) and 79t(a)]] by removing paragraph (b)(6) of § 250.45 and adding a new paragraph (c) thereto to read as set forth below. This action is effective immediately pursuant to the Administrative Procedure Act [5 U.S.C. § 553(d)(1)].

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 250.45 Loans, extensions of credit, donations and capital contributions to associate companies.

* * * * *

(b) * * *

(6) [Removed]

(c) A declaration under paragraph (a) of this section shall not be required for the filing of a consolidated tax return by the eligible associate companies in a registered holding company system, or the execution or performance of the agreement referred to herein, if such consolidated tax return is filed pursuant to a tax agreement, in writing, relating to either federal or state taxes, for a term of one or more tax years among the associate companies included in the consolidated return, and the agreement provides for allocation among such associate companies of the liabilities and benefits arising from such consolidated tax return for each tax year in a manner not inconsistent with the following conditions:

(1) Definitions:

"Consolidated tax" is the aggregate tax liability for a tax year, being the tax shown on the consolidated return and any adjustments thereto thereafter determined. The consolidated tax will be the refund if the consolidated return shows a negative tax.

"Corporate tax credit" is a negative separate return tax of an associate company for a tax year, equal to the amount by which the consolidated tax is reduced by including a net corporate taxable loss or other net tax benefit of such associate company in the consolidated tax return.

"Corporate taxable income" is the income or loss of an associate company for a tax year, computed as though such company had filed a separate return on the same basis as used in the consolidated return, except that dividend income from associate companies shall be disregarded, and other intercompany transactions eliminated in the consolidated return shall be given appropriate effect. It shall be further adjusted to allow for applicable rights accrued to the associate company under paragraphs (c)(4) and (5) of this section or under prior rules or orders, on the basis of other tax years, but carryovers or carrybacks shall not be taken into account if the associate company has been paid a corporate tax credit therefor. If an associate company is a member of the registered system's consolidated tax group for only part of a tax year, that period will be deemed to be its tax year for all purposes under paragraph (c) of this section.

"Separate return tax" is the tax on the corporate taxable income of an associate company computed as though such company were not a member of a consolidated group.

(2) The consolidated tax shall be apportioned among the several members of the group in proportion to (i) the corporate taxable income of each such member, or (ii) the separate return tax of each such member, but the tax apportioned to any subsidiary shall not exceed the separate return tax of such subsidiary.

(3) The tax agreement shall provide for appropriate and equitable adjustment of the allocation specified under paragraph (c)(2)(i) or (2)(ii) of this section if the sum of the corporate taxable incomes or separate return taxes of all members of the group in any taxable year differs from the consolidated taxable income or tax because of intercompany transactions excluded from the consolidated return. It shall provide for appropriate and equitable adjustment of the allocation specified under paragraph (c)(2)(ii) to the extent that the consolidated tax and separate return tax for any year include material items taxed at different rates or involving other special benefits or limitations. Such adjustments will be directed to allocating to the individual members of the group the material effects of any particular features of the tax law applicable to them.

(4) The tax agreement may exclude from the allocation under paragraph (c)(2)(i) of this section associate companies not having a positive corporate taxable income for the year being allocated, or under paragraph (c)(2)(ii) of this section associate companies not having a positive separate return tax for the year being allocated. An agreement under this paragraph shall make appropriate and equitable provision for preserving to each subsidiary company so excluded the equivalent of any rights which such company would have had, under the applicable tax law, had it filed a separate return, to use in other years any loss or credit availed of by the group through the consolidated return. With respect to carryover rights, such provisions will normally consist of recognition of the carryover in future allocations by reducing the consolidated tax allocation in the subsequent year of the subsidiary company entitled to the benefit, and by charging the excess to the companies which had benefited by the prior deduction or credit. In the case of a carryback, the excluded subsidiary company should normally be paid the amount of refund to which it would have been entitled had it filed a separate return.

(5) The agreement may, instead of excluding members as provided in paragraph (c)(4), include all members of the group in the tax allocation, recognizing negative corporate taxable income or a negative corporate tax, according to the allocation method chosen. An agreement under this paragraph shall provide that those associate companies with a positive allocation will pay the amount allocated and those subsidiary companies with a negative allocation will receive current payment of their corporate tax credits. The agreement shall provide a method for apportioning such payments, and for carrying over uncompensated benefits, if the consolidated loss is too large to be used in full. Such method may assign priorities to specified kinds of benefits.

(6) The tax agreement for each taxable year shall be filed as an exhibit to the system's annual report on Form U5S (§ 259.5s of this chapter) for the previous taxable year. The initial filing after the effective date of this amendment shall be made as an amendment to the last Form U5S filed. If an existing tax agreement is merely renewed or amended, prior filings may

be incorporated by reference. Amendments to a tax agreement shall be filed as an amendment to the Form U5S. Any amendment which would alter the allocation to any associate company for any period preceding its adoption shall be conditioned on approval by the Commission if the Commission directs, within 60 days after its filing, that it be deemed to be a declaration under Rule 45(a).

By the Commission.

George A. Fitzsimmons,

Secretary.

March 18, 1981.

[FR Doc. 81-9003 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

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17 CFR Part 251

[Release No. 35-21967]

Interpretative Release Concerning Investment Bankers and Banks in Rule 70 Under the Public Utility Holding Company Act of 1935

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation of rule.

SUMMARY: The Securities and Exchange Commission ("Commission") today issued this interpretative release concerning Rule 70 under the Public Utility Holding Company Act of 1935 ("Act"). Rule 70 implements the Commission's authority to define, by rule, exemptions under Section 17(c) of the Act, which, without the exemptions, prohibits officers and directors of banks, investment bankers and trust companies from serving as officers or directors of a registered holding company or its subsidiaries. A recent decision by the Federal Reserve Board permitting commercial banks to underwrite commercial paper and recent legislation which has expanded the kinds of services financial institutions may provide have raised questions about the definitions of an "investment banker" and a "bank" and the related exemptions under Rule 70. The release states that directors and officers may proceed on the basis that the exemptions previously available under Rule 70 continue in effect, pending review of the rule in light of intervening changes in the banking laws or in their interpretation.

DATE: March 18, 1981.

FOR FURTHER INFORMATION CONTACT: Aaron Levy, Director, Division of Corporate Regulation, (202) 523-5691, Grant G. Guthrie, Associate Director, (202) 523-5156, or James E. Lurie, Special Counsel, (202) 523-5683, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Section 17(c) of the Act does not define the words "investment banker" or "bank." The first is defined in Rule 70(c)(4) and the second is defined negatively in Rule 70(c)(3).

There are virtually no exemptions for interlocking affiliations of directors and officers with respect to an investment banker. These affiliations are prohibited by section 17(c), and the two limited exemptions in Rule 70 are not significant today. There are several exemptions in Rule 70 for directors and officers in the case of banks (Rules 70(a)(3) and 70(a)(4)).

The critical distinction between an "investment banker" and a "bank" is provided in Rule 70(c)(4), which states, in relevant part:

> "Investment banker" means a person engaged in business as an underwriter or a dealer [as these terms are defined in the Investment Company Act of 1940] but does not include: (i) a bank, trust company, banking association, or banking firm which is prohibited by statute or by rule or regulation thereunder from underwriting or participating in the marketing of securities of a public utility or holding company * * *.

An investment banker is broadly defined as a person "engaged in business as an underwriter or dealer," as these terms are defined in the Investment Company Act of 1940, with respect to any security of any issuer. A limited exception from this definition is provided for a bank. A bank is not an investment banker if by law it is prohibited "from underwriting or participating in the marketing" of any securities of a public utility [1] or a holding company.[2]

On September 26, 1980, the Board of Governors of the Federal Reserve System ("Board") issued a ruling denying petitions to prohibit Bankers Trust Company from selling commercial paper of corporate issuers. It concluded that commercial paper was not a security under the Glass-Steagall Act,[3] the statute with respect to issuing, underwriting, selling and dealing in securities did not apply to commercial paper.[4] An industry association and a commercial paper dealer have challenged the Board's decision in both appellate and district courts.[5] The industry association has also brought a private action against Bankers Trust Company to enjoin the latter's commercial paper activities.[6]

If as a result of the Board's ruling a bank were to lose its special exception of exclusion in Rule 70(c)(4), it would not necessarily be an investment banker. In that event the bank would be an "investment banker," as defined in Rule 70(c)(4), only if it was actually engaged in the sale of any securities as underwriter or dealer, and commercial paper is a security under section 2(a)(16) of the Act.[7] If a bank were engaged, as underwriter or dealer, in selling or marketing of any security, including commercial paper, of a public utility company or a holding company, it would be an investment banker and the special exception for a bank would not apply to it. The immediate question is what is the status of a bank that, although permitted by law so to engage, in fact does not.

No definitive answer is required at this time. The Commission here announces that, pending disposition of the appeals from the Board's ruling and until such time as the Commission amends the rule, if any amendment should be necessary, a bank shall not be considered an investment banker, as provided in Rule 70(c)(4), if in fact the bank does not engage in the sale or marketing of securities of a public utility company or a holding company. This application of the rule is consistent with the intent and effect of the exclusion for banks that Rule 70(c)(4) provides and as such is appropriate for the limited and temporary purpose it is meant to serve. A bank director or officer, who serves or proposes to serve a registered holding

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[1] Section 2(a)(5) of the Act defines a public-utility company as an electric utility company or a gas utility company. Section 2(a)(3) of the Act defines an electric utility company as one "which owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale * * *." Section 2(a)(4) of the Act defines a gas utility company as one "which owns or operates facilities used for the distribution at retail * * * of natural of manufactured gas for heat, light or power."

[2] Section 2(a)(7)(A) of the Act defines a holding company as one "which directly or indirectly owns, controls, or holds with power to vote, 10 per centum or more of the outstanding voting securities of a public-utility company * * *."

[3] 48 Stat. 162 (1933) [codified in scattered sections of 12 U.S.C.].

[4] Section 16 and section 21 of the Glass-Steagall Act, 12 U.S.C. § 24, seventh power, and § 378(a)(1), contain the prohibitions on such activities by national banks and state member banks of the Federal Reserve System, respectively.

[5] *Securities Industry Ass'n* v. *Board of Governors of the Federal Reserve System, et al.*, Civ. No. 80-2314 (D.C. Cir., filed Oct. 24, 1980); *A.G. Becker, Inc.* v. *Board of Governors of the Federal Reserve System, et al.*, Civ. No. 80-2258 (D.C. Cir., filed Oct. 14, 1980); *Securities Industry Ass'n* v. *Board of Governors of the Federal Reserve System, et al.*, Civ. No. 80-2730 (D.D.C., filed Oct. 24, 1980); *A.G. Becker, Inc.* v. *Board of Governors of the Federal Reserve System, et al.*, Civ. No. 80-2614 (D.C.C., filed Oct. 14, 1980).

[6] *Securities Industry Ass'n* v. *Bankers Trust Co.*, Civ. No. 80-6133 (S.D.N.Y., filed Oct. 27, 1980).

[7] It is also a security under section 2(1) of the Securities Act of 1933.

company or its subsidiaries in such positions pursuant to exemptions provide by Rule 70, may rely upon the exemption in Rule 70(c)(4) in light of today's announcement.

The prohibition of section 17(c) extents to a director, officer or other representative of any "bank, trust company, * * * banking association or firm * * *" except in cases the Commission exempts by rule. Rule 70(c)(3) states that these terms do not include a bank or a trust company—

(i) which does not accept deposits, or if accepting deposits, not less than 85 percent of whose total deposits at the end of the preceding calendar year consisted of time and savings deposits as defined by 12 CFR Part 329, or (ii) not more than 10 percent of whose total loans and discounts at the end of the preceding calendar year consisted of commercial loans and discounts.

The definition in Rule 70(c)(3) excludes primarily savings banks, savings and loan associations and trust companies not engaged in the general banking business. As first adopted and as later amended,[8] this definition reflected then existing laws which made sharp distinctions between commercial banks and other financial institutions regarding time and demand deposits and types of loans. These distinctions are not altogether as clear today, as a result of the Depository Institutions Deregulation and Monetary Control Act of 1980.[9] That statute, among other things, authorizes (1) banks, savings banks, mutual savings banks, savings and loan associations and credit unions to pay interest on demand deposits, or the equivalent thereto, (2) savings and loan associations to invest up to 20% of their capital in commercial paper and other corporate debt securities, and (3) mutual savings banks to invest up to 5% of their capital in corporate and business loans.

These legislative and possibly other changes may require restatement or perhaps modification of Rule 70(c)(3). Until that is done, the status of financial institutions under Rule 70(c)(3) will continue in effect, if in terms of time and savings deposits and commercial loans and discounts these institutions were qualified for the exclusion from section 17(c) pursuant to Rule 70(c)(3) as of January 1, 1979.

Accordingly, 17 CFR Part 251 is amended by adding this release thereto.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 18, 1981.

[FR Doc. 81-9002 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

[8] HCAR No. 271 (July 2, 1936) and HCAR No. 1478 (March 22, 1939).

[9] Pub. L. No. 96-221 (March 31, 1980).

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 72

[T.D. ATF-8]

Increase of Appraiser's Fees

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule (Treasury decision).

SUMMARY: This final rule increases the rate of compensation that is paid to appraisers of property seized as subject to forfeiture. This regulation affects appraisers of such property. This change will help ATF to obtain qualified appraisers of property seized as subject to forfeiture.

EFFECTIVE DATES: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: E. J. Ference, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

Section 72.51 of 27 CFR currently sets the rate of compensation that is paid to an appraiser of property seized as subject to forfeiture under Title 26 U.S.C. at $3.00 per hour or a portion thereof. Because this rate is inadequate, this regulation changes the rate of compensation that is paid from $3.00 per hour to "a reasonable fee not to exceed $15.00 per hour or a portion thereof."

Drafting Information

The principal author of this document is E. J. Ference, Research and Regulations Branch, Bureau of Alcohol Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

Immediate action is needed to alleviate the undue burden on ATF of finding qualified appraisers willing to accept the present rate of compensation now authorized by regulations.

Because this regulation is nonsubstantive, liberalizing and essentially procedural, it is found unnecessary to issue it with notice and public procedure under subsection (b) of section 553 ot Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This regulation is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended).

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

Accordingly, Title 27 Code of Federal Regulations is amended by revising § 72.51 to read as follows:

§ 72.51 Rate of compensation.

Each appraiser selected under § 72.22(a)(2) shall receive compensation at a reasonable fee not to exceed $15.00 per hour or a portion thereof for the performance of his or her duties in appraising property seized as subject to forfeiture under Title 26 U.S.C.

(Act of August 16, 1954, ch. 736, 68A Stat. 870, as amended (26 U.S.C. 7325))

Signed: February 24, 1981.

G. R. Dickerson,

Director.

Approved: March 12, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-8828 Filed 3-24-81; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Comments Submitted on Oklahoma's Permanent Surface Mining Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Discussion of comments.

SUMMARY: This notice summarizes significant issues raised in comments submitted to OSM and the Secretary of the Interior on Oklahoma's permanent program submission and explains the Secretary's resolution of those issues. These comments were considered by the Secretary in his decision to approve conditionally the Oklahoma program submission. That decision was

published January 19, 1981, at 46 FR 4902–4911.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone (202) 343–4225.

SUPPLEMENTARY INFORMATION: On January 19, 1981, the Secretary of the Interior published his decision to approve conditionally the Oklahoma permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). An explanation of that decision is found in the **Federal Register** at 46 FR 4902–4911 (the decision notice). That notice contains information necessary for a full understanding of this notice. A draft copy of the decision notice was released to officials of Oklahoma and to the public on January 14, 1981, as soon as it was completed and shortly before it was delivered to the Office of the Federal Register for publication.

As explained in it, the Secretary considered all comments submitted in making a determination on Oklahoma's program. However, when the notice was released January 14, 1981, the resolution of the issues in the comments was in the final stages of proof-reading, typing, and minor editorial revision, and the Secretary was unable to include it in the notice.

As he did with the decision announcement notice, the Secretary has also sent this notice as soon as it was completed to officials of the Oklahoma Department of Mines.

Accordingly, a summary of significant issues raised by comments received by the Secretary and a discussion of the Secretary's resolution of those issues follows. Some of the discussions refer to findings in the January 19, 1981, notice.

Disposition of Comments

1. At the public hearing on December 23, 1980, comments (written and oral) were made on the propriety of numerous OSM regulations that Oklahoma has chosen to adopt without substantive modification. Whatever their merits, these comments are not directed to the issue now before the Secretary. The issue is whether the resubmitted Oklahoma program is consistent with the requirements of SMCRA and with 30 CFR Chapter VII as modified by various court decisions. The commenters could have directed their suggestions to the Secretary during the comment period when the permanent program rules were being promulgated. Now that the OSM rules are final, it is not appropriate to question them in the context of determining whether Oklahoma's rules are consistent with OSM rules. Similarly, the commenters could have directed their suggestions to the Oklahoma DOM during its rulemaking comment periods to urge DOM to propose to the Secretary alternatives to OSM's regulations. Regardless of whether DOM received such comments, it chose to promulgate those rules identical to the OSM rules. Therefore, it is not appropriate for the Secretary to find fault with the questioned DOM rules in the context of the decision now before him.

This is not to say that those who questioned DOM rules that are equivalent to OSM rules are without redress if their comments have merit. Under 30 CFR 700.12 and the Federal Administrative Procedures Act (5 U.S.C. 553(e)), any person can petition the Secretary to change his regulations. Pursuant to the Oklahoma Administrative Procedures Act (75 O.S. 1979 Supp. Section 305), the DOM has promulgated regulation Section 700.12 to allow a similar petition process. A permanent regulatory program, once approved by the Secretary, is not unchangeable. It can be amended in response to changes in the Secretary's regulations initiated by petitioners under 30 CFR 700.12, or if the State proposes alternatives to OSM's rules that are in accordance with SMCRA and consistent with 30 CFR Chapter VII, but necessary because of local requirements or local agricultural or environmental conditions. See 30 CFR 731.13. Other circumstances allowing or requiring program modifications and the procedures for amendments are detailed at 30 CFR 732.17.

2. Several of the comments received at the December 23, 1980, hearing reveal misconceptions about the permanent regulatory program, the Oklahoma program, or particular regulations. Although the Secretary has no obligation to respond to comments on matters not germane to whether the Oklahoma program is consistent with Federal law, he believes that the misconceptions should be clarified.

(a) One commenter stated his assumption that the Oklahoma program included a precise duplicate of all of OSM's regulations because the DOM had no choice but to copy them. Although it is true that Oklahoma must have laws and regulations consistent with the Federal law, OSM encouraged states to propose alternatives appropriate for local conditions that were consistent with SMCRA (*see* 30 CFR 731.13) and helped states identify areas of regulation that are inapplicable. By letter dated May 15, 1980 (Admin. Record No. OK–78), OSM informed Oklahoma that major sections of its proposed regulations were not necessary because they duplicated Federal law not applicable in Oklahoma. In the initial decision of October 10, 1980, the Secretary found that other major provisions were not necessary in Oklahoma law because they were not relevant to the coal industry in Oklahoma (*see* 45 FR 67365).

The resubmitted Oklahoma program regulations do closely follow the OSM regulations that are applicable to Oklahoma, but duplication is not required. Other state programs have varied widely from OSM regulations or provisions of SMCRA and numerous "state window" proposals have been approved under 30 CFR 731.13 where supported by appropriate data and reasoning. Oklahoma elected to submit but one "state window" proposal under 30 CFR 731.13, which had to be disapproved as explained at 45 FR 67365 (Oct. 10, 1980).

(b) Several commenters misunderstood the permit application requirements of 30 CFR 779.13, requiring hydrology data. One misconception is that applicants must wait for the Oklahoma DOM to provide data for operators to use to show whether the planned operation will cause damage to the hydrologic balance outside the proposed permit area. Under Section 507(b)(11) of SMCRA and 30 CFR 779.13, the applicant must acquire data sufficient to make a determination of the probable hydrologic impact of his operation and sufficient for the state to determine the probable cumulative impact of all anticipated mining in the area. Although the data must reflect "seasonal flow conditions" (Section 507(b)(11) SMCRA and "seasonal variations in water quantity and quality" (30 CFR 779.16), this information can be obtained from a variety of sources, ranging from field studies by the applicant to published data. The state is required to provide to the applicant whatever useful data it has, as are Federal agencies (30 CFR 779.13(b)), but there is no requirement for operators to forego preparation of permit applications until the Oklahoma DOM acquires a data bank or modeling system of its own. It is necessary that the DOM have sufficient data from the applicant and that it make a determination consistent with 30 CFR 786.19(c) before a permit can be issued. The Oklahoma regulation reflects these

requirements in §§ 779.13–779.16 and 786.19(c).

(c) A similar misconception is that the Federal regulations impose on Oklahoma the obligation to require permit applicants to do (1) a detailed archaeological study or historical survey of the proposed permit area and (2) a detailed fish and wildlife resources study. It is true that 30 CFR 779.20 did require the fish and wildlife study, but that regulation was enjoined by the U.S. District Court for the District of Columbia (*In Re: Permanent Surface Mining Litigation*, ——F. Supp. ——, Feb. 26, 1980) and is not in effect. The Secretary's regulations have never required an archaeological or cultural study, but do require, at 30 CFR 779.12(b), that cultural, historical, or archaeological resources known from existing sources of data to be located on the proposed permit area, be identified in the application.

(d) One operator misconstrued the requirement that land be returned to its approximate original contour (Section 515(b)(3) of SMCRA) to mean that the precise pre-mining contour and drainage patterns must be restored even though the swell factor for broken overburden may make this impossible. The Secretary has defined "approximate original contour" at 30 CFR 701.5 to make clear that the term means what it implies—approximate, not exact, original contours. As required by SMRCA, specific exceptions may be granted for permanent impoundments, mountaintop removal and certain steep slope operations, and excess spoil may be disposed in designed fills (30 CFR 816.71–816.74).

(e) One commenter indicated that OSM, through the Oklahoma program, is presently requiring particular design criteria for sediment ponds. Several suggestions were made as to appropriate design criteria. It was also suggested that because EPA is considering revisions of the effluent limitations under the Clean Water Act, OSM should not require Oklahoma to enforce existing OSM effluent limitations. The Secretary, however, is not requiring the states to enforce the design criteria for sediment ponds prescribed by 30 CFR 816.46 (b), (c), and (d), concerning storage volume, detention time and dewatering because these rules were suspended on December 31, 1979 (*see* 44 FR 77452). The sediment removal rule, 30 CFR 816.46(h) is also suspended (44 FR 77453). The regulations of 30 CFR 816.46 that are not suspended continue to apply to state programs.

Similarly, 30 CFR 816.42(a), concerning effluent limitations, is no longer applicable to the reclamation phase of an operation because of its remand by the U.S. District Court for the District of Columbia on May 16, 1980 (*In Re: Permanent Surface Mining Regulation Litigation*, ——F. Supp. —— (D.D.C., 1980)), and the Secretary has suspended 30 CFR 816.42(b), concerning discharge exceptions, for the parameter of total suspended solids (*see* 44 FR 77452, December 31, 1979). The remainder of 30 CFR 816.42, including the effluent limitations of 30 CFR 816.42(a), remains applicable to land disturbed by mining until initiation of the revegetation phase.

It should be noted that EPA and OSM are considering rulemaking that might result in changes to the effluent limitations, pond design criteria, or both. EPA has published proposed rule changes on January 13, 1981, 46 FR 3136–3159. At this time, however, OSM effluent limitations, which are identical to the EPA limitations for coal mine point sources (40 CFR Part 434) are in effect and are reflected in the Oklahoma program regulations, Sections 816.42 and 817.42. The Secretary cannot suspend enforcement of the EPA–OSM effluent limitations on the premise that future rulemaking might result in some modification of the limitations.

Under the conditionally approved Oklahoma program, operators must construct sediment ponds for areas disturbed by active mining, but are free to design the ponds as they think necessary to meet the effluent limitations of Section 816.42 or 817.42. Because the ponds are point sources, operators must also obtain an NPDES permit from EPA or the State agency, if any, to which EPA has delegated its authority under the Clean Water Act. Operators are entitled to all the exemptions allowed by EPA under 40 CFR Part 434, as amended January 12, 1979 (44 FR 2586–2592).

(f) An operator asserted that the Oklahoma industry will be regulated under conflicting OSM and State standards regarding water quality criteria. The operator felt that "the OSM standards and criteria dictate that the effluent shall meet at (sic) a flow regime dictated by the 7-day, 2-year low flow conditions" is incorrect. The DOM has adopted effluent limitations based on OSM's effluent limitations in 30 CFR 816.42, which are identical to the effluent limits EPA has prescribed for coal mine point sources at 40 CFR Part 434. These effluent limitations are independent of the Oklahoma Water Resources Board's (WRB) ambient stream quality requirements (see *Oklahoma's Water Quality Standards, 1979 (Standards)* included in the resubmitted Oklahoma program.) Section 7 of the *Standards* states that the various numerical water quality standards expressed in the rules apply to perennial streams only when the flow "equals or exceeds the 7-day, 2-year low flow value" and to intermittent streams only when the flow "is at or above 1.0 cfs." The WRB standards are measurements of instream quality that a discharger cannot cause to be violated. The DOM standards are effluent quality limitations that apply to only four parameters: suspended solids, manganese, iron, and pH. Of these, WRB standards exist only for pH and suspended solids. The DOM/OSM standard for the pH of effluent waters is 6.0–9.0, which is less stringent than the WRB instream standard of 6.5–8.5 (Section 7.13). It is highly improbable that a discharge of water between pH 6.0–6.5 or 8.5–9.0 would cause the instream standard to be violated. The Secretary believes that there is no conflict between the DOM and WRB pH regulations, but to the extent there may be, the WRB regulation is more stringent and therefore not inconsistent with Section 505(b) of SMCRA.

(g) An operator stated that mulching should not be required on all regraded areas and that the phrase, "all regraded and top-soiled areas," in DOM regulation 816.114 is ambiguous and confusing. 44 FR 15235, Item 6, explains the intent of 30 CFR 816.114, from which the DOM rule was taken. The Secretary does not expect the DOM to require mulching of regrading spoil areas prior to topsoil replacement except where it will serve a useful purpose in erosion prevention.

(h) One operator asserted that DOM and OSM were advising farmers that they do not own their land for five years after a mine is reclaimed and that farmers must stay off the land. That is not necessarily the case. Surface owners have full rights to comment on proposed reclamation plans and on what the postmining land use will be (*see* DOM Regulations Parts 770–788). It is true that SMCRA Section 515(b)(20) requires operators to be responsible for the success of approved revegetation plans for a minimum of five years and Section 510(d) requires complete restoration of prime farmland soils. The obligations on operators require that they seek cooperation from surface owners so that landowners' activities will not interfere with the reclamation process. If a reclamation plan accommodates the wishes of the landowner to the extent allowed by law and the operator carries out the plan, the mutual interests of the

landowner and the operator will abet successful completion of the responsibility period. However, if the landowner interferes with the operator's reclamation obligations, the operator will have to take appropriate action to protect his ability to fulfill his reclamation responsibilities.

3. A third kind of comment received at the December 23, 1980, hearing requested the Secretary to interpret or clarify his own regulations where Oklahoma has adopted an OSM regulation without modification. This rulemaking is not the appropriate forum for interpretation of existing regulations. The commenters are directed to the preamble of the Secretary's permanent regulatory program regulations of March 13, 1979 (44 FR 14902, *et. seq.*, (book 2 of 3)), and to the preamble to the proposed permanent regulatory program of September 18, 1978 (43 FR 41662 *et seq.* (book 2 of 2)), for the Secretary's explanation of the rules and responses to comments received during the rulemaking process.

4. One commenter disagreed with the definition of "intermittent stream" in the Oklahoma regulations, alleging it is inconsistent with that used by the (U.S. Army) Corps of Engineers (COE) and the Oklahoma Water Resources Board (WRB). No evidence of inconsistency was presented, nor evidence that the differences, if any, cause the Oklahoma program to be unenforceable. The Secretary has examined the WRB regulations that were included in the Oklahoma program resubmission and finds no inconsistency with the DOM definition of "intermittent stream." In the course of the permanent program rulemaking, the Secretary solicited comments from the Corps of Engineers and the public on the definition of "intermittent stream." No fault was found with the definition on the basis of any conflict with Corps regulations (*see* 44 FR 14932, March 13, 1979). The Secretary finds that the DOM definition is consistent with the OSM definition and is not a deficiency in the Oklahoma program.

5. The same commenter suggested that "The biological criteria for stream classification purposes should be dropped." The Secretary assumes that this comment refers to Sections 816.57 and 817.57 of the DOM rules which are taken verbatim from 30 CFR 816.57 and 817.57, respectively, as these are the only rules that fit the comment. The commenter asserted that a determination of a biological community is time consuming, expensive and unnecessary, but he presented no evidence in support of these assertions and suggested no alternatives. Because the DOM rule is consistent with the OSM rules, no change is required. *See* 44 FR 15176, March 13, 1979, for a discussion of 30 CFR 816.57.

6. One commenter asserted that Section 816.65(f)(2) of the Oklahoma regulations, which prohibits blasting within 500 feet of an oil or gas line, is overly restrictive. 30 CFR 816.65(f) was remanded by the U.S. District Court for the District of Columbia (*In re: Permanent Surface Mining Regulation Litigation,* Civil Action 79–1144, Mem. Opinion, May 16, 1980, p. 26) because of an earlier decision by the Circuit Court for the District of Columbia (*In re: Surface Mining Regulation Litigation,* No. 78–2190, May 2, 1980, p. 21–23) and is not a part of the approved Oklahoma program. Section 522(e)(5) of SMCRA, however, prohibits surface mining operations within three hundred feet of dwellings and other structures. Because Section 522(e)(5) of SMCRA includes no provision prohibiting blasting near oil and has pipelines, there is no Federal provision applicable to those structures in effect.

7. One commenter maintained that the permit review timeframe and procedures in the Oklahoma program were insufficient for "extensive environmental studies" and that the discretion reserved to the DOM was a potential source of discrimination against smaller operations. No specific timeframe, procedures or instances of illegal discrimination were criticized. The Secretary has reviewed the Oklahoma program procedures for review of permit applications and finds that they are consistent with the procedures of SMCRA and the Secretary's regulations. It should be noted that an applicant's obligation to supply information to the regulatory authority under SMCRA envisions collection and analysis of the data prior to submitting an application. For those operators planning to continue an existing operation more than eight months after the Oklahoma permanent program is approved, a permanent program permit application is required two months from the program approval date by Section 502(d) of SMCRA and Section 4(B) of OCRA. These operators should have been collecting information for their first permanent program permit application during 1980 so that a complete application could be filed within two months of program approval. The two-month requirement, however, does not preclude amendments to an application timely filed.

8. One commenter questioned the Oklahoma program procedure for making a "negative determination" on prime farmlands, suggesting that the landowner and other "knowledgeable people" should be made a "party." The Secretary notes that DOM regulation 779.27(b)–(d) is identical to 30 CFR 779.27(b)–(d), the "negative determination" rule. There is nothing in the DOM rule or OSM's rule prohibiting the use of information from landowners, past or present. The burden is on the applicant, however, to demonstrate the existence of one of the factors of Section 779.27(b) when the soil appears from the investigation required by Section 779.27(a) to be prime farmland. Although SMCRA or 30 CFR Chapter VII do not require that a landowner or any other person be made a "party" to a proceeding for a permit application, there is opportunity for participation in the application process.

9. One commenter recommended that the moist bulk density criteria be dropped for monitoring soil compaction when prime farmland is mined. As a result of litigation, *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144), OSM suspended the moist bulk density criteria (*see* 44 FR 77455, December 31, 1979). Pursuant to Oklahoma's request, the Secretary affirmatively disapproved Section 785.17(b)(3) and 823.14(c) of Oklahoma's regulations concerning excessive soil compaction. Therefore, the rule to which the commenter referred is not a part of the Oklahoma program.

10. A commenter asked that OSM not approve the Oklahoma program requirement of certification of sediment ponds by professional engineers. The request cannot be honored because Section 515(b)(10)(B)(ii) of SMCRA requires "siltation structures" to be "certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan." The Oklahoma program meets this requirement (*see* 45 O.S. 1979 Supp. Section 751).

11. One comenter asserted that the Oklahoma program permitting requirements exceeded the requirements of SMCRA in some unspecified way and suggested that the permitting requirements of the initial regulatory program were all that should be required. First, the initial regulatory program contains no Federal requirements for permit application contents nor the procedure for review of applications. Congress has, however, specified minimum requirements for permit systems under permanent regulatory programs in SMCRA, Sections 506–514. Those requirements

have been implemented through the Secretary's regulations at 30 CFR Chapter VII, Subchapter G. The Secretary has found that the Oklahoma program provisions are consistent with the Federal permitting requirements with the exception of the small operators assistance provisions of Section 507(c) of SMCRA and 30 CFR Part 795 (*see* Finding 4(n)).

12. One commenter suggested that the Oklahoma program should not be approved until a Memorandum of Understanding (MOU) between OSM and the U.S. Environmental Protection Agency is proposed for public comments. The Secretary lacks authority to delay approval of the Oklahoma program for the reasons suggested by the commenter.

13. One commenter suggested delaying approval of the Oklahoma program because the U.S. Environmental Protection Agency's New Source Performance Standards (NSPS) require an environmental assessment for mines that produce certain quantities of coal in order to obtain an NPDES permit. The Secretary lacks authority to delay approval for such a reason and the Administrator of EPA has concurred in his conditional approval. At the same time, EPA's requirement would remain in effect regardless of the Secretary's decision on the Oklahoma program.

14. One commenter questioned the appropriateness of requiring field trials before Oklahoma can approve the use of introduced species of grasses such as bermuda and fescue on reclaimed areas, as required by Section 816.112 and 817.112 of Oklahoma's regulations. In the preamble to the permanent federal regulations (44 FR 15233, March 13, 1979), OSM said, "* * * the requirement of appropriate field trials should be interpreted broadly to include successful experience with species in the mined area or a similar area * * *." Therefore, the Secretary believes that the regulations would allow the Oklahoma DOM to approve the use of bermuda or fescue without a site-specific field trial for the proposed permit area provided that the operator and the State are mindful of the geographic adaptation of each species and the use of the species is "desirable and necessary to achieve the approved postmining land use plan" as required by Section 515(b)(19) of SMCRA.

15. One commenter agreed with the concerns about the Oklahoma program expressed by the Secretary in the initial decision of October 10, 1980, and agreed that they must be resolved before the State may assume primary jurisdiction under Pub. L. 95-87. Fifteen items or areas of concern were listed, but no specific allegations or suggestions were made. As detailed in the Findings, the Secretary has found that the Oklahoma program is consistent with SMCRA and 30 CFR Chapter VII with the minor exceptions noted.

16. An operator indicated that the DOM definition of "aquifer" in Section 701.5 is inconsistent with the definition of that term by the Oklahoma Water Resources Board (WRB) and urged that its use imposes application of permit data requirements to operators that are inappropriate to the eastern Oklahoma coal field. The Secretary has examined the "Rules, Regulations and Modes of Procedure," 1979 revision, and Oklahoma's "Water Quality Standards, 1979," both published by the WRB, and finds no definition of "aquifer." The Secretary also finds no inconsistency between those rules, those of the DOM and 30 CFR Chapter VII.

17. One commenter suggested that instead of providing hydrologic information to small operators through the small operators assistance program for the determination of probable hydrologic consequences required in a permit by Section 780.12(c) and Section 784.14(c) of Oklahoma's regulations, that those requirements should be waived for those operators producing under 100,000 tons of coal per year. Section 507(b)(11) of SMCRA requires that the permit application contain a statement of the probable hydrologic consequences of the proposed mining operation, and Section 507(b)(15) of SMCRA requires a statement of the results of test borings or core samples from all applicants. The Secretary has no authority to waive the requirements.

18. Two operators objected to approval of the Oklahoma program because the Small Operator Assistance Program (SOAP) has been declared in violation of the Oklahoma Constitution by the Oklahoma Attorney General and because it discriminated against small operators. They further suggested that a state program that fails to include a SOAP as required by Section 507(c) of SMCRA must ultimately be disapproved. They are correct. The Oklahoma legislature enacted Section 19 of OCRA (45 O.S. 1979 Supp. Section 745.16) to authorize DOM to comply with Section 507(c), but the Oklahoma Attorney General ruled, in Opinion No. 79-213A (May 27, 1980) (affirmed September 2 and October 31, 1980) that enforcement of the legislature's scheme violates Article X, Section 15 of the Oklahoma Constitution. Bound by the Attorney General's opinion, the DOM withdrew proposed regulations that would have been consistent with 30 CFR part 795. However, the DOM believes that the legislature may be able to amend OCRA in a way that would eliminate the problem or that the Oklahoma Supreme Court might disagree with the Attorney General's opinions, and has committed itself to seeking renewed authority to run a SOAP. Meanwhile, DOM has entered into a cooperative agreement with OSM to administer a SOAP under special arrangements not involving expenditure of State funds (Admin. Record OK-281). The Secretary has accepted this arrangement on a temporary basis only, making it a condition of the approval of the program that DOM obtain authority to implement a SOAP on its own by November 1, 1981. In the interim, the agreement between OSM and DOM will guarantee that small operators in Oklahoma receive the assistance to which they are entitled under Section 507(c) of SMCRA.

19. Pursuant to Section 7 of the Endangered Species Act, the U.S. Fish and Wildlife Service issued a biological opinion that the approval of the Oklahoma program is not likely to jeopardize the continued existence of threatened and endangered species or adversely modify their critical habitat.

20. The U.S. Environmental Protection Agency (EPA) recommended that Oklahoma be required to amend Sections 816.89 and 817.89 of the State regulations, dealing with the disposal of non-coal wastes, to include a reference to the Resource Conservation and Recovery Act (RCRA). Subsection (b) of these sections of Oklahoma's regulations, like the Federal regulations at 30 CFR 816.89(b) and 817.89(b), requires the operation at the disposal site to be conducted "in accordance with all local, state, and federal requirements," which would include the requirements of RCRA.

21. The EPA commented that Section 776.17 of Oklahoma's regulations relating to the public availability of information required to obtain approval for coal exploration contained acceptable confidentiality provisions as long as emissions data are not classified as confidential. Emissions data are not required in an application for approval of exploration and the Secretary has found the State regulations to be consistent with 30 CFR 776.17.

22. The EPA recommended that Oklahoma be required to amend Section 780.15(b)(3) of the State regulations dealing with an air pollution control plan by requiring the applicant to submit a copy of all necessary Federal, State, and local air quality permits. The State rule requires the applicant to submit a

copy of "an air quality permit." The Secretary agrees that there is some ambiguity in this State provision. However, the Federal rule at 30 CFR 780.15(b), dealing with air pollution control plan requirements, does not require an applicant to submit a copy of any air quality permit, so the Secretary lacks the authority to require the recommended change.

23. The EPA recommended that Oklahoma be required to add two control measures to the air resources protection provisions of Section 816.95 of the State regulations. The Federal rules dealing with air quality control (30 CFR 816.95 and 817.95) were remanded by the U.S. District Court for the District of Columbia (*In Re: Permanent Surface Mining Regulations Litigation*, Civil Action No. 79–1144, Mem. Opinion, May 16, 1980, p. 26). Pursuant to the court's order to affirmatively disapprove remanded regulations, and at the State's request, the Secretary affirmatively disapproved Section 816.95 of Oklahoma's regulations. The Secretary cannot require the recommended change.

24. One commenter urged OSM to review the State program bonding requirements because he understood that the level of bonding in Oklahoma would be increased from $1,500 per acre to $3,000 per acre or greater when the permanent program goes into effect. The Oklahoma program does not contain any specific level of bonding per acre. However, Oklahoma is bound by the requirement of Section 509(a) of SMCRA that "the amount of bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the regulatory authority in the event of forfeiture and in no case shall the bond for the entire area under one permit be less than $10,000." The level of bonding required will be set on a site-specific basis.

Dated: February 11, 1981.

Andrew V. Bailey,

Acting Director.

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30 CFR Part 944

Comments Submitted on Utah's Permanent Surface Mining Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Discussion of comments.

SUMMARY: This notice summarizes significant issues raised in comments submitted to OSM and the Secretary of the Interior on Utah's permanent program resubmission and explains the Secretary's resolution of those issues. These comments were all considered by the Secretary in his decision conditionally to approve the Utah program submission. That decision was published January 21, 1981 at 46 FR 5899–5915.

FOR FURTHER INFORMATION CONTACT: Mr. Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, 1951 Constitution Avenue NW., Washington, D.C. 20240, (202) 343–4225.

SUPPLEMENTARY INFORMATION: On January 21, 1981, the Secretary of the Interior published his decision to approve conditionally the Utah State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). That decision is found in 46 FR 5899–5915 and contains information necessary for a full understanding of this notice. A draft copy of it was released to State officials and to the public on January 15, 1981.

As explained in the notice, the Secretary considered all comments submitted to him in making his decision on Utah's program; however, when the manuscript was released on January 15, 1981, that section for the resolution of issues raised in the comments was in the final stages of proofreading, typing, and minor editorial revision. The Secretary, consequently, was unable to include it in the decision announcement notice.

Accordingly, a summary of significant issues raised by commenters on the revised submission is published herewith. Their comments were either delivered to the Secretary and OSM or made at the public hearing or in public meetings. The discussions below often refers to the January 21, 1981, notice which should be read with this one for full understanding of the decision.

Disposition of Public and Federal Agency Comments

Comments have been accepted and considered on Utah's initial program submission of March 3, 1980 (Administrative Record No. UT–1), and the State's revised submission of December 23, 1980 (Administrative Record No. UT–174). The Secretary's resolution of comments received on the initial submission is found in the initial decision notice published October 24, 1980, 45 FR 70481–70510. The Secretary's responses to the comments on the revised submission follow immediately after the summary of each issue raised by a commenter.

1. The Environmental Policy Institute (EPI) stated that although Utah amended UMC 761.11(b) to require that the restriction on areas where mining is prohibited apply to "underground mining operations," the State's definition does not include the "surface effects of underground mining." It was suggested that either the definition of underground mining be amended to include "surface effects," or that "surface effects" language be added to UMC 761.11(b).

The Secretary disagrees with the commenter. Utah amended UMC 761.11(b) to prohibit, in the circumstances set forth in that section, "underground coal mining activities," not "underground mining operations," as suggested by EPI (see Administrative Record No. UT–174, Coal Mining and Reclamation Regulations, Proposed Amendments for Adoption on December 18, 1980).

The State's definition of "underground coal mining activities" in UMC 700.5 means a combination of "surface operations" and "underground operations" incident to an underground coal mine. "Surface operations" is defined by the State as "with respect to underground coal mining activities, the activities conducted on the surface of the earth incident to an underground coal mine * * *." "Underground operations" means those operations conducted below the surface of the earth in connection with an underground coal mine. Thus, if the conditions, which are the same in the Federal rule as in Utah's rule, are met, underground mining is prohibited in Utah as broadly as under the Federal rule. The conditions specified in 30 CFR 761.11(b)(1) which prescribe that there are no significant recreational, timber, economic or other values which may be incompatible with the surface operations and impacts incident to an underground coal mine are identical to those of UMC 761.11(b)(1).

Accordingly, the Secretary finds that Utah's provision provides the protection of the surface from the effects of underground coal mining consistent with that of 30 CFR Chapter VII.

2. Three commenters expressed concern that Utah did not address the Secretary's initial finding 4(d)(iv) that the alluvial valley floor (AVF) waiver language of UMC/SMC 785.19(c)(3) provides less protection of AVF's than that provided by the Federal regulation. They further contended that in Utah's July 24, 1980, resubmission there was no indication whether the proposed new language was adopted or was even a formal part of the resubmission. They stated that the proposed language still provides the Division discretion to

waive the AVF requirements of 785.19(d) and (e).

The Secretary disagrees. Utah's response to the Secretary's initial disapproval of UMC/SMC 785.19(c)(3) is found in the State's December 23, 1980, resubmission, "Coal Mining and Reclamation Regulations—Proposed Amendments for Adoption on December 18, 1980." These amendments were adopted by the State on December 18, 1980. In that action, Utah deleted UMC/SMC 785.19(c)(3) and amended UMC/SMC 785.19(d)(1). The Secretary finds that Utah's amendment clarifies the permit application contents required by that section and as such is consistent with and as stringent as the 30 CFR 785.19(d)(1) (see Finding 4(d)(iv)).

Several other commenters expressed concern that the revised text of UMC/SMC 785.19(c), which limited the Division's discretion to waive AVF requirements, only refers to "underground operations." Since the text has been adopted for both UMC 785.19 and SMC 785.19, it would be appropriate for only UMC.

The Secretary agrees with the commenters. The omission of reference to "surface operations" was a typographical error.

The State of Utah has agreed to insert "or surface operations" after "underground operations." (See Administrative Record No. UT–189).

3. EPI stated that Utah omitted in UMC/SMC 786.19(h) the requirement that a permit applicant submit proof that all applicable reclamation fees required under the AML program be paid prior to obtaining a permit.

The Secretary notes that on December 18, 1980, Utah adopted an amendment to UMC/SMC 786.19(h) to require that all reclamation fees required by Subchapter R of CFR Chapter VII be paid before a permit is issued (see Finding 4(d)(v), 46 FR 5906, January 21, 1981). He therefore finds that the adoption of this change makes Utah's provisions consistent with the provisions of 30 CFR 786.19(h).

4. EPI expressed the concern that Utah restricts initiating rulemaking to an "interested person" as opposed to the "any person" criterion of 30 CFR 700.12(a). The former term, according to EPI, sets a more restrictive standard for public participation than does the Federal provision. The Secretary requested in Finding 4(1)(v) of 45 FR 70495, October 24, 1980, that either the State present information which demonstrates that standing under the State provision is as broad as that under the Federal provision or make an appropriate rule change.

In Utah's December 23, 1980, resubmission, Rule B–1 of the Board's Rules of Practice and Procedure (amended on August 20, 1980) defines "interested person" as *"any* person with an interest which is or may be adversely affected to bring an action before the Board (emphasis added)." A review of Utah's State laws shows that under UCA 40–6–3.3 "any person or the attorney general on behalf of the state may apply for a hearing before the Board," and UCA 63–46–8 further provides that "an interested person may petition an agency requesting the promulgation, amendment or repeal of a rule." It follows that if any person may petition the Board for a hearing (UCA 40–6–3.3), any person may petition at that hearing for a rule change. In a telephone conversation between representatives of OSM and the Utah Attorney General, the State confirmed that this interpretation is correct (Administrative Record No. UT–183). The Secretary finds UMC/SMC 700.12 consistent with the intent of 30 CFR 700.12 to provide for public participation in rulemaking under the State program, based upon the representation that any person may petition the Division of Oil, Gas, and Mining for a rule change.

5. EPI noted that while Utah has submitted a staffing and budget proposal for its AML program, it has not addressed in its December 23, 1980, resubmission, staffing for inspection, enforcement and permitting.

The Secretary notes that on December 15, 1980, the State in a discussion with OSM (Administrative Record No. UT–187) indicated that it has requested funding from its legislature for three full-time equivalents (FTE's) for inspection and enforcement and one FTE for permit review and administration (see also the December 23, 1980, resubmission budget request Form 300). The State fully expects to have this additional staff within six months of the Secretary's final decision, which falls within the initial eight month permit review requirement mandated by Section 506 of SMCRA (see Finding 4(t), 46 FR 5910, January 21, 1981). Therefore, the Secretary believes that Utah will have adequate staffing properly to carry out inspection and enforcement activities and permitting functions as required by the Act on non-Federal and non-Indian lands.

6. Three commenters expressed concern that Utah's resubmission for SMC 816.46(o) and UMC 817.46(o) does not satisfy the deficiency noted by the Secretary in his decision of October 24, 1980 (45 FR 70487). Specifically, the commenters pointed out that the State offers an exception to the requirement of 30 CFR 816/817.46(o) that prohibits the use of coal processing waste in the construction of sedimentation ponds. The Utah regulations do allow the use of non-acid and non-toxic coal processing waste when certain measures prescribed by the regulations are taken by the operator. The commenters further contended that while the State's provision might be approved as a "state window," Utah has not proposed the alternative with the required documentation prescribed by 30 CFR 731.13. The commenters noted that the State rule lacks criteria for determining when coal processing waste would be suitable. Finally, the commenters stated that the last provision of UMC 817.46(o) and SMC 816.46(o) does not "make sense" as it is constructed because the State refers to "waste" being "designed and constructed" and not "dams and embankments" as set forth in the referenced regulations, UMC 817.91–93 and SMC 816.91–93. The commenters argued that these deficiencies make the rule unapprovable by the Secretary.

As discussed in Finding 4(c)(xii), 46 FR 5903, the Secretary believes that Utah's modification of the provisions in 30 CFR 816/817.46(o) are consistent with and as stringent as the standards of the Federal rule and provide the environmental protection mandated by Section 515(b)(22)(c) of SMCRA. Further, the Secretary finds that Utah's stated need to be able to use coal processing waste in the construction of sediment pond dams and embankments in the steep narrow canyons, characteristic of Utah's mining terrain, satisfies the requirement for approval of the alternative pursuant to 30 CFR 731.13. (See Utah State Program amended text and classifications—Rules and Regulations (Adopted Amendments) pp. 33–34, and Utah State Program—State Window Submission, December 23, 1980, Utah Program Resubmission).

The Secretary finds that Utah's incorporation of 30 CFR 816/817.91–93 for the use of coal processing waste in dams and embankments makes the Utah provision consistent with and as stringent as the standards of the Federal rules for determining the suitability of such waste for such use. Under the Federal rules, waste may not be used in dams constructed according to sediment pond embankment design criteria, but may be used in embankments which meet the criteria for waste dams, even if the purpose of the impoundment behind the dam is for sediment control.

Finally, while the Secretary agrees with the commenters that the construction of the last sentence in SMC 816.46(o) and UMC 817.46(o) may be awkward, the intent and practical

application of the provision to require that sedimentation pond dams and embankments that are constructed with non-acid and non-toxic forming coal processing waste meet the standards prescribed in UMC 817.91–93 and SMC 816.91–93 are met. Accordingly, the Secretary disagrees with the commenters' request that the resubmitted rule be disapproved (see Finding 4(c)(xii), 46 FR 5903, January 21, 1981).

7. Three commenters stated that Utah's resubmission response to the deficiency identified by the Secretary in UMC 817.52(a)(1) and SMC 816.52(a)(1) regarding requirements for conducting surface and groundwater monitoring is unacceptable. The commenters pointed out that Utah did not make any changes in its December 23, 1980, resubmission, but, rather, suspended those rules pursuant to the court order in *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144, Slip op. pp. 16–17). The commenters noted that the court's order addressed 30 CFR 817.52(a)(1), but not 30 CFR 816.52(a)(1). The commenters also contended that Utah's rules remain deficient as noted in the Secretary's decision on October 24, 1980 (45 FR 70487), and must be disapproved.

Utah submitted to OSM on July 24, 1980, as part of its proposed program submission, proposed regulatory amendments for SMC 816.52(a)(1) and UMC 817.52(a)(1). Those amendments were subsequently adopted on August 20, 1980. With those changes, SMC 816.52(a)(1) is identical to 30 CFR 816.52(a)(1) and UMC 817.52(a)(1) reflects 30 CFR 817.52(a)(1) with the suspended provision deleted. The amended provisions were not considered in the Secretary's initial decision partially approving/partially disapproving the Utah program (45 FR 47481–74510, October 24, 1980) because the adoption of the amendments did not occur before June 16, 1980 (See "General Background on State Program Approval Process," 45 FR 70482). In order to maintain consistency with the district court order in *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144), Utah on November 19, 1980, "suspended pursuant to Judge Flannery's order" all regulatory provisions which it had enacted since August 15, 1980. Utah noted this in its December 23, 1980, resubmission, but inadvertently failed to resubmit the revised regulatory language described above. The Secretary believes this deletion to be inadvertent and feels that SMC 816.52(a)(1) as in effect is consistent with the Federal rule because the authorization to suspend rules based on Judge Flannery's ruling does not authorize any suspension in 816.52(a)(1), which Judge Flannery did not remand. Accordingly, the Secretary finds that the deficiencies have been corrected and therefore approves UMC 817.52(a)(1) and SMC 816.52(a)(1) (see Finding 4(c)(xiv)).

8. Three commenters argued that Utah's amendment to SMC 816.57(a) and UMC 817.57(a) contained in its December 23, 1980, resubmission is deficient in that it does not address the deficiency noted by the Secretary in his October 24, 1980, decision (see Finding 4(c)(xvi), 45 FR 70488) and introduces a new deficiency. Specifically the commenters contended that the State limits the application of the buffer zone prescribed by 30 CFR 816/817.57(a) and fails to apply the buffer zone to streams which are neither perennial nor intermittent, but where a biological community is determined to exist.

The Secretary disagrees with the commenters. As discussed in Finding 4(c)(xvi), 45 FR 5903, January 21, 1981, Utah adopted verbatim the requirement of 30 CFR 816/817.57(c) in UMC 817.57(c) and SMC 816.57(c). These provisions prescribe that a biological community in a stream be determined by the existence in the stream at any time of an assemblage of two or more species of arthropods or mulluscan animals which meet certain criteria (30 CFR 816.57 and 817.57). Utah sets forth in SCM 816.57(a) and UMC 817.57(a) that "no land within 100 feet of a perennial or an intermittent stream and which contains a biological community * * * [may] be disturbed by surface (underground) coal mining activities." As explained in Finding 4(c)(xvi), the Secretary understands that a biological community could be found in both perennial and intermittent streams. This finding is consistent with the Federal preamble's discussion of the need for buffer zones (44 FR 15177, March 13, 1979). The regulation, by use of the term "biological community," seeks to protect biologically significant streams from direct disturbance except in accordance with Section 816.44. The more constant intermittent streams will usually have a biological community, but as streams become increasingly intermittent due to their climatic, geologic and geographic location, the less likely it will be that they have a biotic community that fits within the definition in 30 CFR 816/817.57(c). Further, perennial streams will almost always have a significant biota unless it has been eliminated by pollution. The Secretary knows of no perennial stream in Utah which does not have significant biota. Finally, while ephemeral streams may be significant sources of water and sediment to larger streams, the Act contemplates mining and associated activities to disturb directly minor stream channels when it allows for sedimentation ponds which have to be built in some sort of water drainage channel. Surface mining is impossible without destruction of a number of ephemeral streams, as defined in 30 CFR 701.5. The Secretary believes that in Utah's regulations all streams, perennial, intermittent, and ephemeral are afforded protection equal to that required by the Federal regulations based upon hydrologic considerations, regardless of the existence or nonexistence of a biological community.

Specifically, the provisions of SMC 816.43 and .44 are consistent with 30 CFR 816/817.43 and .44 in insuring the preservation of perennial, intermittent and ephemeral streams. All perennial streams and all intermittent streams with significant biota will be protected by the 100 foot buffer zone. Further, in Utah, ephemeral streams characteristic of the areas in which underground mining takes place do not contain biological communities which are important to fish because they derive from the direct result of snowfall which varies from year to year. Accordingly, the Secretary finds that Utah's provision provides the same level of protection as the Federal regulation.

9. Three commenters stated that Utah's response to the Secretary's finding that subsection (1) of 30 CFR 817.65 did not appear in the State rule, UMC 817.65, does not remedy the deficiency and as such may not be approved.

In its December 23, 1980, resubmission, Utah presented as adopted regulations, UMC 817.65 (i), (j) and (j)(1). These provisions are identical to 30 CFR 817.65 (i), (j) and (j)(1).

In further reviewing the Utah regulations, the Secretary has determined that UMC 817.65(l)(1) is included in the program resubmission (See Administrative Record No. UT–1). Therefore, the Secretary is approving UMC 817.65.

10. Three commenters contended that because Utah did not submit its provisions in UMC 817.72(b) and SMC 816.72(b), which differ from the requirements of 30 CFR 817/816.72(b), as a state window, they cannot be approved. 30 CFR 816/817.72(b) require that a subdrainage system always be constructed for valley fills. UMC 817.72(b) and SMC 816.72(b) allow an exemption when the operator satisfies certain conditions prescribed in the

regulation. The commenters also pointed out that Utah has not amended UMC 817.72(c) and SMC 816.72(c) to be consistent with 30 CFR 817/816.72(c). The Federal regulation only allows the regulatory authority the discretion to require the construction of lifts in valley fills less than four feet while the State allows lifts greater than four feet. The commenters argued that because the State did not file a state window to support its provision, the State rule must be disapproved as being inconsistent with and less stringent than the Federal rule.

The Secretary agrees with the commenters that Utah must revise UMC 817.72 (b) and (c) and SMC 816.72 (b) and (c) so that its regulations for insuring stability in valley fills are consistent with the standards prescribed by 30 CFR 816/817.72(c).

The Secretary has conditioned his approval of the Utah program on the revision of this section (see Findings 4(c)(xx)(5), 46 FR 5905).

11. Three commenters stated that Utah has not cured the deficiency in SMC 816.103 and UMC 817.103 identified by the Secretary in his decision on October 24, 1980 (45 FR 70488). In the decision, the Secretary pointed out that the State's regulations did not specify a minimum burial depth of four feet, if not treated, for prescribed materials and as such was inconsistent with 30 CFR 816/817.103(a)(1). The Secretary also noted that the Federal provision has been remanded by the court to allow treatment of such materials in *In Re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–114).

Utah submitted to OSM on July 24, 1980, as part of its proposed program submission, proposed regulatory amendments for SMC 816.103(a)(1) and UMC 817.103(a)(1) which incorporated the Federal requirement that certain materials be "* * * covered with a minimum of four feet of the best non-toxic and non-combustible material * * *." The Board adopted this amendment on August 20, 1980. The amended provision was not considered in the Secretary's initial decision on October 24, 1980 (45 FR 70481–70510), partially approving and partially disapproving the Utah program because the adoption did not occur before June 16, 1980 (see "General Background on State Program Approval Process," 45 FR 70482).

In that decision the Secretary also set forth standards for applying the court order referenced above (45 FR 70482). Under those standards, the Secretary need not affirmatively disapprove state provisions similar to those Federal provisions suspended or remanded by the district court where the state had adoted such provisions in rulemaking which occurred after the date of the Round II District Court decision.

Although Utah did adopt modifications to UMC 817.103(a)(1) and SMC 816.103(a)(1) after the August 15, 1980, decision, the State did not want the Secretary to consider as part of its program any provisions which the court had indicated the Secretary could not require of a State. Accordingly, it "suspended pursuant to Judge Flannery's order" the provisions relating to cover and treatment of toxic materials on November 19, 1980. The latter action is identified in the State's resubmission on December 23, 1980. Utah elected to take this action in order to remain in accord with the court order and the revision and repromulgation of those provisions by OSM.

Based on these facts, the Secretary finds that SMC 816.103(a)(1) and UMC 817.103(a)(1), as promugated, are consistent with the requirement of 30 CFR 817/816.103(a)(1) for requiring a minimum burial depth, if not treated, and the provisions are in accord with the remanded order of the court. This finding is based on the Secretary's understanding that Utah's "suspension pursuant to Judge Flannery's order," only suspends or remands those provisions insofar as mandated by the court and as such does not affect the requirement to comply with those standards of the provision not addressed by the court. The court remanded the Federal rule because it did not include the alternative of treatment. In the case of this rule, the Utah "suspension" does not affect the applicability of the rule adopted August 20, 1980.

12. Three commenters argued that Utah's use of the phrase "to the extent technologically and economically feasible" in UMC 817.124(a) as a modifier to the requirement of the permittee to comply with the subsidence control plan approved pursuant to UMC 784.20, makes the Utah provision inconsistent with and less stringent than the 30 CFR 817.124(a).

The Secretary does not consider the phrase "to the extent technologically and economically feasible" to condition an operator's obligation to comply with the subsidence control plan. Rather, the Secretary agrees with the explanation of the use of the phrase submitted as part of the State's December 23, 1980, resubmission (Utah State Program Amended Text and Clarifications—Rules and Regulations (Adopted Amendments) page 55). In that discussion, Utah states that an operator must adopt the most technologically and economically feasible measures to control subsidence as mandated by Sections 102, 501(b) and 516(b)(1) of SMCRA. Further, the Secretary does not believe that an operator could argue legal non-compliance with an approved subsidence control plan on the basis that it was not feasible. Compliance with the plan is a standing condition of the permit. Arguments of "infeasibility" have no merit or standing. Accordingly, the Secretary finds UMC 817.124(a) consistent with and as stringent as 30 CFR 817.124(a).

13. It was noted by three commenters that while Utah added the word "noncancellable" to describe the type of prepaid insurance policy required in the protection of surface owners from the potential adverse effects of subsidence, the State did not delete the word "renewable." The commenters argued that under a "renewable" policy, the guaranteed coverage would necessarily expire at the end of the renewal term, thereby creating a situation where the coverage might expire as a result of nonpayment, notwithstanding that the policy is "noncancellable" during the term of the policy.

The Secretary agrees with the commenters that UMC 817.124(b) is inconsistent with and less stringent than 30 CFR 817.124(b) and has conditioned his approval of the Utah program on Utah's amending its provision to be consistent with the Federal regulation (see Finding (4)(c)(xxix), 46 FR 5905–5906).

14. It was pointed out by three commenters that while Utah has adopted in UMC 817.126(a) the buffer zone requirement of 30 CFR 817.126(a), the State also modified the determination the Division must make in order to waive the buffer zone. The commenters argued that by using the phrase "material damage which would result in the environmental degradation or safety hazards to streams, water bodies and associated structures" Utah has limited the use of a buffer zone. The commenters stated that the Federal rule requires the Division to determine that mining will not cause any "material damage" to listed surface structures. Further, the commenters argued, reductions in stream flow would not be considered a "material damage" under the Utah provision, when in fact loss of water owned by third persons would constitute "material damage" under the Federal rule. The commenters felt the Utah rule must be disapproved.

The Secretary believes that Utah's provision does not limit or restrict the determination of adverse effects due to material damage from subsidence. Utah

adopted, in UMC/SMC 700.5, a definition for "materially damage the quantity or quality of water" which is identical to that prescribed in 30 CFR 701.5. In that this definition recognizes changes in the quantity and quality of water supply as a material damage and there is no evidence to support that such changes would not result in "environmental degradation," the Secretary feels that UMC 817.126(a) is consistent with and as stringent as 30 CFR 817.126(a).

15. Three commenters stated that Utah did not respond to the Secretary's findings on October 24, 1980 (45 FR 70487), that the Utah definition of aquifer in UMC/SMC 700.5 was inconsistent with the definition of aquifer in 30 CFR 701.5.

The Secretary disagrees with the commenters. Utah adopted an amendment to its definition of aquifer on December 18, 1980, making the Utah definition identical to the Federal definition (See Administration Record No. UT–174) The amendment is contained in Utah's December 23, 1980, resubmission (Permanent Program Submission Under the Surface Mining Control and Reclamation Act of 1977—Proposed Amendments for Adoption).

16. Three commenters expressed concern with the provision of UMC/SMC 788.12(a)(1) which requires a permit revision if there is an increase in the size of the surface or subsurface area disturbed in an amount of 5% or greater than the originally approved area. Specifically, the commenters felt that this provision could allow a taking of property without due process of law. Further, they argued that Utah's rule is inconsistent with Section 511(a)(3) of SMCRA which requires that a revision of the permit boundary be treated as a permit revision. The commenters also contended that Utah's deletion of UMC/SMC 788.12(a)(1)(iv) only tends to limit those changes which are to be considered "significant departures" and as such require a permit revision.

A "disturbed area" is defined by UMC/SMC 700.5 and 30 CFR 701.5 to mean an area where vegetation, top soil or over burden is removed or upon which top soil, spoil, coal processing waste, underground development waste or noncoal waste is placed by surface coal mining operations. "Disturbed area" is contained within a "permit area," which is defined as the area of land and water within the boundaries of the permit approved by the regulatory authority. A permit area includes at a minimum all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit. As all mines in Utah currently permitted are underground mines, the disturbed areas are not large in acreage. Hence an increase of less than 5% will not constitute a major change in the operations. Further, Utah adopted in UMC/SMC 788.12(d) a provision identical to 30 CFR 788.12(d). This section prescribes that "any extensions to the area covered by the permit, except for incidental boundary revisions, shall be made by an application for a new permit and shall not be approved under * * *" 788.12. The Secretary feels that Utah, by adopting the provision, has clearly given notice to the public as to the changes that will be considered significant.

The Secretary understands Utah's provision to address only "disturbed areas" and not "permitted areas." Accordingly, the Secretary does not find that significant changes will be obtained under the Utah provision. While the operator can change by up to 5% the disturbed area within the permit area, any change in the permit area is subject to approval by the regulatory authority, and any extensions other than incidental ones require a new permit. The Secretary considers Utah's provision to be consistent with the intent of 30 CFR 788.12(a)(1) to allow the regulatory authority discretion in providing parameters to determine what changes will constitute significant departures as used in the program.

The Secretary further finds that Utah's provision UMC/SMC 788.12(a)(1) defines what changes in the method of conducting operations, i.e., from room and pillar mining to longwall mining, would be considered a significant change from the approved permit and as such would require a permit revision. The Secretary finds Utah's deletion of UMC/SMC 788.12(d) consistent with the requirement of 30 CFR Chapter VII to limit variance from the Federal regulations to those cases where a standard has been established and the decisions are not made on a site-by-site basis.

17. Three commenters disagreed with the Secretary's preliminary analysis of the Utah State Window for Steep Slope Mining (see 45 FR 47485). The commenters argue that the Secretary must require the elimination of highwalls in all cases. The commenters contended that while Section 515(c) of SMCRA allows an exemption to the approximate original contour requirement of Section 515(b)(3) of SMCRA for mountain top removal operations and Section 515(b)(3) provides for an exemption for their overburden, no other exemptions are allowed by SMCRA. Further, the commenters stressed that Congress did not intend for general variances or exemptions from the performance standards in SMCRA. Finally, the commenters stated that Utah has presented no justification "for not implementing 30 CFR 826.12 in addition to subsection (b)." The commenters feel that "the remaining requirements of the section should apply to whatever backfilling is performed on the site."

The Secretary disagrees with the commenters. As he explained in detail in his initial decision on the October 24, 1980 (45 FR 70485–6), the requirement of Section 515(b)(3) to return an area to its natural approximate original contour is the determining provision of the Section and the elimination of highwalls is a means of accomplishing that mandate. Further, the Secretary believes that his approval of Utah's proposed state window implements Section 101(f) of SMCRA and 30 CFR 731.13 which mandate that consideration be given to environmental or agricultural conditions or local requirements unique to a particular state. At the same time, the Secretary has conditioned his approval of the Utah program on the State's revision of its program to include requirements consistent with and as stringent as those of 30 CFR 826.12 for the prevention of dumping certain materials on the downslope of steep slope areas (see Finding 4(c)(xxxi), 46 FR 5906).

20. Three commenters stated that Utah must revise Section 40–10–18 UCA of the Utah SCMRA before its program can be approved by the Secretary. The commenters contended that Utah's proviso in the section, "standard methods of mining," cannot be construed to be equivalent to the proviso of Section 516(b)(i) of "standard methods of room and pillar mining." Further, the commenters felt that an Attorney General's opinion is not sufficient for the Secretary to base his decision of equivalency.

The Secretary disagrees with the commenters. As discussed in Finding 1(a)(v) (46 FR 5900), the Secretary considers Utah's clarification that "standard methods of mining" applies to

"room and pillar" or "long wall" mining or a combination of those methods meets the requirements of consistency and stringency set forth by the Federal program. Section 516(b)(1) of SMCRA makes it clear that the subsidence controls in the Federal Act are not to prohibit room and pillar mining or longwall mining which is a technology which requires planned subsidence in a predictable and controlled manner. Further, the Secretary believes this interpretation to be fully consistent with legislative history of SMCRA (See H.R. Rep No. 218, 95th Congress, 1st Session 126 (1977); 1977 U.S. Code, Congressional and Administrative News 658). The Secretary considers the Attorney General's opinion part of the State program. As such, any failure by the State to abide by the opinion would be considered a violation of the program, just as a violation of its statute or regulations would be. Accordingly, the Secretary finds that Utah's statutory provision provides protection of the environment and the public equal to that guaranteed by SMCRA.

Dated: February 10, 1981.

Andrew V. Bailey,

Acting Director.

[FR Doc. 81-9030 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-6016]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with Minimal Flood Hazard Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

The entry reads as follows:

§65.7 List of Communities with Minimal Flood Hazard Areas.

State	County	Community name	Date of conversion to regular program
Ohio	Stark	Village of East Sparta	May 1, 1981.
North Dakota	Burke	City of Portal	May 26, 1981.
Washington	Whitman	Town of St. John	May 26, 1981.

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

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8982 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 755-5585 or

Toll Free Line (800) 424–8872 (In Alaska and Hawaii Call Toll Free (800) 424–9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 60.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Santa Rosa (City), Sonoma County (FI-5501)	Spring Creek	Doyle Park Drive (50 feet upstream from centerline)	*175
			Franquette Avenue (200 feet upstream from centerline).	*201
			Mayette Avenue (80 feet upstream from centerline)	*214
	Maps available for inspection at City Hall, Santa Rosa, California.			
Georgia	Waycross (City), Ware County (FI-5383)	Waycross Drainage Canal	3rd Corporate Limits at centerline	*88
			Morningside Drive—100 feet upstream of centerline	*90
			City Boulevard—20 feet upstream of centerline	*94
			Plant Avenue—30 feet upstream of centerline	*96
			Ricardo Street—60 feet upstream of centerline	*99
			Darling Avenue—20 feet upstream of centerline	*104
			Screven Avenue—20 feet upstream of centerline	*113
			Knight Avenue—80 feet upstream of centerline	*118
			Williams Street—20 feet upstream of centerline	*121
			Reynolds Street—20 feet upstream of centerline	*125
			Marion Street—20 feet upstream of centerline	*126
			Lee Street—20 feet upstream of centerline	*128
			Seaboard Coastline Railroad:	
			20 feet downstream of centerline	*129
			20 feet upstream of centerline	*134
		Tributary A	Morningside Drive:	
			80 feet downstream of centerline	*88
			60 feet upstream of centerline	*93
			Seminole Trail—20 feet upstream of centerline	*96
			City Boulevard:	
			85 feet downstream of centerline	*96
			100 feet upstream of centerline	*102
			Central Avenue:	
			40 feet downstream of centerline	*112
			50 feet upstream of centerline	*117
			Corporate Limits at centerline	*118
		Tributary B	Alice Street—40 feet upstream of centerline	*103
			Tebeau Street—40 feet upstream of centerline	*105
			Darling Avenue—20 feet upstream of centerline	*119
			Riverside Avenue—70 feet upstream of centerline	*124
		Tributary C	Alice—20 feet upstream of centedine	*110
			Tebeau Street at centerline	*111
		Tributary D	Knight Avenue—20 feet upstream of centerline	*115
			Carswell Avenue—20 feet upstream of centerline	*117
			Pendleton Street—40 feet upstream of centerline	*123
			McDonald Street—20 feet upstream of centerline	*127
			Jane Street—20 feet upstream of centerline	*131
			Ethel Street—30 feet upstream of centerline	*132
		Tributary F	Ball Street Extension at centerline	*134
		Tributary G	Lewis Avenue—20 feet upstream of centerline	*134
			Knight Avenue—125 feet downstream of centerline	*120
			Knight Avenue—125 feet upstream of centerline	*130
			Reynolds Street—25 feet upstream of centerline	*134
			Mosley Street—25 feet upstream of centerline	*137
		County Creek B	Seminole Trail—25 feet upstream of centerline	*96
	Maps available for inspection at City Hall, Waycross, Georgia.			
Kansas	(C) Kansas City, Wyandotte County (Docket No. FI-5266)	Missouri River	At eastern corporate limit	*751
			Approximately 0.5 mile downstream of Fairfax Bridge	*757
			Just upstream of Interstate 635	*759
			At northern corporate limit	*765
		Kansas River	At confluence with Missouri River	*751
			1,000 feet upstream of 7th Street	*752
			Just downstream of Kansas Avenue	*757
			At confluence of Brenner Heights Creek	*760
			At confluence of Mill Creek	*764
			At western corporate boundary	*767
		Turkey Creek	Just upstream of tunnel entrance	*763
			Just upstream of Interstate 35 Ramp	*768
			Approximately 350 feet upstream of Mission Road	*787
			Upstream of Interstate 35 (approximately 350 feet upstream of Southwest Boulevard).	*790
			Upstream of Mill Street	*799
			Just downstream of the St. Louis and San Francisco Railway.	*802

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 700 feet downstream of Roe Lane	*808
			400 feet upstream of 18th Street Expressway	*835
			Approximately 150 feet upstream of the upstream Interstate 35 crossing	*838
			Approximately 400 feet upstream of Lamar Avenue	*846
		Brenner Heights Creek	At confluence with Kansas River	*760
			Approximately 20 feet upstream of 57th Street	*765
			Approximately 200 feet downstream of State Avenue	*786
			Approximately 130 feet upstream of State Avenue	*790
			Just upstream of Everett Avenue	*816
			Approximately 800 feet downstream of Parallel Avenue	*842
			Approximately 250 feet upstream of Parallel Avenue	*849
			Just downstream of 59th Street	*849
			Just upstream of 59th Street	*862
			Approximately 2,750 feet upstream of 59th Street	*876
		Brenner Heights Creek Tributary	At confluence with Brenner Heights Creek	*763
			Approximately 150 feet downstream of State Avenue	*784
			Just upstream of 55th Street	*799
			Approximately 650 feet upstream of 55th Street	*800
			Approximately 2,850 feet upstream of 55th Street	*821
		Muncie Creek	At confluence with Brenner Heights Creek	*760
			Just upstream of 61st Street	*763
			Just upstream of Riverview Avenue	*775
			Just downstream of the Kansas Turnpike	*779
			Approximately 400 feet upstream of Kansas Turnpike	*788
			Approximately 2,800 feet upstream of Kansas Turnpike.	*788
			Just downstream of State Avenue	*811
			Approximately 100 feet upstream of State Avenue	*819
			Approximately 7,100 feet upstream of State Avenue	*861
		Mill Creek	At confluence with Kansas River	*764
			Just downstream of Union Pacific Railroad	*764
			Approximately 1,000 feet upstream of State Highway 32.	*775
			Just upstream of Kansas Avenue	*783
			Just downstream of 72nd Street	*792
			Just upstream of 72nd Street	*798
			Just downstream of Riverview Avenue	*810
			Just upstream of Riverview Avenue	*820
			Approximately 1,550 feet upstream of Interstate 70	*822
			Just downstream of State Avenue	*864
			Just upstream of State Avenue	*874
			Approximately 2,700 feet upstream of State Avenue	*881
		Little Turkey Creek	At confluence with Kansas River	*765
			Just upstream of Swartz Avenue	*777
			Just upstream of 85th Terrace	*789
			Just upstream of Kansas Avenue	*793
			At western corporate boundary	*843
		Little Turkey Creek Tributary	At confluence with Little Turkey Creek	*789
			Just upstream of Kansas Avenue	*791
			Just downstream of 86th Street	*791
			Just upstream of 86th Street	*797
			Approximately 5,700 feet upstream of 86th Street	*823
			Approximately 7,300 feet upstream of 86th Street	*840
		Connor Creek	At confluence with Missouri River	*765
			Approximately 200 feet upstream of 97th Street	*766
			Approximately 300 feet upstream of Hollingsworth Drive.	*778
			Just upstream of Donahoo Road	*819
			Approximately 150 feet upstream of 107th Street	*840
			Approximately 2 miles upstream 107th Street	*900
	Maps available for inspection at City Hall, Physical Planning Department, Kansas City, Kansas.			
Louisiana	Abbeville (City), Vermilion Parish (FEMA-5817)	Vermilion River	100 feet upstream from intersection of Vermilion River and center of Southern Pacific Railroad.	*10
		Valcourt Coulee	Intersection of Valcourt Coulee and center of South Hollingsworth Drive.	*11
			Intersection of Valcourt Coulee and center of West Summers Drive.	*13
		Dick Hunter Coulee	Intersection of Dick Hunter Coulee and the center of Memorial Drive.	*10
		Hog Coulee	Intersection of Hog Coulee and center of Port Street	*10
		Youngs South Coulee	Intersection of Youngs South Coulee and center of Eaton Drive.	*12
		Youngs North Coulee	Intersection of Youngs North Coulee and center of Hospital Road.	*7
			Intersection of Youngs North Coulee and center of Leonard Avenue.	*12
	Maps available for inspection at City Hall, 3040 Charity Street, Abbeville, Louisiana.			
Michigan	(C) Sterling Heights, Macomb County (Docket No. FEMA-5825).	Clinton River	Just upstream of Hayes Road	*602
			About 200 feet upstream of Kleino Road	*606
			About 250 feet upstream of Earl Memorial Highway	*614
			Just downstream of Van Dyke Road	*624
		Red Run Drain	Just downstream of Utica Road	*602
			Just upstream of 16 Mile Road	*605

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of 14 Mile Road	*610
		Plum Brook	Just upstream of Schoenherr Road	*603
			Just upstream of Van Dyke Road	*615
			About 700 feet upstream of Mound Road	*624
			Just downstream of Golf Course Weir	*632
			Just upstream of 19 Mile Road	*643
			Just downstream of Hall Road	*677
		Gibson Drain	Mouth at Plum Brook	*632
			Just downstream of Dequindre Road	*642
		Chrissman Drain	Just downstream of culvert	*622
			Just upstream of culvert	*623
			Just upstream of Mound Road	*633
			Just downstream of State Highway 59	*648
		Chrissman Drain (Old Channel)	Mouth at Plum Brook	*621
			At divergence from Chrissman Drain	*623
		Chrissman Drain (Overland Flow at 19 Mile Road)	At confluence with Chrissman Drain	*635
			Just upstream of 19 Mile Road	*636
		Big Beaver Creek	Just upstream of Conrail	*611
			Just downstream of Dequindre Road	*630
		Sterling Relief Drain	Mouth at Red Run Drain	*606
			About 3,600 feet upstream of Dodge Park Road	*606
		Shanahan Drain	Mouth at Big Beaver Creek	*626
			About 1,200 feet upstream of 16 Mile Road	*632
		Phiel Drain	Mouth at Clinton River	*607
			Just downstream of Dodge Park Road	*607

Maps available for inspection at City Engineer's Office, 40555 Utica Road, Sterling Heights, Michigan.

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

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-8893 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Part 536

[General Order 13, Revised, Amendment No. 8]

Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States

AGENCY: Federal Maritime Commission.

ACTION: Interim rule.

SUMMARY: Foreign commerce rail/water tariffs must continue to publish a single factor through rate, but need not continue to break out the division, rate or charge for the port-to-port portion of a through service required by § 536.8(b). This action temporarily waives an existing regulatory requirement and is taken to accommodate ICC tariff filing exemptions for TOFC/COFC traffic and to reduce the tariff filing burdens of ocean carriers.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Acting Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Interstate Commerce Commission's recent decision in *Ex Parte 230 (Sub-No. 5)*, 46 FR 14348 (1981), has prompted the Federal Maritime Commission to temporarily waive a portion of its tariff regulations governing through rail/ocean transportation in foreign commerce. This interim action has been taken without prior notice and comment due to the fact that the ICC's decision was not released until February 19, 1981 with an effective date of March 23, 1981. The shortness of the time period involved makes it impractical to publish a final rule before the new ICC regulations take effect. Moreover, the public interest clearly requires that the Commission take prompt action to assuage the uncertainty *Ex Parte 230* has created in the multi-million dollar ocean transportation industry. The procedure to be implemented will insure that meaningful public tariffs continue to be on file and that ocean carriers adhere to the through rates published in those tariffs.

Effective March 23, 1981, transportation provided by railroads under trailer on flatcar (TOFC), container on flatcar (COFC), and certain other services connected with through intermodal traffic services will be exempt from ICC tariff filing requirements. This exemption apparently applies to all ex-ocean traffic in which United States railroads participate.

Since 1972, intermodal rail/ocean rates and routes have been accepted by the Commission and the ICC only in the form of a concurrently filed joint through tariff. This form was carefully devised to meet the requirements of both regulatory agencies and contained provisions describing the inland and ocean transportation, particularly the portion or division of the through rate received by each participating carrier, and is set forth in section 536.8(b) of the Commission's Rules (46 CFR 536.8(b)).

The ICC's amendments to 49 CFR Part 1300 will preclude a calculation of a through intermodal rate by combining its component land and ocean divisions. Because knowledge of the *through rate* is essential to the proper performance of the Commission's anti-rebating and anti-discrimination responsibilities under the Shipping Act, 1916 (46 U.S.C. 801, *et seq.*), it is necessary that ocean carriers *alone* be required to publish this through rate in their intermodal tariffs. Although the Commission does not regulate all

aspects of the through intermodal transportation being performed, the authority conferred by section 18(b) of the Shipping Act (46 U.S.C. 817(b)) fully supports the continued filing of the through rate collected from the shipper for such services. This arrangement does not subject land transportation itself to Shipping Act regulation, and as long as no jurisidiction is exercised over inland carriers, there is no legal or other obstacle to the Commission's continuation of its policy of requiring publication and adherence to through intermodal rates. *See United States v. Federal Maritime Commission (Gulf-U.K. Agreement)*, 636 F. 2d 792 (D.C. Cir. 1980), vacated pending rehearing.

The *Ex Parte 230* decision primarily affects compliance with the section 536.8 requirement that FMC intermodal tariffs include the ocean carrier's port-to-port division as well as a through rate. Heretofore, ocean carriers have met this requirement by stating the through rate on a weight or measure basis for each commodity carried in the through service, and also stating the rail division on a per container basis. The ocean portion of the through rate can only be calculated with reference to the *rail division* and then only with certain additional information, *e.g.*, the quantity of cargo moving in the container in question.

The Commission has been advised by several ocean carriers that the forthcoming ICC exemption of ex-ocean TOFC/COFC traffic is causing railroads to cancel existing concurrences with FMC regulated ocean carriers. If present ICC TOFC/COFC tariffs are cancelled, then present FMC intermodal tariffs will also have to be cancelled unless they are amended to provide significantly greater (and frequently changing) details concerning the ocean carriers' divisions or the Commission permits amendments which delete the ocean division altogether.

The former option is not a viable alternative at this time, both because railroads may not permit their TOFC/COFC charges to be published in FMC tariffs once this information is exempt from ICC requirements and because ocean carriers have claimed that an exact statement of the ocean division is impossible for all practical purposes given railroad ratemaking practices.[1]

Even if exact ocean divisions could be published in conjunction with the through rate, it would indirectly reveal the deregulated TOFC/COFC charges, thereby countermanding *Ex Parte 230* to a significant extent. Under these circumstances, the Commission believes it is neither appropriate nor feasible to continue requiring the publication of the ocean carrier's port-to-port division as provided by § 536.8(b).

Knowledge of the ocean carriers' division is of little practical use to the Commission, intermodal shippers or other interested parties.[2] Conduct actionable under the Shipping Act is triggered by the economic effects of the through rate, not the port-to-port division alone. Focusing solely upon the through rate will permit the Commission to lessen regulatory burdens on intermodal traffic by eliminating the present requirement for separately breaking out the ocean carrier's port-to-port division. Unless a through rate approach is taken, the revisions to 46 CFR Part 1300 will force the Commission to significantly increase the amount of detail with which the port-to-port rates and practices are described in intermodal tariffs—a requirement ocean carriers may be unable to meet. Other solutions to this problem may exist, but at this time the Commission believes the approach most consistent with both agencies' concern for stimulating transportation efficiencies is to rely solely upon the through rates for tariff filing purposes. The Commission has never interpreted Shipping Act section 18(b)(1) as mandating the ritualistic recitation of an exactly stated "port-to-port rate" in addition to the through rate in all instances of through transportation.[3] Rather, the plain purpose and language of the statute are adequately accommodated by the type and quantity of tariff matter which will provide meaningful information regarding the *ocean transportation* "between the United States * * * and a foreign country" subject to FMC jurisdiction under section 1 of the Shipping Act, 1916 (46 U.S.C. 801). The through route alone should meet this need in the case of rail/ocean intermodal transportation.

Temporary waiver of § 536.8's port-to-port division requirement will not impede the Commission's enforcement responsibilities nor alter formal complaint procedures in any way. Its purpose is simply to ensure there is no disruption of foreign commerce while the Commission attempts to develop final rules which will assure effective Shipping Act enforcement without placing undue regulatory burdens on intermodal cargoes.

Accordingly, that portion of section 536.8 which requires the publication of the ocean carrier's port-to-port divisions *for through rail ocean transportation only* will be waived until further notice. All other aspects of section 536.8 remain in effect. This waiver affects both existing tariffs and tariffs to implement new rail/ocean services and will remain in effect pending completion of a forthcoming Commission rulemaking proposal to permanently revise its tariff regulations governing through intermodal transportation.

This amendment to § 536.8 will take effect March 25, 1981. However, the rule has been written to apply only to transportation actually affected by the implementation of the ICC's new regulations.[4] Short notice publication is justified under 5 U.S.C. 553(d) because the interim rule will relax present tariff filing obligations and alleviate the regulatory and commercial conflicts which could arise in the absence of a clear indication of what tariff matter will continue to be accepted for filing at the FMC—and thereby become *prima facie* lawful—once the TOFC/COFC deregulation scheduled for March 23, 1981 takes effect.

The Commission certifies that this interim rule will not, if promulgated and adopted, have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, September 19, 1980 (5 U.S.C. 601 *et seq.)*.

Therefore, it is ordered, That, pursuant to section 553 of the Administrative Procedure Act (5 U.S.C. 553(d)) and sections 18(b) and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b) and 841a), Part 536 of 46 CFR of the Commission's Rules is temporarily amended by the addition of a new paragraph (c) to § 536.8 which reads as follows:

§ 536.8 Tariffs containing through rates and through routes.

* * * * *

[1] *See e.g., Report and Order in Docket No. 72-19*, 42 FR 59265 (1977). The ICC's *Ex Parte 230* decision is intended to encourage even greater flexibility and variation in railroad pricing.

[2] Indeed, the principal reason for the port-to-port breakout approach reflected in section 536.8 has been to avoid jurisdictional conflicts with the ICC prohibited under section 33 of the Shipping Act, 1916 (46 U.S.C. 832). The ICC's exemption of TOFC/COFC traffic now appears to have eliminated this problem.

[3] For example, the Commission has not required any breakout of the port-to-port division in an intermodal service where the inland transportation takes place in a foreign country.

[4] Petitions to review *Ex Parte 230 Sub-No. 5* are pending before the United States Court of Appeals for the Fifth Circuit and will be considered on an expedited basis. *American Trucking Associations, Inc., et al. v. Interstate Commerce Commission and United States of America* (Docket Nos. 81-4046 and 81-4080).

(c) Commencing upon publication of this rule in the **Federal Register** and until further notice of the Commission, tariffs containing rates for through rail/ocean transportation involving railroad movements within the United States must continue to be filed in full compliance with this section, except that such tariffs may omit the division, rate, or charge to be collected by the water carrier subject to the Act for the port-to-port portion of the through service, and existing tariffs may be amended to delete this information; *Provided, however,* that the port-to-port portion may be deleted only if the railroad transportation involved in the through route has actually been exempted from tariff filing responsibilities under the Interstate Commerce Act.

By the Commission March 23, 1981.*

Joseph C. Polking,

Acting Secretary.

Dissenting Opinion

Acting Chairman Kanuk, dissenting in part. While I agree with the majority that the Commission should address the impact of the Interstate Commerce Commission's (ICC's) final rule in Ex Parte No. 230 (Sub. No. 6), *Improvement of TOFC/COFC Regulation,* on ocean carriers' tariff filing requirements, I cannot agree that the Interim Rule should be implemented without providing for public notice and comment.

The Administrative Procedure Act (APA), 5 U.S.C. 553 (b) and (c), requires notice and an opportunity for comment on rules of a substantive nature. The Interim Rule is of a substantive nature. Provision is made for exceptions to this general rule when the agency finds that providing for notice and comment is "* * * impractical, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b)(B). The majority relies on the ICC's date of March 23, 1981, for putting its rule into effect, as the basis for concluding that notice and comment would be impractical. In addition, the majority states that the public interest requires prompt action by the Commission, in order to address the uncertainty created by the ICC's rule.

There are several problems with this approach. In the first place, the exceptions to the APA's notice and comment requirement have been narrowly construed by the courts, and it has been found that the "* * * mere existence of deadlines for agency action, whether set by statute or court order, does not in itself constitute good cause for a § 553(b)(B) exception." *U.S. Steel Corp.* v. *U.S. Environmental Protection,* 595 F. 2d 207, 213 (5th Cir. 1979); *State of N.J.* v. *U.S. Environmental Protection,* 626 F. 2d 1038, 1045 (D.C. Cir. 1980).

In this case, the Commission is faced with neither a statutory nor a court deadline. What it is faced with is the fact that the ICC's rule exempting rail TOFC/COFC movements from ICC regulation will become effective March 23, 1981. This fact, standing alone, certainly does not create a basis for implementation of the Interim Rule, particularly since the effect of the ICC's rule on intermodal movements is not clearly foreseeable. The Commission goes on to state that it has been advised by several ocean carriers that the forthcoming ICC exemption of ex-ocean TOFC/COFC traffic is causing railroads to cancel existing concurrences with FMC regulated ocean carriers. This general statement is the sole factual basis given by the majority for implementing the Interim Rule. The majority provides no details as to which ocean carriers, which rail carriers, or precisely what action the rail carriers might take. This last factor is particularly important. If, for example, the rail carriers intend to cancel their participation with ocean carriers in joint through intermodal tariffs based on a fear of antitrust exposure, the Interim Rule will not prevent this occurrence. If, on the other hand, rail carriers will, as a result of the ICC's final rule, simply request that their division be deleted from the involved intermodal tariffs, the proposal in the Interim Rule could constitute a means of dealing with the situation. By not supplying more factual information, the Commission fails to provide an adequate basis for implementing the Rule. I find this deficiency particularly disturbing, since the Rule makes a substantive change in the Commission's tariff filing rules, and reverses the position previously adhered to by the Commission that "* * * the separate statement of the charge applicable to the port-to-port transportation is necessary to comply with the mandate of section 18(b) [of the Shipping Act, 1916]." Filing of Tariffs By Common Carriers By Water In The Foreign Commerce of the United States and By Conferences of Such Carriers; Filing of Through Rates and Through Routes, Final Rule, 35 FR 6394, 6396 (April 21, 1970).

I would like to point out that I am as concerned as the majority is that intermodal rail/ocean TOFC/COFC movements continue without interruption. However, the Commission has no sound basis upon which it can conclude that, absent the Interim Rule, these movements will be interrupted. Therefore, I believe that the Commission is acting precipitously in implementing the Interim Rule. The better course of action, in my opinion, would have been for the Commission to have issued a circular letter reminding ocean carriers of their tariff filing obligations under the Commission's rules, and at the same time, to have issued a Notice of Proposed Rulemaking to be conducted on an expedited basis. This course would have permitted the Commission to formulate an appropriate response to the ICC's rule, based on comments from all parties involved.

[FR Doc. 81-9156 Filed 3-24-81; 8:45 am]

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*Acting Chairman Leslie L. Kanuk submitted a separate dissenting opinion which follows. Commissioner Peter N. Teige did not participate.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 80-488; FCC 81-68]

Amendment of the Aforementioned Part of the Commission's Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Report and Order amends the Commission's rules as follows: 1) the effective date of any full Commission action shall be the date of public notice of such action, unless the Commission affirmatively designates a different effective date; 2) all Commission actions become final, for purposes of seeking agency reconsideration or judical review, on the date of public notice of such actions; 3) the date of public notice shall commence at 3 p.m. Eastern Time on a given day. The purposes of these rule amendments, taken in the same order as the amendments outlined above, are as follows: 1) to clear up confusion as to when a full Commission action becomes effective, 2) to clear up confusion as to when any Commission action becomes final, and 3) to pinpoint the time of day when Commission decisions become final in order to make courthouse races a fair competition for all parties.

EFFECTIVE DATE: April 27, 1981.

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

FOR FURTHER INFORMATION CONTACT: Terence Mahony, Office of General Counsel, (202) 254-6530.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

Adopted: February 25, 1981.

Released: March 10, 1981.

In the Matter of Addition of new Section 1.103 to the Commission's Rules of Practice and Procedures; Amendments to Section 1.4(b) of those Rules, [General Docket No. 80-488].

1. The primary purpose of this Order is to add new Section 1.103 to the Commission's rules. Subsection (a) of this rule will generally provide that, unless otherwise specified by law, Commission rules, or Commission discretionary action, the effective date of any Commission action will be the date of public notice as defined in Section 1.4(b) of our rules, 47 CFR § 1.4(b). Subsection (b) of the new rule will establish a standard of finality, namely, that Commission actions shall be final, for purposes of seeking

reconsideration of judicial review, on the date of public notice of such actions. The other purpose of this Order is to amend Section 1.4(b) and specify the precise starting time for the date of public notice.

2. At a public meeting dated September 10, 1980, the Commission deferred final adoption of this Order until the public was given an opportunity to comment on the proposed rules. Since these rules relate solely to practice and procedure, it should be noted that the Commission was not required to give prior notice and the opportunity for comment. See Section 553(b) of the Administrative Procedure Act, 5 U.S.C. § 553(b). Nonetheless, the Commission decided that the potential impact of these proposals on longstanding Commission practices warranted prior public comment. By separate order released September 15, 1980, the Commission specified a period of 30 days during which the public was invited to file comments.

3. During this period, the Commission received four sets of written comments. These comments were filed by Dow, Lohnes, and Albertson (DLA), Baraff, Koerner, and Olender (BKO), American Telephone and Telegraph Company (AT&T), and RCA Global Communications, Inc. (RCAG). The comments of DLA and BKO were directed mainly toward our statement that the proposed rule (establishing a relationship between the effective date and date of public notice for Commission actions) would adopt an approach which is substantially the same as the scheme already in effect for staff actions. DLA and BKO both noted that there are often long intervening delays between the time the staff adopts an action and the time that action becomes effective. Both commented that such delays could force interested parties to postpone execution of their private agreements, resulting in possible detriment. Apart from this matter, BKO also noted that copies of Public Notices are not always available on their release date from the Office of Public Affairs.

4. The comments of AT&T and RCAG focused on our proposal to establish the date of public notice as the standard of finality for Commission decisions. AT&T stated that adoption of this rule might deprive interested parties of their statutory right to seek immediate judicial review of an effective Commission decision. The comments of RCAG shared this view. RCAG also recommended that the "race to the courthouse" should begin when the full text of a decision is released by the Commission and not when that decision is later published in the **Federal Register** (when such publication is required). RCAG also believes that a Commission decision becomes final, for purposes of seeking judicial review, when that decision is adopted at a public meeting, provided that all parties are immediately bound by the decision.

5. The Federal Communications Bar Association (FCBA) also submitted comments in which it urged the Commission not to adopt the proposed rules. FCBA contends that, consistent with fundamental principles of due process, an action of the Commission should be final and reviewable when that action becomes effective for purposes of reliance or obligations.

Discussion: Effective Dates of Commission Decisions

6. The effective date of any Commission action may be defined as that date on which parties may begin to exercise private rights created by such action or, alternatively, the date on which parties must begin to comply with obligations imposed by such action. The date of public notice of any Commission action, which is further discussed *infra*, is that date from which any specified period for filing pleadings or other documents begins to run. Clearly these two dates have separate significance.

7. As stated above, Section 1.4(b) of the Commission's rules defines the date of public notice for different kinds of Commission actions. In general, our rules do not clearly identify the effective dates for these different kinds of actions.[1] Despite the absence of specific guidance in the rules, a practice has developed by which parties often act in reliance upon a final action by the Commission after its adoption but prior to the date of public notice. In such proceedings, the Commission has affirmatively designated an earlier effective date or the parties have reasonably assumed its existence. In other proceedings, the Commission has imposed obligations on parties which have taken effect on the date of adoption of such action, even though the date of public notice might not occur until later. Notwithstanding these informal practices, the absence of specific guidance in the rules has sometimes created uncertainty as to when a Commission action becomes effective.

8. The Commission has broad discretion to designate the effective dates of its actions. *See generally* 47 U.S.C. 154 (i) and (j). In order to remove any uncertainty, we will add § 1.103(a) to our rules. Subsection (a) will first establish that the effective date of any Commission action shall be the date of public notice of such action, unless the Commission affirmatively designates a different effective date. Thus, unlike the current practice, no party hereafter will be allowed to act in reliance upon a Commission action prior to the date of public notice, unless the Commission designates otherwise. Subsection (a) will further provide that the Commission, on its own motion or on motion by any party, may designate an effective date for its actions that is either earlier or later than the date of public notice.[2] Any party preferring to have an immediate effective date is urged to file a timely motion so that the Commission may consider that motion along with the other substantive matters in the same proceeding. Finally, subsection (a) will provide that the designation of a different effective date will have no bearing on specified periods during which pleadings and other documents must be filed for the purpose of seeking further agency or judicial action. Those periods will commence on the date of public notice, as defined in amended § 1.4(b) of the rules.

9. Because new § 1.103(a) creates a relationship between the effective date and the public notice date of Commission actions, we wish to restate the meaning and importance of a public notice. Public notice means legal notice, namely, the notice to the public that is required by the Administrative Procedure Act. The primary purpose of public notice is to formally advise all interested parties and the public of the fact that the Commission or the staff has taken action with respect to some matter. The date on which a public notice is issued has legal importance, since specified periods for filing pleadings and other documents begin to run from this date. As provided for in our amendments to Section 1.4(b), the date of public notice shall commence at 3 P.M. Eastern Time on the day after any of the following dates:

[1] There are Commission rules that provide effective date guidance for certain kinds of actions. Section 1.102 of the rules, 47 CFR 1.102, sets forth effective date guidance for staff actions taken pursuant to delegated authority. See also, § 1.427, 47 CFR 1.427, for guidance regarding the effective date for Commission rules.

[2] When an earlier effective date is designated, the Commission will ordinarily issue an order notifying the parties and the public of its action. However, the timing of the release of this order will not affect the designated effective date. In other words, if the Commission delays in issuing its order designating an earlier effective date, such delay will not cause the effective date to be changed.

(1) For documents in notice and comment rule-making proceedings, the date of publication in the **Federal Register.**

(2) For other documents released by the Commission (whether or not published in the **Federal Register**), the release date. A document is "released" by making the full text available to the press and the public in the Commission's Information Office. The release date appears on the face of the document. [Note omitted.]

(3) If the full text of an action document is not to be released by the Commission but a descriptive document entitled "Public Notice" is released, the date on which the descriptive "Public Notice" is released. [Note omitted.]

(4) If a document is neither published in the **Federal Register** nor released, and if a descriptive document entitled "Public Notice" is not released, the date on which the document is sent (*i.e.*, mailed, telegraphed, etc.) to persons affected by the action.

As explained below, we are specifying a particular time for the commencement of public notice in order to make any "race to the courthouse" a fair competition for all parties.

10. It must be emphasized that a Commission news release will never constitute legal public notice of any Commission action. Some confusion may persist because a news release is often referred to informally as a "Public Notice." In fact, the two items are distinctly different. A descriptive document entitled "Public Notice" constitutes legal public notice of certain Commission actions as provided for in Section 1.4(b) (3) and (4) of the rules. On the other hand, a news release is an unofficial description of certain Commission actions or other activities. A news release and its release date have no legal significance whatsoever. *See, e.g., Microwave Communications Inc.* v. *FCC*, 515 F.2d 385, 391–392 (D.C. Cir. 1974). Furthermore, when "Public Notice" is the method used to give legal public notice of a Commission action, the Commission ordinarily will not issue a news release to describe that same action.

11. New Section 1.103(a) will not disturb the current practice for actions taken by the staff pursuant to delegated authority. Under existing Section 1.102(b)(1) of our rules, 47 C.F.R. § 1.102(b)(1), staff actions "shall, unless otherwise ordered by the designated authority, be effective upon release of the document containing the full text of such action, or in the event such a document is not released, upon release of a public notice announcing the action in question." Read literally, Section 1.102(b)(1) would appear to set forth the same scheme for staff actions that we are adopting for full Commission action—namely—that the effective date of any action is the date of public notice, unless otherwise specified. The comments of DLA and BKO, summarized above, in effect stated that such a reading of Section 1.102(b)(1) could produce long and harmful delays between the adoption of an action by the staff and the effective date of the action. In response to these concerns, we recognize that, under current practice, the staff generally takes the posture that its actions become effective immediately. Although the staff may not always explicitly state that its action is effective immediately, the clear import of its actions is to allow parties to act without awaiting delivery of a written decision. For example, the staff frequently advises interested parties by telephone that final action has been taken so that those parties can act immediately. Nothing in this order is intended to or should change the way in which the staff operates. The staff will have the same discretion it has exercised in the past to make its actions effective immediately. For the sake of clarification, however, a "Public Notice" and any other document reflecting staff action will in the future indicate whether the action was made effective immediately. Apart from effective dates for staff actions, we also wish to make clear that the "3 P.M." rule adopted in this proceeding will apply to staff actions. Thus, the date of public notice for staff actions will begin at 3 P.M. Eastern Time on the day following the release of either the full text of the action or a descriptive "Public Notice" announcing the action. *See* Section 1.4(b) as amended.

Discussion: Finality of Commission Decisions

12. Uncertainty also persists as to when a Commission decision becomes final for purposes of seeking agency reconsideration or judicial review. The occurrence of that date of finality is significant because pleadings and other documents filed prior to that date could be dismissed as being premature. Similarly, pleadings filed after the expiration of a specified period commencing from that date could be dismissed as not being timely-filed. Finally, that date can be significant in proceedings where interested parties race to file their appeals with different appellate courts.

13. Section 402(c) of the Communications Act, 47 U.S.C. 402(c), generally provides that a "notice of appeal" to the court shall be filed "within thirty days from the date upon which public notice is given of the decision or order complained of." This provision applies to Commission actions enumerated in Section 402(b) of the Act. For parties seeking agency reconsideration, Section 405 of the Communications Act, 47 U.S.C. 405, provides that "a petition for rehearing must be filed within thirty days from the date upon which public notice is given" of the Commission action. Section 1.4(b) of the Commission's rules, as amended and discussed *supra*, provides guidance for determining the date of public notice for each kind of Commission action. Thus, with respect to relief sought under Sections 402(c) or 405 of the Act, an interested party need only consult Section 1.4(b) to determine when a Commission action becomes final for purposes of seeking further relief.

14. However, with regard to seeking judicial review for Commission actions other than those enumerated in Section 402(b), and in accordance with Section 402(a) of the Act, federal law elsewhere provides that "any party aggrieved by the final order may, within 60 days after its entry, file a petition to review the order * * *" 28 U.S.C. 2344. Since Section 2344 refers to the "entry" of a final order rather than "the date upon which public notice is given", confusion has persisted over whether § 1.4(b) of the rules should be applicable to the question of finality here.

15. For example, the United States Court of Appeals for the Second Circuit decided a case which involved the issue of when "entry" of a final order of the Commission occurred. *ITT World Communications, Inc.* v. *FCC*, 621 F.2d 1201 (2d Cir. 1980). That issue arose out of a Commission decision adopted at a public meeting on December 12, 1979. On that same day, an interested party filed a petition for review with the Second Circuit. Then on January 3, 1980, the Commission released a full text of its decision. On that same day, two other interested parties filed petitions for review within minutes of each other, one with the Second Circuit and the other with the United States Court of Appeals for the District of Columbia Circuit. All three petitions were filed pursuant to 28 U.S.C. 2344. Before the court could decide which party had won the race to the courthouse, it first had to decide when the race began, that is, when "entry" of the final order took place. The court concluded that the Commission's decision became final for purposes of seeking judicial review on December 12th, the date of the public meeting. Apparently, the court gave little or no weight to Section 1.4(b) of the Commission's rules. More importantly,

the court majority stated that the Commission has the authority to adopt clearcut rules for determining the finality of its decisions. As the court stated:

> If federal administrative agencies would promulgate straightforward regulations explaining how and when their reviewable orders are to issue, protracted procedural disputes born of the desire to win the race to the courthouse would largely be consigned to an early grave. *ITT World Communications, Inc.* v. *FCC, supra,* 621 F.2d at 1210, quoting *International Union of Electrical, Radio and Machine Workers* v. *NLRB,* 610 F.2d 956, 964 (D.C. Cir. 1979).

16. We are responding to this judicial invitation by adopting subsection (b) to new Section 1.103. The primary purpose of this new rule is to make clear that the statutory terms "entry" of a final order and "the date upon which public notice is given" have the same meaning and, therefore, that newly-amended § 1.4(b) of our rules will determine that date of finality. In particular, § 1.103(b) provides that *any* Commission action becomes final, for purposes of seeking agency reconsideration or judicial review, on the date of public notice as defined in § 1.4(b) of our rules.

17. As explained above, the amended § 1.4(b) specifies that public notice officially begins at 3 P.M. on a particular day. We have adopted this amendment in part to help avoid some of the problems encountered in *ITT World Communications, Inc.* v. *FCC supra.* In that case, there was considerable confusion as to when documents became officially available and when parties could file papers seeking relief from the courts. Notice of these facts can be especially important since different parties sometimes seek review of the same Commission action in different courts. By specifying a particular time as the beginning of public notice, we hope to make those races to the courthouse fair for all parties.[3] In sum, combining the amendments to § 1.4(b) with new § 1.103(b), it should be clear that, with respect to any Commission action, the date of finality shall be the date of public notice, the date of public notice shall begin at 3 P.M. Eastern Time, and pleadings and other documents seeking further relief may normally be filed commencing from 3 P.M. on that date.[4]

18. We have given careful consideration to the position of AT&T and RCAG that adoption of this rule of finality would foreclose a statutory right to seek immediate judicial review. As discussed above, Section 402(c) of the Communications Act and Section 2344 of Title 28, U.S. Code, contain such key words as "the date upon which public notice is given" and "entry" of a final order as guidance to determine the finality of a Commission decision. As the courts have stated, the Commission has the authority to interpret this language and specify the date of finality for its decisions. Moreover, we find nothing in the language of these sections, either express or implied, which suggests that a statutory objective would be violated or a statutory right foreclosed by a standard of finality such as the one we are adopting in this proceeding. If a decision adopted at a public meeting is made effective immediately, an aggrieved party always has the alternative of seeking immediate judicial relief in the form of a stay (or, if a party prefers, a stay from the Commission). *See* 28 U.S.C. 1651; 47 CFR 1.106(n). Finally, we wish to comment on RCAG's recommendation that, for certain decisions, the "race to the courthouse" should begin when the full text of the decision is released by the Commission and not when that decision is later published in the **Federal Register** (when such publication is presumably required). We note that under § 1.4(b) of our rules, as amended in this proceeding, **Federal Register** publication governs the date of public notice only with regard to documents in notice and comment rulemaking proceedings. Since an interested party generally cannot seek judicial review of a notice of proposed rulemaking, we assume that RCAG is directing its recommendation primarily toward those orders which adopt, delete, or amend a Commission rule. We do not wish to change § 1.4(b)(1) of our rules, especially since the Administrative Procedure Act requires **Federal Register** publication of "substantive rules of general applicability" and "each amendment, revision, or repeal" of such rules. See 5 U.S.C. 552(a)(1) (D) and (E).[5] Apart from this statutory requirement, we see no reason why interested parties cannot await formal publication before seeking judicial review. Again, if a party feels that delay will result in harm, that party can petition for an immediate stay from a court or the Commission.

19. In its comments, FCBA argues that a) no important public interest goal will be served by making parties wait for release of the Commission's decision before seeking judicial review, b) creating a distinction between "effectiveness" and "reviewability" will disserve the due process rights of parties, c) the proposal to designate earlier effective dates will lead to additional pleadings, probable delay, and bifurcated review, d) the proposal to fix the date of public notice on the day following the occurrence of certain events will cause confusion and delay, and may conflict with certain other rules, and e) the use of the terms "Public Notice" and "date of public notice", which have different meanings, will cause confusion. In the alternative, FCBA proposes that any "race to the courthouse" rules adopted herein exclude Section 402(b) actions, that the finality of Section 402(a) actions be determined on a case-by-case basis, and that newly-adopted rules be deemed final upon their release and not upon publication in the **Federal Register.**

20. We have carefully considered the arguments of the FCBA. Contrary to FCBA's view, we believe important interests will be served by making parties await the release of the Commission's decision before seeking judicial relief. Oftentimes, an Order adopted at a Commission meeting becomes subject to editorial changes after its adoption but prior to its release. In extreme cases, the Commission might adopt an Order at a meeting, send back the Order to the staff for editorial changes prior to release, only to have the Order so substantially changed that Commission consideration becomes necessary again. In one actual case, the Commission adopted an Order (in December, 1978) concluding that the language in a particular tariff was so ambiguous that the tariff could be given no effect. When the text of that Order was returned to the staff for editorial

[3] When the Commission designates an earlier effective date, parties may begin to act in reliance upon a Commission decision from that earlier effective date. However, the period for seeking agency reconsideration or judicial review will not commence until the subsequent date of public notice.

[4] The first sentence of § 1.4(b) generally provides that, for any action taken by the full Commission or its staff, the first day to be counted for computing pleading periods "is the day after the day on which public notice of that action is given." Since our new rules provide that the date of public notice begins at 3 P.M. Eastern Time on a given day, the first day to be counted for any pleading period shall be the next calendar day after that date of public notice. For example, assume that, on Monday, the Commission releases copies of a recently adopted memorandum opinion and order in accordance with § 1.4(b)(2). The date of public notice for that action will begin on Tuesday at 3 P.M. Eastern Time. The first day to be counted for any pleading period will be Wednesday.

[5] Although **Federal Register** publication is the controlling date for documents in notice and comment rulemaking proceedings, the Commission will try to release copies of these documents to the public on the same day that **Federal Register** publication occurs. However, in the event that copies are not made available on that same day, it is emphasized that the **Federal Register** publication date still controls for purposes of determining the date of public notice.

changes prior to release, it soon became apparent that the matter was wrongly decided. The Order was never released. Instead, the staff redrafted the Order, recommended a different conclusion, and returned it to the Commission for fresh consideration. The Commission adopted the new conclusion (July, 1979) and the Order was released soon thereafter. *See The Associated Press*, 72 FCC2d 760 (1979). Were we to adopt the FCBA proposal, the parties in that case could have filed their appeals after adoption of the first Order, only to discover later that the final Order ultimately released contained a different result than the one originally reached. Such a possibility would not serve the interests of the courts, the Commission, or the affected parties. Rather we believe our finality date rules are consistent with the realities of Commission decisionmaking, may encourage the parties to acquaint themselves with the Commission's written decisions before filing appeals, and may reduce the strain on judicial resources. We also fail to perceive how the due process rights of parties will be harmed in any way by postponing the right to appeal until the date of finality. As we have stated, any aggrieved party may seek a stay from the Commission or the courts after the adoption of a decision but before its full release. And further, if an appeal on the merits is filed and the court reverses the Commission's decision, any private actions taken by any parties pursuant to an effective date designation would have to be undone.

21. The FCBA also contends that our rule permitting designation of earlier effective dates will lead to more pleadings, probable delay, and bifurcated review. First, FCBA's prediction of more pleadings is greatly exaggerated. We believe that the insertion of one or two additional sentences (requesting a special effective date) in the primary pleadings will be sufficient. Such a request would not warrant a separate pleading. Nor do we believe that this rule will cause undue delay in our processes. Normally, determination of an order's effective date should not involve complex issues that would consume much time. We also do not foresee how our proposed rule here could lead to bifurcated judicial review since these new rules make clear that our decisions do not become final until the occurrence of certain events. See § 1.4(b) and new § 1.103(b). Thus, since the courts have recognized an agency's discretion to specify its own finality dates, an appeal (other than a petition for injunctive relief) filed prior to the finality date would be dismissed.

22. We also disagree with FCBA's contention that our proposal to fix the date of public notice on the day following the occurrence of certain events will produce confusion. On the contrary, we expect that the rules, once understood, will eliminate the current problems caused by the uneven release of Commission documents. However, we agree with FCBA that adoption of our proposed rules will require conforming amendments to other rules.[6] We have also tried to eliminate in this Order any confusion arising from the similar terms "Public Notice", which is a document, and "date of public notice", which is a day of the week.

23. Finally, FCBA urges the Commission to determine the finality of Section 402(a) actions on a case-by-case basis, rather than via the 3. P.M. rule, and further urges that, if this rule is adopted, it should exclude Section 402(b) actions since all such actions are appealable to only one court. As discussed above, we reject the case-by-case approach in favor of clearcut rules of finality because we believe this is the best way to eliminate disputes and also promote fair courthouse races. Although we recognize that courthouse races will not arise under Section 402(b) actions, we would rather, for the sake of clear uniformity, apply the finality rule to all appealable actions and we do not believe that parties to a Section 402(b) action will be inconvenienced or harmed in any way by complying with this rule.

Application of these Rules to Hypothetical Situations

24. The following hypothetical situations are presented to assist in understanding the meaning and impact of new § 1.103 and amended § 1.4(b):

Example 1: At a public meeting, the Commission considers an application to transfer control of a broadcast license. The Commission grants the transfer application, but directs the staff to make editorial changes in the draft Memorandum Opinion and Order. None of the parties to the proceeding moves the Commission to designate a special effective date, and the Commission takes no such action on its own. On the day following the public meeting, a news release announcing the Commission's action is issued. Two weeks later, an Order containing the full text of the Commission's decision is released to the public. As provided for in amended Section 1.4(B)(2) of the rules, the date of public notice shall commence at 3 P.M. Eastern Time on the day following the release date. Furthermore, as provided for in new Section 1.103(a), the public notice date of this action is also its effective date, since the Commission did not affirmatively designate a different effective date. Finally, the news release issued the day after the Commission's public meeting has no bearing on the determination of either the effective date or the date of public notice.

Example 2: At a public meeting, the Commission considers an application to transfer control of a broadcast license. The Commission grants the transfer application, but directs the staff to make editorial changes in the draft Memorandum Opinion and Order. Meanwhile, the transferee has already asked the Commission to designate an immediate effective date (if the Commission approves the transfer) on the ground that its private contract with the transferor might expire before the Order is released. At that meeting, the Commission designates an immediate effective date in accordance with new Section 1.103(a) and issues a separate order containing notice of this action. Thus, the parties are free to execute their private contract immediately. However, pursuant to Section 1.4(b)(2), the date of public notice will not begin until 3 P.M. Eastern Time on the day after the Order containing the full text of the Commission's decision is released.

Example 3: At a public meeting, the Commission considers an application to transfer control of a broadcast license. Even though no petitions to deny or other objections were filed, the application is presented for full Commission consideration because the proposed transaction raises important public interest questions. After resolving these questions in favor of the applicants, the Commission orders a grant of the application. Since the application is uncontested, the Commission does not plan to issue a Memorandum Opinion and Order or any other full text of its decision. Neither the parties to the application nor the Commission move for designation of a special effective date. Five days after the public meeting, a descriptive "Public Notice" announcing the action is released to the public. The date of public notice begins at 3 P.M. Eastern Time on the day after the release date, in accordance with Section 1.4(b) (3). Furthermore, pursuant to new Section 1.103(a), the public notice date of this action is also its effective date, since the Commission did not affirmatively specify a different effective date.

Example 4: At a public meeting, the Commission adopt a decision concluding that certain services offered by a common carrier do not violate the Communications Act. The Commission also grants a motion to designate an immediate effective date and issues a separate order containing notice of this action. Another party who had filed an opposition pleading intends to appeal the Commission's decision. The Memorandum Opinion and Order containing the full text of the Commission's decision is released two weeks after the public meeting. As provided for in Section 1.4(b)(2), the date of public notice begins on the day after that release date. This Commission decision is appealable under Section 402(a) of the Communications Act, and therefore carries the potential for a courthouse race. That race to seek judicial review in different courts may begin at 3 P.M. Eastern Time on the date of public notice, in

[6] We will make conforming changes to the following rules: § 1.104 (b) and (d); § 1.106(f); § 1.108; § 1.115(d); § 1.429(d).

accordance with new Section 1.103(b) and amended Section 1.4(b) of the rules. The first day to be counted in computing the 60-day filing period (see 28 U.S.C. § 2344) would be the day after the date of public notice. *See* Note 4, *supra*.

Conclusion

25. Authority for adoption of the rule amendments contained herein is set forth in Section 4 (i) and (j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r).

Accordingly, it is ordered that, effective April 27, 1981, § 1.103 of the Commission's rules, 47 CFR 1.103, is added, § 1.4(b), 47 CFR 1.4(b), is amended, and the rules listed in Note 6 of this Order are amended, as set forth in the attached Appendices.

(Secs. 4, 303, 307, 48 Stat., as amended, 1966, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

PART 1—PRACTICE AND PROCEDURE

Appendix I

1. In § 1.4, the last sentence of paragraph (b) is revised, the notes following paragraphs (b)(2) and (b)(3) are removed, and paragraphs (b)(1), (b)(2), (b)(3) and (b)(4) are revised to read as follows.

§ 1.4 Computation of time

* * * * *

(b) * * *

The date of public notice commences at 3 P.M. Eastern Time on the day after any of the following dates:

(1) For documents in notice and comment rule-making proceedings, the date of publication in the **Federal Register.**

(2) For other documents released by the Commission (whether or not published in the **Federal Register**), the release date. A document is "released" by making the full text available to the press and the public in the Commission's Information Office. The release date appears on the face of the document.

(3) If the full text of an action document is not to be released by the Commission but a descriptive document entitled "Public Notice" describing the action is released, the date on which the descriptive "Public Notice" is released.

(4) If a document is neither published in the **Federal Register** nor released and if a descriptive document entitled "Public Notice" is not released, the date on which the document is sent (*i.e.*, mailed, telegraphed, etc.) to persons affected by the action.

* * * * *

2. A new § 1.103 is added to read as follows:

§ 1.103 Effective dates of Commission actions; finality of Commission actions.

(a) Unless otherwise specified by law or Commission rule (e.g. Sections 1.102 and 1.427), the effective date of any Commission action shall be the date of public notice of such action as that latter date is defined in § 1.4(b) of these rules: *Provided*, That the Commission may, on its own motion or on motion by any party, designate an effective date that is either earlier or later in time than the date of public notice of such action. The designation of an earlier or later effective date shall have no effect on any pleading periods.

(b) Notwithstanding any determinations made under subsection (a) of this section, Commission action shall be deemed final, for purposes of seeking reconsideration at the Commission or judicial review, on the date of public notice as defined in § 1.4(b) of these rules.

Appendix II

Remove headnote which appears immediately above § 1.101 of the Commission's rules and add the following:

Reconsideration and Review of Actions taken by the Commission and Pursuant to Delegated Authority; Effective Dates and Finality Dates of Actions.

Appendix III

Conforming Amendments

§ 1.104 [Amended]

1. In the first sentence of § 1.104(b), remove the words: "the date of release of the document containing the full text of such action, or in case such document is not released, after release of a public notice announcing the action in question."

Add the following: "the date of public notice of such action, as that date is defined in § 1.4(b) of these rules."

2. In the first sentence of § 1.104(d), remove the words: "the date of release of the document containing the full text of the final action on his petition, or in case the document is not released, after release of a public notice announcing the final action on his petition."

Add the following: "the date of public notice of such action, as that date is defined in § 1.4(b) of these rules."

§ 1.106 [Amended]

3. In the first sentence of § 1.106(f), remove the words: "the date of release of the document containing the full text of the action taken or, in case such document is not released, after release of a public notice announcing the action in question."

Add the following: "the date of public notice of the final Commission action, as that date is defined in § 1.4(b) of these rules."

§ 1.108 [Amended]

4. In § 1.108, remove all after the words: "within 30 days."

Add the following: "from the date of public notice of such action, as that date is defined in § 1.4(b) of these rules".

§ 1.115 [Amended]

5. In the first sentence of § 1.115(d), remove the words: "the date of release of the document containing the full text of such action, or in case such a document is not released, after release of a public notice announcing the action in question".

Add the following: "the date of public notice of such action, as that date is defined in § 1.4(b) of these rules."

§ 1.429 [Amended]

6. In the first sentence of § 1.429(d), remove the words: "after publication in the **Federal Register** of the document containing a full text of the action taken or, if the document is not published, within 30 days after the full text of the document is released."

Add the following: "from the date of public notice of such action, as that date is defined in 1.4(b) of these rules."

[FR Doc. 81-9035 Filed 3-24-81; 8:45 am]

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47 CFR Part 73

[BC Docket No. 79-219; RM-3099, RM-3273]

Radio Broadcast Services; Deregulation of Radio; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: Action taken herein corrects several minor errors contained in the Commission's Report and Order in the matter of deregulation of radio, published in 46 FR 13888, February 24, 1981.

DATE: March 17, 1981.

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

FOR FURTHER INFORMATION CONTACT: Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Released: March 17, 1981.

By the Commission:

1. On February 24, 1981 (46 FR 13888), the Commission released a *Report and Order* in the above-captioned proceeding. A few errors contained in

that *Report and Order* have come to light which warrant correction.[1]

2. Paragraph 111 of the body of the *Report and Order* should be corrected as follows:

111. The policies enunciated herein, along with the relevant rule changes set forth in Appendix A, will become effective [April 3, 1981], unless a stay of the effectiveness is requested and granted. After the effective date of these policies, applications for new stations, as well as applications for the assignment, transfer, renewal and/or modification of existing stations, will be modified as set forth in Appendix J, and all such applicants will be required to file only the information requested therein.

3. Additionally, a portion of paragraph 11 of Appendix A of the *Report and Order* is incorrect. In that paragraph, the part referring to § 73.3526(a) of the Commission's Rules should be corrected as follows:

(a) *Records to be maintained.* Every applicant for a construction permit for a new station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (1) of this paragraph. [Every permittee or licensee of an AM, FM or TV station in the commercial broadcast services shall maintain for public inspection a file containing the material described in (1), (2), (3), (4), (5), (6), and (7) of this paragraph. In addition, every permittee or licensee of a TV station shall maintain for public inspection a file containing the material described in (8), (9), (11), (12), and (13) of this paragraph;] every permittee or licensee of an AM or FM station shall maintain for public inspection a file containing material described in (14) of this paragraph. The material to be contained in the file is as follows:

* * * * *

3. Footnote 93 of the body of the document should be corrected to read:

[93] This will also apply to the [buyer's] portion of assignment and transfer applications.

4. Finally, in paragraph 9 of Appendix A, the notation "(a)" should be added at the very beginning of the portion of the text of § 73.1840, *Retention of Logs*, set forth therein and five asterisks (*) should be added at the end of that portion to indicate that no changes to § 73.1840(b) of the Commission's Rules are being made.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-9019 Filed 3-24-81; 8:45 am]

BILLING CODE 6712-01-M

[1] For clarity, entire paragraphs, as corrected, will be set out in this *Errata*. However, the portions of the paragraphs which reflect a correction are enclosed in brackets.

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47 CFR Part 73

[BC Docket No. 80-204; RM-3421]

Radio Broadcast Services; FM Broadcast Station in Auburn, Maine; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: The Report and Order in this proceeding inadvertently made reference to the assignment of FM Channel 260 to Auburn, Maine as a Class C channel. The Erratum serves to correct the designation of the assignment as Class B.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Released: March 17, 1981.

By the Chief, Policy and Rules Division:

The *Report and Order* in this proceeding, released February 25, 1981, (46 FR 15149) assigned Channel 260 in place of Channel 261A at Auburn, Maine. Inadvertently reference was made to the channel as a Class C assignment. The community of Auburn is located in the zone designated as Class B and petitioner had requested a Class B channel. Thus, the assignment of Channel 260 at Auburn should have been designated as a Class B channel. The ordering clause amending the FM Table of Assignments, paragraph 8, however, was listed correctly.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-9018 Filed 3-24-81; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 46, No. 57
Wednesday, March 25, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1007, 1011, 1030, 1032, 1046, 1049, 1050, 1062, 1064, 1065, 1068, 1071, 1073, 1076, 1079, 1094, 1096, 1097, 1098, 1099, 1102, 1104, 1106, 1108, 1120, 1126, 1131, 1132, and 1138

[Docket Nos. AO-10-A54, et al.]

Milk in the St. Louis-Ozarks and Certain Other Marketing Areas; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	AO Nos.
1062	St. Louis-Ozarks	AO-10-A54.
1007	Georgia	AO-366-A17.
1011	Tennessee Valley	AO-251-A22-R01.
1030	Chicago Regional	AO-361-A18.
1032	Southern Illinois	AO-313-A31.
1046	Louisville-Lexington-Evansville.	AO-123-A47.
1049	Indiana	AO-319-A31.
1050	Central Illinois	AO-355-A21.
1064	Greater Kansas City	AO-23-A53.
1065	Nebraska-Western Iowa	AO-86-A40.
1068	Upper Midwest	AO-178-A36.
1071	Neosho Valley	AO-227-A35-R01.
1073	Wichita, Kansas	AO-173-A37-R01.
1076	Eastern South Dakota	AO-260-A25.
1079	Iowa	AO-295-A34.
1094	New Orleans-Mississippi	AO-103-A41.
1096	Greater Louisiana	AO-257-A29.
1097	Memphis, Tennessee	AO-219-A37.
1098	Nashville, Tennessee	AO-184-A42.
1099	Paducah, Kentucky	AO-183-A37.
1102	Fort Smith, Arkansas	AO-237-A31.
1104	Red River Valley	AO-298-A30-R01.
1106	Oklahoma Metropolitan	AO-210-A43-R01.
1108	Central Arkansas	AO-243-A35.
1120	Lubbock-Plainview	AO-328-A23.
1126	Texas	AO-231-A48-R01.
1131	Central Arizona	AO-271-A23.
1132	Texas Panhandle	AO-262-A33.
1138	Rio Grande Valley	AO-335-A28.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions to proposed rule.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning proposed amendments to 29 milk orders. Central Milk Producers Cooperative requested the additional time.

DATE: Exceptions now are due on or before April 13, 1981.

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

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

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of time: Issued March 9, 1981; published March 12, 1981, (46 FR 16270).

Notice is hereby given that the time for filing exceptions to the above listed recommended decision is hereby further extended to April 13, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: March 19, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations

[FR Doc. 81-8986 Filed 3-24-81; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Burden of Proof in Enforcement Proceedings

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: The Nuclear Regulatory Commission is withdrawing a notice of proposed rulemaking that would have provided that the proponent of an order in Commission enforcement proceedings has the burden of proof, including the burden of going forward with the evidence and the ultimate burden of persuasion.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone: (301) 492-7678.

SUPPLEMENTARY INFORMATION: On July 21, 1977, the Nuclear Regulatory Commission (Commission) published in the **Federal Register** (42 FR 37406) a proposed amendment to its regulations, 10 CFR Part 2—"Rules of Practice for Domestic Licensing Proceedings," regarding the burden of proof in Commission adjudications. Under the proposed amendment to 10 CFR 2.732 the proponent of an order to amend, suspend, or revoke a license or to impose a civil penalty in an enforcement proceeding against a licensee would have both the burden of going forward with evidence (producing enough evidence to make a case) and the ultimate burden of persuasion (the need to establish the validity of a contention, or overcome opposing evidence), unless otherwise ordered by the presiding officer in a given case.[1]

Thirteen letters of comment were received on the proposed rule. Ten commenters favored the proposed rule change without reservation, one commenter generally favored the proposed rule, one commenter objected to shifting the ultimate burden of persuasion from the licensee to the proponent of an order and one commenter addressed a matter beyond the scope of the proposed rule.

[1] The proposed rule would have had the effect of reversing the decision of the Commission's Atomic Safety and Licensing Appeal Board in *Consumers Power Company* (Midland Plant, Unit Nos. 1 and 2), ALAB-283, 2 NRC 11 (1975), ALAB-315, 3 NRC 101 (1976). That decision held that the holder of a construction permit has the ultimate burden of persuasion in a Commission enforcement proceeding seeking revocation, suspension or modification of the permit.

After careful consideration of the proposed rule change and the letters of comment, the Commission has decided that the holding of the Appeal Board in the *Consumers Power Company* case should not be modified by Commission rule. Section 7(c) of the Administrative Procedure Act (APA), 5 U.S.C. 556(d), and relevant judicial interpretations of the APA require that, except as otherwise provided by statute, the proponent of an order has the burden of going forward with evidence. See *Environmental Defense Fund* v. *EPA*, 548 F.2d 998 (D.C. Cir. 1977). However, the proposed rule would have gone beyond the requirements of the APA and generally required the proponent of an order in enforcement proceedings (usually the NRC staff) to also carry the ultimate burden of persuasion. Having determined that the proposed rule change to 10 CFR § 2.732 is unwarranted, the Commission hereby withdraws the July 21, 1977 notice of proposed rulemaking on the burden of proof in enforcement proceedings and terminates this proceeding.

Dated at Washington, D.C. this 16th day of March 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-8839 Filed 3-24-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 230

[Release No. 33-6300; File No. S7-875]

Proposed Availability of Rule 242 to Certain Mining Companies; Definition of "Qualified Issuer"

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing for comment amendments to Rule 242, a small issue exemptive rule under Section 3(b) of the Securities Act of 1933, which would allow certain issuers engaged in the mining business to utilize that Rule in the offer and sale of their securities. The amendments would change the definition of "qualified issuer" by deleting the exclusion presently appearing in Rule 242(a)(5)(iii) and the Note thereto.

DATE: Comments must be received no later than May 15, 1981.

ADDRESS: All communications on this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-875 and will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202) 272-2644.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment amendments to Rule 242 [17 CFR 230.242] which would expand its availability to issuers which engage or intend to engage in significant mining operations.

Rule 242, promulgated under Section 3(b) of the Securities Act, provides an exemption from registration for sales of securities by domestic or Canadian corporate issuers to an unlimited number of accredited persons as defined in the rule, and to 35 non-accredited persons.[1] The availability of Rule 242 is limited to any "qualified issuer" which is defined as any domestic or Canadian corporation which: (a) is not an investment company; (b) does not engage or intend to engage in significant oil and gas operations; (c) does not engage or intend to engage in significant mining operations; and (d) is not a subsidiary or an issuer which would not be qualified to use the exemption. These restrictions on the availability of the Rule were included for two primary reasons. First, Rule 242 is in the nature of an experiment and represents a significant departure from traditional disclosure concepts. Second, the informational requirements of Rule 242 with respect to non-accredited purchasers, i.e., to provide the same kind of information specified in Part I of Form S-18 to the extent material, do not contemplate offerings of limited partnership interests or offerings by issuers engaged in significant oil and gas or mining operations. Form S-18 would not provide guidance as to the specialized disclosure which would be required to be made in connection with any such offering of securities.

In adopting Rule 242 the Commission further stated that if, as part of its ongoing review of Form S-18, revisions are made to the Form in order to expand its availability similar changes may be made in the Rule 242 definition of "qualified issuer." In a companion release the Commission today announced amendments to Form S-18 which expand its availability to certain mining companies and provide a new Item 7A which establishes disclosure standards for such issuers.[2] In light of this action, the Commission is proposing to amend the Rule 242 definition of "qualified issuer" by deleting subparagraph (a)(5)(iii). The proposal, if adopted, would permit certain mining companies to rely on that rule in the offer and sale of their securities.

Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an initial regulatory flexibility analysis in accordance with 5 U.S.C. 603 regarding the amendments to Rule 242 proposed herein.

The analysis notes that Rule 242 was adopted to provide small business with an alternative exemption from registration which overcomes certain problems encountered in utilizing other available exemptive rules. Since Rule 242 has been in the nature of an experiment, it has been available to a limited class of "qualified issuers," as defined in the Rule. The objective of the proposed amendments to Rule 242 is to expand this class to include certain mining companies. In light of the comparable amendments to Form S-18, to which the disclosure requirements of Rule 242 are tied, as well as the absence of any substantial or unique administrative or enforcement problems with the Rule, the Commission believes it is appropriate to consider this expansion. A copy of the initial regulatory flexibility analysis may be obtained by contacting Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, U.S. Securities Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, (202) 272-2644.

Text of Proposed Amendments

It is proposed to amend Part 230 of 17 CFR Chapter II by removing paragraph (a)(5)(iii) of § 230.242 and by revising paragraph (a)(5)(iv) and redesignating it as new paragraph (a)(5)(iii) and by redesignating paragraph (a)(5)(v) as paragraph (a)(5)(iv) as follows:

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

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

* * * * *

(a) * * *

(5) * * *

[1] Securities Act Release No. 6180 (January 17, 1980) [45 FR 6362].

[2] Release No. 33-6299 (March 18, 1981) [—— FR ——].

(iii) Is not a majority-owned subsidiary of an issuer which does not meet the qualifications for use of this rule as specified in paragraph (a)(5) (i) or (ii) of this rule.

(iv) * * *

* * * * *

Statutory Authority

The amendments to Rule 242 of the Securities Act of 1933 are being proposed pursuant to Sections 3(b), 4(l), and 19(a), of that Act.

(Secs. 3(b), 4(l), 19(a), 48 Stat. 75, 77, 85; sec. 209, 48 Stat. 908; 59 Stat. 167; sec. 6, 68 Stat. 684; sec. 12, 78 Stat. 580; 84 Stat. 1480; sec. 308(a) (1), (2), (3), 90 Stat. 56, 57; sec. 18, 92 Stat. 275; sec. 2, 92 Stat. 962; (15 U.S.C. 77c(b), 77d(l), 88s(a)))

By the Commission.

George A. Fitzsimmons,

Secretary.

March 19, 1981.

[FR Doc. 81-9004 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

POSTAL SERVICE

39 CFR Part 111

Establishment of Optional Endorsement Line in the Address Block or Label

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposal would add additional sections to chapters 4, 6 and 7 of the Domestic Mail Manual. The purpose of the additions is to allow mailers to prepare mailings of second-class, third-class (bulk rate), and bound printed matter using a specified optional endorsement line above the address block or on the address label instead of using the specified color coded pressure sensitive package labels. Pieces in packages of mail sorted to carrier routes may bear the optional endorsement line in the address block or on the label.

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

ADDRESS: Written comments should be sent to: Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday in Room 1610, U.S. Postal Service Headquarters, 475 L'Enfant Plaza West, SW, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Harry M. McCulloch, (202) 245-4097.

SUPPLEMENTARY INFORMATION: This proposal has been developed as a result of requests made by mailers. The expected benefits to be derived will be a reduction of mailers' costs by eliminating the need for pressure sensitive labels.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register.** See 39 CFR 111.1.

Part 467—Presort Requirements (See Exhibit 467)

1. In 467.1 add the following sentence at the end of .14: "For alternative procedure, see 468."; and add new part 468 as follows:

Part 468—Optional Endorsement Line in Address Block or Label

468.1 General

Mailers may prepare mailings without applying pressure sensitive package labels to the top copies of packages by using a specified optional endorsement line above the address block on each piece or on the address label on each piece.

468.2 Format Specifications

.21 First Line

The appropriate makeup information must be the first line to appear at the top of the address block or label.

.22 Clean Address Required

If the address block or address label contains any information other than: the name of the recipient; street, street number, apartment or suite number, building name, post office box, or other established address; and City, State, and ZIP Code, a blank line at least ¼ inch in height must be left between the address block and optional endorsement line.

.23 Size of Letters Used in Optional Endorsement Line

The information in the optional endorsement line must appear in capital letters whose size and line spacing is not less than the size and line spacing of the largest letters or characters used in the address block or in any portion of the address list, and must be the same type-font as those letters.

.24 Alignment of Right Margin (Right Justified)

The optional endorsement line must be placed so that no characters in any portion of the address block or on the address label are to the right of the last character in the optional endorsement line.

.25 Alignment of Left Margin (Left Justified)

The optional endorsement line must be filled with asterisks from the left margin of the label or address block (as defined by the position of the first character printed in the address block or on the address label) to the first character in the optional endorsement line.

Example

```
*********DIRECT  37401
BOB JONES
PO BOX 385
CHATTANOOGA, TN  37401
```

.26 Zip Code

With the exception of Carrier Route packages, State Distribution Center (SDC) packages, State packages and Mixed States packages, each optional endorsement line must include the applicable ZIP Code information.

.27 Prescribed Letters or Characters

Only capital letters of the alphabet, Arabic numerals, or asterisks may be used in the optional endorsement line.

.28 Valid Address

Each piece in the mailing must bear a valid address including a correct ZIP Code. Pieces bearing the optional endorsement line and an invalid address will be handled in accordance with the provisions of 159.

468.3 Examples of Optional Endorsement Lines and Formats

.31 Optional Endorsement Line Examples

a. FIRM PACKAGES
**********FIRM DIRECT 12345

b. CARRIER ROUTE
**********CAR-RT-SORT LS20

c. 5-DIGIT PACKAGES
**********DIRECT 12345

d. OPTIONAL CITY PACKAGES
**********BABYLON, NY 12345

e. 3-DIGIT PACKAGES
**********HOUSTON, TX 771

Note.—A unique 3-digit ZIP Code is defined as any 3-digit ZIP Code prefix which is assigned exclusively to a single large city with the last two digits of the ZIP Code identifying a delivery area within the city.

f. SCF PACKAGES
**********SCF, TX 750

g. OPTIONAL SDC PACKAGES
**********ALL FOR SDC

h. STATE PACKAGES
**********ALL FOR STATE

i. MIXED STATES PACKAGES
**********MIXED STATES

j. BMC PACKAGES (Parcel post only, see Chapter 7)
**********BMC Chicago, IL 608

.32 Optional Endorsement Line Format and Address Examples

a. This format may be used when nothing other than the addressee's name and address are printed on the label or the face of the piece in the address block.

```
**********FIRM DIRECT 20045
JQD COMPANY, INCORPORATED
529 14th STREET, NW, SUITE 1399
WASHINGTON, DC              20045
```

b. This format must be used when information in addition to the name and address of the intended recipient are printed on the address label or the face of the piece in the address block:

```
**********FIRM DIRECT 20045

XLQ987NOV  81NJDMNYDEMRAS37123458
     JQD COMPANY, INCORPORATED
     529 14th STREET, NW, SUITE 1399
     WASHINGTON, DC              20045
```

.33 Prohibited Formats

The following are examples of formats containing information or structures *which are not allowed:*

a.

```
017  00 000 00 0004157  GARCIA
   **********DIRECT 20013

   J. GARCIA
   POBOX 289
   WASHINGTON, DC       20013
```

Reason: Keyline printed above optional endorsement line. Optional endorsement line not aligned properly on left side (not left justified).

b.

```
MR   01 BIL *********  DIRECT  20013

          J. GARCIA
          POBOX 289
          WASHINGTON, D C       20013
```

Reason: Keyline on same line as optional endorsement line.

c.

```
1    *******E*****  DIRECT 20013
9
8    26*  439*
1    J. GARCIA                    *B
     WASHINGTON, D C       8
     20013
```

Reason: Stray characters in endorsement line. Endorsement line not aligned properly in address block (neither right nor left justified).

Part 667—Preparation of Bulk Rate Mailings (See Exhibit 667)

2. In 667.12 add the following sentence at the end of .123: "For alternative procedure, see 668."; and add new part 668 reading as follows:

Part 668—Optional Endorsement Line in Address Block or Label

Mailers who prefer using a specified optional endorsement line in place of pressure sensitive package labels must follow the procedures in 468.

Part 767—Preparation of Bound Printed Matter

3. In 767.4 add the following sentence at the end of .42b: "For alternative procedure, see 768."; and add new part 768 reading as follows:

Part 768—Optional Endorsement Line in Address Block or Label

Mailers who prefer using a specified optional endorsement line in place of pressure sensitive package labels must follow the procedures in 468.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401, 403)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-9088 Filed 3-24-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-1787-4]

National Emission Standards for Hazardous Air Pollutants; Benzene Fugitive Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended notice of public hearing and extension of public comment period.

SUMMARY: The public hearing has been postponed 70 days and the end of the public comment period extended 70 days for the proposed national emission standard for benzene fugitive emissions in response to a request from the American Petroleum Institute.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than August 14, 1981. Notice of intent to present oral testimony at the public hearing must be postmarked no later than July 7, 1981. The public hearing will be held on July 14, 1981. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than August 14, 1981.

ADDRESSES: Comments on the proposed standard should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-79-27, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The public hearing will be held at the EPA Administration Building Auditorium, Research Triangle Park, North Carolina, beginning at 9:00 a.m.

Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

FOR FURTHER INFORMATION CONTACT:

Susan Wyatt, (919) 541-5580.

SUPPLEMENTARY INFORMATION: On January 5, 1981, EPA proposed in the **Federal Register** (46 FR 1165) a national emission standard for benzene fugitive emissions. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards. This notice amends the date of the public hearing and extends the end of the public comment period.

Dated: March 19, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-9106 Filed 3-24-81; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 61

[AD-FRL-1787-5]

National Emission Standards for Hazardous Air Pollutants; Benzene Emissions From Benzene Storage Vessels

AGENCY: Environment Protection Agency (EPA).

ACTION: Amended notice of public hearing and extension of public comment period.

SUMMARY: The public hearing has been postponed 62 days and the end of the public comment period extended 62 days for the proposed national emission standard for benzene emissions from benzene storage vessels in response to a request from the American Petroleum Institute.

DATES: Written comments to be included in the record on the proposed standard must be postmarked no later than July 8, 1981. Notice of intent to present oral testimony at the public hearing must be postmarked no later than June 2, 1981. The public hearing will be held on June 9, 1981. Written comments responding to, supplementing, or rebutting written or oral comments received at the public hearing must be postmarked no later than July 8, 1981.

ADDRESSES: Comments on the proposed standard should be submitted (in duplicate if possible) to: Central Docket

Section (A–130), Attention: Docket Number A–80–14, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The public hearing will be held at the EPA Administration Building Auditorium, Research Triangle Park, North Carolina, beginning at 9:00 a.m.

Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5571.

FOR FURTHER INFORMATION CONTACT: Susan Wyatt, (919) 541–5580.

SUPPLEMENTARY INFORMATION: On December 12, 1980, EPA proposed in the **Federal Register** (45 FR 83952) a national emission standard for benzene emissions from benzene storage vessels. In that notice, EPA announced the date ending the public comment period and the date and location of the public hearing to receive public comment on the proposed standards. This notice amends the date of the public hearing and extends the end of the public comment period.

Dated: March 19, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–9105 Filed 3–24–81; 8:45 am]

BILLING CODE 6560–26–M

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44 CFR Part 67

[Docket No. FEMA–5875]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Deerfield, Cumberland County, New Jersey, previously published at 45 FR 52428 on August 7, 1980.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Deerfield, Cumberland County, New Jersey, previously published at 45 FR 52428 on August 7, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Due to a clerical error, the elevations for the locations listed as Upstream Corporate Limits and Downstream Corporate Limits under Maurice River were typed in reverse order. They appear correctly on the Flood Insurance Study (profile) and as follows.

Source of flooding	Location	Elevation in feet (NGVD)
Maurice River	Downstream Corporate Limits	*36
	Upstream Corporate Limits	*39

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

Issued: March 13, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–9008 Filed 3–24–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA–5875]

National Flood Insurance Program; Proposed Floor Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Harmony, Warren County, New Jersey, previously published at 45 FR 52428 on August 7, 1980.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Harmony, Warren County, New Jersey, previously published at 45 FR 52428 on August 7, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order that the locations listed within the Township of Harmony be more easily identified with the corresponding Flood Insurance Study and Rate Map, the descriptions should be amended to read as follows. The elevations cited correspond to those on the community's profiles and maps.

Source of flooding	Location	Elevation in feet (NGVD)
Delaware River	Conrail Bridge, approximately 22,800' upstream of Corporate Limits.	*213
Lopatcong Creek	Downstream Corporate Limits	*344
	County Route 519 (Upstream)	*370
	Approximately 1,000' downstream of Harmony Brass Castle Road.	*474
	Approximately 350' downstream of Harmony Brass Castle Road.	*487
	Harmony Brass Castle Road	*497
Buckhorn Creek	Approximately 1,750' downstream of Roxburg Station Road.	*296
Tributary No. 1 to Buckhorn Creek.	Approximately 550' upstream of County Route 519.	*341
	Approximately 635' upstream of Country Route 519.	*351
	Approximately 735' upstream of County Route 519.	*362
	Approximately 840' upstream of County Route 519.	*372
	Approximately 935' upstream of County Route 519.	*381
	Approximately 1,040' upstream of County Route 519.	*391
	Approximately 1,140' upstream of County Route 519.	*404
	Approximately 1,235' upstream of County Route 519.	*418
	Approximately 1,340' upstream of County Route 519.	*433
	Approximately 1,435' upstream of County Route 519.	*444
	Approximately 1,595' upstream of County Route 519.	*454

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

Issued: March 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9009 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-5843]

National Flood Insurance Program; Proposed Flood Elevation Determinations; correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Delaware, Hunterdon County, New Jersey, previously published at 45 FR 42701 on June 25, 1980.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Delaware, Hunterdon County, New Jersey, previously published at 45 FR 42701 on June 25, 1980, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a).

In order for the following locations to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Delaware River, Brookville Creek, and Wickecheoke Creek in the Township of Delaware, New Jersey, the descriptions should be amended to read as follows:

Source of flooding	Location	Elevation in feet (NGVD)
Delaware River	Upstream Corporate Limits	*98
Brookville Creek	New Jersey Route 29A 190' upstream from confluence with Delaware River.	*78
Wickecheoke Creek.	3,600 feet downstream of Rosemont Ringoes Road	*172
	Approximately 1,600' downstream of Rosemont Ringoes Road.	*186

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

Issued: March 16, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-9010 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 46, No. 57
Wednesday, March 25, 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 COMMERCE

International Trade Administration

Alta Bates Hospital, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81–00052. Applicant: Alta Bates Hospital, 3001 Colby Street at Ashby, Berkeley, California 94705. Article: Cobalt Teletherapy Patient Couch. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for the treatment of cancer. Application received by Commissioner of Customs: November 6, 1980.

Docket Number 81–00053. Applicant: University of California, Berkeley, Physics Department, c/o Purchasing Department, 2405 Bowditch Street, San Francisco, CA 94720. Article: 2 (Two) Each Ion source for Rare Gas Mass Spectrometry. Manufacturer: Swiss Federal Institute of Technology, Switzerland. Intended use of article: The article is part of an apparatus intended to be used to examine the rare gas isotopes in terrestrial and extraterrestrial rocks. Specific research will include dating studies, studies of primitive gases in the earth meteorites, and cosmic ray effects upon meteorites. Application received by Commissioner of Customs: November 12, 1980.

Docket Number 81–00054. Applicant: University of Illinois, Urbana, Illinois 61801. Article: Excimer-Multigas Laser, Model EMG 102. Manufacturer: Lambda-Physik GmbH and Co., West Germany. Intended use of article: The article is intended to be used for the following experiments:

(1) Multi-photon ionization of the rare gas atoms and krypton in particular,

(2) Excitation of several metal-halide molecular lasers by the photodissociation of a polyatomic molecule, and

(3) Study of the spectroscopic and kinetic properties of rare gas excimer molecules.

The article will also be used by graduate students for their thesis research. Application recieved by Commissioner of Customs: November 12, 1980.

Docket Number 81–00055. Applicant: Children's Hospital Medical Center, Department of Pathology, Elland & Bethesda Avenue, Cincinnati, Ohio 45229. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of human tissues obtained by needle or surgical biopsy procedures, rapidly fixed in glutaraldehyde or osmium tetroxide, embedded in epoxy resin, sectioned at .1 micra with an ultramicrotome, mounted on copper grids and treated with various heavy metal stains. The diseases to be investigated include disorders of skeletal muscle, liver, kidney skin and other tissues. Ultrastructural characteristics of tissues obtained from patients with particular diseases will be correlated with disease manifestation signs, symptoms and course and with observatons made on the same tissues examined with light and fluorescence microscopical techniques. Application received by Commissioner of Customs: November 12, 1980.

Docket Number 81–00056. Applicant: Rice University, Department of Chemistry, P.O. Box 1892, Houston, Texas 77001. Article: Eximer Laser, EMG 101. Manufacturer: Lambda-Physik GmbH, West Germany. Intended use of article: The article is intended to be used to investigate the ability of organic peroxides (R-O-O-R) and azoalkanes (R-N-N-R) to serve as energy transfer acceptors and electron donors and acceptors. It is also planned to determine the chemical structure of the products formed under direct and photosensitized irradiation. The objective of this research is to unravel the conflicting reports in literature on photosensitized decompositon of organic peroxides. Application received by Commissioner of Customs: November 12, 1980.

Docket Number 81–00057. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: X-Ray Fluorescence Spectrometer. Manufacturer: Rigaku, Japan. Intended use of article: The article is intended to be used for studies of thin films and bulk crystals and materials of organic and inorganic compounds used in photovoltaic devices. Experiments to be conducted are precursor qualitative and quantitative elemental composition analysis of solar cell materials and devices. The objectives pursued in the course of the investigations will be the determination of elemental composition of solar cell materials and devices. This determination will provide information useful for determining appropriate subsequent analysis and techniques which will ultimately provide insight into improvements in the solar cell devices. Application received by Commissioner of Customs: November 12, 1980.

Docket Number 81–00058. Applicant: Arizona State University, Department of Chemistry, Tempe, Arizona 85281. Article: Mass Spectrometer, MAT 312. Manufacturer: Varian MAT, West Germany. Intended use of article: The article is intended to be used for the study of structure elicidation of potential antitumor agents isolated from natural products. Sensitivity of the article will be employed in EI mode to separate and identify mixture components from low resolution data

(mass chromatograms). In addition, the article will be used for educational purposes in various chemistry courses. Application received by Commissioner of Customs: November 17, 1980.

Docket Number 81–00059. Applicant: University of Colorado, Health Sciences Center, 4200 East Ninth Avenue, Denver, Colorado 80262. Article: MM 165F Mass Spectrometer with DS 2050 Data System. Manufacturer: VG Micromass, Ltd., United Kingdon. Intended use of Article: The article is intended to be used to: (1) Investigate the origin of unusual compounds such as acidic gut bacteria metabolites found is samples from failure-to-thrive patients, (2) Exploit capabilities to obtain metabolic profiles on steroids and sugars by looking at unusual failure-to-thrive cases and patients with known problems who are on steroid therapy or who have known sugar imbalances, (3) Study prostaglandins, arachidonic acid metabolites and catechalamine-related compounds by negative ion chemical ionization studies, and (4) Perform collaborative research in prostaglandin quantitative analysis as well as the L-dopa and alpha-methyl dopa metabolism. The article will also be used to train postdoctoral fellows and graduate students in application of different modes of ionization and mass spectrometry to problems in biomedical research. Application received by Commissioner of Customs: November 18, 1980.

Docket Number 81–00060. Applicant: University of Alabama in Birminghan, University Station, Birmingham, AL 35294. Article: Electron Microscope, Model JEM–100CX. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of soft tissues (bladder intestine, gall bladder, kidney) from amphibian, kidney and heart muscle from rats, and prepared crystals and aggregates of naturally occurring and synthetic polypeptides and protein-lipid complexes. The primary objective of these studies is a more refined correlation of structure and function in transporting epithelia. This involves better understanding of membrane structure and epithelial architecture. Application received by commissioner of Customs: November 18, 1980.

Docket Number 81–00061. Applicant: National Institutes of Health, 9000 Rockville Pike, Bldg. 36, Rm. 4B17, Bethesda, MD 20205. Article: LKB 2128–010 Ultrotome IV Ultramictrotome. Manufacturer: LKB Produkter, Sweden. Intended use of article: The article is intended to be used for studies of myelinated tracts or nerves obtained surgically which may be chemically fixed and embedded or frozen before sectioning. The features characteristic of various types of myelin breakdown will be identified and described in research reports that will be published. Additional objectives include the localization of myelin constituents visualized electron microscopically in thin sections after using specific immunicytochemical staining procedures. Sections of high quality that vary in thickness must be obtained after use of many embedding media to fulfill the objectives. Application received by Commissioner of Customs: November 18 1980.

Docket Number 81–00062. Applicant: Veterans Administration Medical Center, 3350 La Jolla Village Drive, San Diego, California 92161. Article: Artifical Kidney Membrane Package. Manufacturer: Daicel Chemical Industries, Ltd., Japan. Intended use of article: The article is intended to be used for studies of Hemofresh ultrafilters used in conjunction with the artificial kidney fluid cycling equipment and experiments on patients where the performance of these new membranes will be evaluated from the standpoint of hydraulic permeability and solute clearance profile. The object of these investigations is to determine whether this new and uniquely designed membrane package performs in a manner superior to other experimental membranes now being evaluated in the treatment of patients with kidney failure who require artificial kidney treatment. Application received by Commissioner of Customs: November 18, 1980.

Docket Number 81–00063. Applicant: William S Middleton Memorial Veterans Hospital, 2500 Overlook Terrace, Madison, WI 53705. Article: Electron Microscope, Hitachi, Model H–300. Manufacturer: Nissie Sangyo America, Japan. Intended use of article: The article is intended to be used for ultrastructural studies of liver biopsies and culture in the evaluation of carcinogenic potential and mechanism of environmental compounds. The article will also be used for educational purposes in the courses: Pathology 730—Systemic Pathology and Toxicology 875—Environmental Toxicology and Pathology. Application receved by Commissioner of Customs: November 18, 1980.

Docket Number 81–00064. Applicant: University of Arizona, Bioscience West Bldg., Room 308, Tucson, Arizona 85721. Article: Top entry Configuration for JEM–100CX Electron Microscope. Manufacturer: JEOL, Japan. Intended use of article: The article is an accessory to an existing electron microscope which will be used for recording structural data of biological macromolecules. Application received by Commissioner of Customs: November 18, 1980.

Docket Number 81–00065. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, California 92903. Article: Electrophoresis Apparatus, Type VAP5 with Accessories. Manufacturer: Beader & Hobein GmbH, West Germany. Intended use of article: The article is intended to be used to prepare pure samples of lysosomes from cultured human cells. Of particular interest is the study of lysosomes from the human diseases mucolipidosis-type II and cystinosis, in which there are lysosomal abnormalities which can be studied more carefully by having the availability of pure lysosomes. Application received by Commissioner of Customs: November 18, 1980.

Docket Number 81–00066. Applicant: University of Texas Health Science Center, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Article: Hemodialysis membrane. Manufacturer: Asahi Medical Company Ltd., Japan. Intended use of article: The article is intended to be used for the study of plasma separation which is the method of separating from whole blood specific protein-containing components. Investigations will be conducted to define the kinetics of the membrane system in relation to specific proteins and evaluate the system as a feasible alternative to conventional, centrifugal-type plasmapheresis system. Application received by Commissioner of Customs: November 19, 1980.

Docket Number 81–00067. Applicant: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structural aspects of cellular nuclei, membranes, formed pigment granules and the extracellular matrix. The phenomena to be studied include: changes in nuclear and chromatin structure, morphogenesis of melanosomal granules, adherence of cells to extracellular matrices, and deposition of extracellular matrix fibers. Application received by Commissioner of Customs: November 19, 1980.

Docket Number 81–00068. Applicant: Fairleigh Dickinson University School of Dentistry, 110 Fuller Place, Hackensack, N.J. 17601. Article: KAG 72–KT Konig/Hofer Program Controlled Automatic Feeder and Accessories. Manufacturer:

Andreas Hofer, Switzerland. Intended use of article: The article is intended to be used in scientific research to evaluate the importance of various foods and nutritional status in dental caries (tooth decay) to determine the relationship between nutrient and dietary intake patterns to oral disease. The article permits the feeding of as many as 17 meals or snacks each day to a series of 72 laboratory rats in a predetermined sequence and frequency. Application received by Commissioner of Customs: November 21, 1980.

Docket Number 81–00069. Applicant: Fairleigh Dickinson University, School of Dentistry, 110 Fuller Place, Hackensack, N.J. 07601. Article: Chromium-steel Feeding Channels. Manufacturer: Andreas Hofer, Switzerland. Intended use of article: The article is intended to be used to modify the Konig/Hofer Program Controlled Automatic Feeder for long-term studies of the tooth decay potential of various foods. Application received by Commissioner of Customs: November 21, 1980.

Docket Number 81–00070. Applicant: Fairleigh Dickinson University, School of Dentistry, 1101 Fuller Place, Hackensack, N.J. 07601. Article: Drinking Vessel. Manufacturer: Andreas Hofer, Switzerland. Intended use of article: The article is intended to be used to expand the capability of the Konig/Hofer feeding system to study the tooth decay potential of liquid foods. These tubes are specially modified for use in the feeding system and allow for the programmed feeding of items, such as fruit juices, milk, and soft drinks to study the ability of these drinks to cause or prevent tooth decay. Application received by Commissioner of Customs: November 21, 1980.

Docket Number 81–00071. Applicant: Clemson University, Clemson, SC 29631. Article: Nuclear Magnetic Resonance Spectrometer, Model F–90Q and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by faculty members, post-doctoral fellows and graduate students in analytical, inorganic, organic and physical chemistry and biochemistry. Studies to be conducted will include: Investigation of Specific Binding Sites of Fatty Acyl-CoA on Enzymes and Study of Molecular Internal Motions. Application received by Commissioner of Customs: November 28, 1980.

Docket Number: 81–00072. Applicant: Northwestern University, 633 Clark Street, Evanston, IL 60201. Article: Laboratory Computer Interface Cards, 4 (502–32C) 1 and (502–19D). Manufacturer: Cambridge Electronic Design, Ltd., United Kingdom. Intended use of article: The article is intended to be used with a CED laboratory interface which is being used to investigate the response properties of single ganglion cells in the cat retina. Retinal ganglion cells encode visual information in the eye and transmit this information to the brain. In the experiments to be conducted the electrical activity of a single ganglion cell is recorded with a microelectrode. This data is transmitted through the laboratory computer where it is analyzed. Much of the experiment work will be done by graduate students as part of their dissertation work and by postdoctoral fellows. Application received by Commissioner of Customs: November 28, 1980.

Docket Number 81–00073. Applicant: California Institue of Technology, 1201 East California Blvd., Pasadena, California 91125. Article: Model 200/98 Superconducting Magnet and Cryostat. Manufacturer: Oxford Instrument, United Kingdom. Intended use of article: The article is intended to be used as part of a nuclear magnetic resonance spectrometer for the study of materials in solid and liquid crystalline phases. The classes of materials to be investigated include synthetic and biological polymers, fossil fuels, crystalline proteins and other crystalline materials, catalysts and surfaces and species absorbed on surfaces. Experiments to be conducted include determination of wideline and high-resolution nuclear magnetic resonance spectra of solid and liquid crystalline materials at a magnetic field strength of 4.7 Tesla, measurement of nuclear spin-spin and spin-lattice relaxation rates and monitoring the progress of chemical reactions by acquiring NMR spectra of reaction mixtures. In addition experimental work will be carried out to extend the scope and range of application of techniques in the field of nuclear magnetic resonance in solids. Application received by Commissioner of Customs: December 9, 1980.

Docket Number 81–00074. Applicant: Research Foundation of S.U.N.Y. at Stony Brook, State University of New York, Stony Brook, New York 11794. Article: Superconducting Analyzer with Channeltron, Model 424. Manufacturer: The Kearns Group, United Kingdom. Intended use of article: The article is intended to be used for studies of semiconductors and insulators. The phenomena to be studied are the reactions of specific surfaces with gases and vapors, chemsorption corrosion, uptake, epitaxy, etc. The article will also be used for graduate training in scientific research. Application received by Commissioner of Customs: December 9, 1980.

Docket Number 81–00075. Applicant: U.S. Geological Survey, 5293 Ward Road, Water Quality Laboratory, Arvada, Colo. 80002. Article: Gas Chromatograph/Mass Spectrometer/Data System Model MM 707GDS. Manufacturer: VG–Organic Limited, United Kingdom. Intended use of Article: The article is intended to be used in a number of different research programs including:

1. Identification of the organic compounds leached by water from oil shale retort wastes,
2. Identification of organic compounds in surface and ground waters,
3. Identification of organic pollutants in natural waters,
4. Elucidation of the chemical structure of natural organic polyelectrolytes, and
5. Identification of halogenated organic compounds in treated water supplies. Application received by Commissioner of Customs: December 9, 1981.

Docket Number 81–00076. Applicant: Wayne State University, 5050 Cass Avenue, Detroit, Michigan, 48202. Article: Gammacell–40 Irradiator with Accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used for the irradiation of small animals and tissue culture in studies of the following:

1. Regulation of immunologic tolerance in T lymphocytes.
2. Plasmid mediated metabolic versatility in *pseudomonas* and origin of drug resistance factors in enterobacteriaceae.
3. Mixed lymphocyte cultures in transplant patients.
4. Lymphocyte interactions in schistosomiasis mansoni. Application received by Commissioner of Customs: December 9, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty–Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–8975 Filed 3–24–81; 8:45 am]

BILLING CODE 3510–25–M

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational,

Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 80–00387. Applicant: Department of Defense, U.S. Navy, Mare Island Naval Shipyard, Code 134.2, Vallejo, CA 94592. Article: Electron Microscope, Model JEM 100GX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 2665 in the **Federal Register** of January 12, 1981. Article ordered: December 21, 1979.

Docket Number 80–00425. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, TX 77030. Article: Electron Microscope, JEM 200CX. Manufacturer: Japan Electron Optical Labs., Ltd., Japan. Intended use of article: See Notice on page 74958 in the **Federal Register** of November 13, 1980. Article ordered: March 1, 1980.

Docket Number 80–00433. Applicant: University of Washington, Interdis Research Center, Ophthalmology RJ–10, Seattle, WA 98195. Article: Electron Microscope, Model JEM 100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: See Notice on page 76721 in the **Federal Register** of November 20, 1980. Article ordered: August 7, 1979.

Docket Number 80–00440. Applicant: State University of New York, University Hospital, Health Sciences Center, Stony Brook, NY 11794. Article: Electron Microscope, Model EM 10 CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 76722 in the **Federal Register** of November 20, 1980. Article ordered: April 30, 1980.

Docket Number 80–00441. Applicant: Regents of the University of California, Department of Pathology, 501 HSW, San Francisco, CA 94143. Article: Electron Microscope, Model JEM 100S with Sheet Film Camera. Manufacturer: JEOL Ltd., Tokyo, Japan. Intended use of article: See Notice on page 76722 in the **Federal Register** of November 20, 1980. Article ordered: December 21, 1979.

Docket Number 80–00444. Applicant: Henry Ford Hospital, 2799 W. Grand Blvd., Detroit, MI 48202. Article: Electron Microscope, Model EM 109. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 2666 in the **Federal Register** of January 12, 1981. Article ordered: August 22, 1979.

Docket Number 80–00449. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: Electron Microscope, Model EM 10CA. Manufacturer: Carl Zeiss, West Germany. Intended use of article: See Notice on page 2666 in the **Federal Register** of January 12, 1981. Article ordered: July 25, 1980.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–8974 Filed 3–24–81; 8:45 am]

BILLING CODE 3510–25–M

Foundation for Cancer Detection, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the Regulations provides in pertinent part:

> The applicant shall *on or before the 20th* day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.
>
> * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have, the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 301.11. (Emphasis added).

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates *within the 20-day* period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

> * * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the **Federal Register** for publication, to the Commissioner of Customs, and to the applicant.

Docket Number 79–00285. Applicant: Foundation for Cancer Detection, The Texas Woman's Center, 7550 Fannin—Suite 124, Houston, Texas 77054. Article: Automated Ultrasonic Imager. Date of denial without prejudice to resubmission: April 10, 1980.

Docket Number 79–00346. Applicant: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709. Article: Mass Spectrometer System, Model MM 70–70. Date of Denial without prejudice to resubmission: May 16, 1980.

Docket Number 79–00401. Applicant: College of Medicine & Dentistry of New Jersey-New Jersey Medical School, Department of Pathology, 100 Bergen Street, Newark, NJ 07103. Article: LKB 2128–010/Ultrotome IV Ultramicrotome and Accessories. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 79–00414. Applicant: NIAID, NIH, DHEW—Rocky Mountain Laboratory, 903 S. 4th Street, Hamilton, MT 59840. Article: Nuclear Magnetic Resonance Spectrometer, Model FX–90Q(II) and Accessories. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 79–00441. Applicant: University of California—Riverside, Department of Biochemistry, Riverside, CA 92521. Article: Automated X-Ray Diffractometer System and Accessories. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 79–00456. Applicant: Sandia Laboratories, Sandia Corporation, P.O. Box 5800, Albuquerque, New Mexico 87185. Article: Thermoelectric Generator System. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 79–00464. Applicant: Department of the Interior, U.S. Geological Survey, Topographic Division, 12201 Sunrise Valley Drive, National Center #(526), Reston, VA 22092. Article: Stereoplotting Systems with Accessories, Model PG2. Date of denial without prejudice to resubmission: May 16, 1980.

Docket Number 80–00074. Applicant: University of California, Mechanical Engineering Department, 2020 Bainer Hall, Davis, CA 95616. Article: Ion Milling Machine. Date of denial without prejudice to resubmission: June 12, 1980.

Docket Number 80–00075. Applicant: Ricks College, P.O. Box 38, Rexburg, Idaho 83440. Article: Sound Mixing Console. Date of denial without prejudice to resubmission: April 29, 1980.

Docket Number 80–00080. Applicant: St. Paul Hospital, Daughters of Charity, 5909 Harry Hines Blvd., Dallas, Texas 75235. Article: 20 MeV Electron Linear Accelerator and Accessories. Date of denial without prejudice to resubmission: August 13, 1980.

Docket Number 80–00100. Applicant: Carnegie Mellon University, Carnegie Mellon Institute of Research, 5000 Forbes Avenue, Pittsburgh, PA 15213. Article: Variable Linear Temperature Programmer. Date of denial without prejudice to resubmission: August 8, 1980.

Docket Number 80–00110. Applicant: University of California, Purchasing Department, 1156 High Street, Santa Cruz, CA 95064. Article: Scanning Electron Microscope, Model Nanolab 7, with Lanthanum Hexaboride Emitter System. Date of denial without prejudice to resubmission: August 25, 1980.

Docket Number 80–00117. Applicant: Massachusetts Maritime Academy, Buzzards Bay, Massachusetts 02532. Article: Loadicator. Date of denial without prejudice to resubmission: August 8, 1980.

Docket Number 80–00155. Applicant: University of Illinois at Chicago Circle, Department of Physics, P.O. Box 4348, Chicago, Illinois 60680. Article: Excimer Laser, Model EMG 101. Date of denial without prejudice to resubmission: August 25, 1980.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-8976 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Spun Acrylic Yarn From Italy; Preliminary Results of Administrative Review of Antidumping Duty Order

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

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Duty Order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Italy. The review covers six exporters of this merchandise to the United States and the period from December 20, 1979 through March 31, 1980. The review has disclosed no imports of spun acrylic yarn from Italy and there are no known unliquidated entries. As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margins on the last known shipments. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3058).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 8, 1980, an antidumping duty order with respect to spun acrylic yarn from Italy was published in the **Federal Register** (45 FR 26384–5). The Department of Commerce ("the Department") published in the **Federal Register** of March 16, 1981 (46 FR 16921) a notice of intent to conduct administrative reviews of all outstanding antidumping findings or orders. As required under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has conducted an administrative review of the antidumping duty order on spun acrylic yarn from Italy. 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. The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of spun acrylic plied yarn primarily for machine-knitting, and are currently classifiable under items 310.5015 and 310.5049 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of six exporters of Italian spun acrylic yarn to the United States. The review covers the period from December 20, 1979, the date liquidation was suspended, through March 31, 1980.

This is the initial administrative review of this order, and there are no previous appraisement instructions ("master lists").

All the exporters stated that they did not export spun acrylic yarn during the period. The estimated deposit rate for these exporters is equal to the calculated margins on their last known shipments.

Preliminary Results of the Review

Our review shows no imports of spun acrylic yarn from Italy for the period from December 20, 1979 through March 31, 1980, and there are no known unliquidated entries. Interested parties may submit written comments on these

preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. The Department will publish the final results of the Administrative review including the results of its analysis of any such comments or hearing.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the fair value margin, 48.05 percent of the entered value, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

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

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

March 17, 1981.

[FR Doc. 81-8978 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

University of Washington; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 80-00376. Applicant: University of Washington, Seattle, Washington 98195. Article: Scanning Microdensitometer-Microscope, M85-0010B. Manufacturer: Vickers, United Kindom. Intended use of article: See Notice on page 68983 in the **Federal Register** of October 17, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument of apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a scanning mode (where the light beam scans a fixed sample) and a sensitivity of 5×10^{-15} grams per milliliter to corticotrophin. The Department of Health and Human Services advises in its memorandum dated December 11, 1980 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-8980 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Washington University, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00077. Applicant: Washington University, Lindell & Skinner, St. Louis, MO 63130. Article: Optically Contacted piezo-capicator etalon. Manufacturer: Queensgate Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used as part of a specially constructed astronomical observing instrument, to be used in studies of the major planets stellar objects, interstellar gas clouds, comets, planetary nebulae, and stars. Application received by Commissioner of Customs: December 9, 1980.

Docket No. 81-00078. Applicant: State of Rhode Island Department of Mental Health, Retardation and Hospitals, P.O. Box 8269, Cranston, R.I. 02920. Article: Electron Microscope, Model EM 10 CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study both autopsies and biopsy material of patients with neurological and psychiatric disorders for clinical and pathological investigations establishing diagnosis, follow up and results of treatments. This will establish the nature of the variety of chronic diseases affecting children and adults (elderly). With the article studies will be conducted to determine the ultrastructure of such pathological changes as neurofibrillary tangles searching for twisted or straight tubules—representing typical or atypical Alzheimer-type dementia. Further, the article will be used to determine the nature and type of viruses causing different kinds of encephalitides. In addition, the article is to be used when investigating many other diseases, e.g. viral and bacterial infections, metabolic disorders and certain renal diseases. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81-00079. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Colliding Beam-charge Exchange Module & Polarized Beam Inflector Module. Manufacturer: ANAC, Inc., Ltd., New Zealand. Intended use of article: The articles are components of polarized negative ion source being developed to produce beams of nuclear polarized hydrogen ions that will be injected into an accelerator, accelerated to high energy and delivered to experiments which will investigate the spin dependence of the nucleon-nucleon interaction at high energy. These investigations are typically carried out by directing the beams of polarized ions onto other materials (usually hydrogen, but not limited to hydrogen) and measuring the energy, directions and composition of the interaction components. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81-00080. Applicant: New England Deaconess Hospital, 194 Pilgrim

Road, Boston, MA 02215. Article: Dialetric & Induction Heating Equipment—LeVeen Thermotherapy. Manufacturer: Industrial Development Group, United Kingdom. Intended use of article: The article is intended to be used for the purposes of heating tumors (malignant) which are inoperable, and cannot be treated by any other methods. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81–00081. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, N.Y. 14853. Article: Two Excimer Lasers, Model EMG 101 with FL 2002 Dye Laser Accessory. Manufacturer: Lambda-Physik GmbH and Co., West Germany. Intended Use of Article: The article is intended to be used as an energy source to pump a high power tunable dye laser system. The high peak and average power of this total system will be used to do unique multiphoton experiments to determine the electronic structure and photophysics of molecules of high chemical interest. The article will also be used by a variety of graduate students and postdoctoral fellows who will learn the fundamental techniques of laser application to chemical research. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81–00082. Applicant: U.S. Department of Interior, Bureau of Mines, 4900 LaSalle, Avondale, MD 20782. Article: Accessories for Model H–600–3 Electron Microscope. Manufacturer: Nissei Sangyo America, Ltd., Japan. Intended use of article: The articles are accessories for an existing electron microscope which will be used to study mineral particulates related to environmental problems, asbestos, corrosion products, floation minerals, and geothermal scales. Application received by Commissioner of Customs: December 12, 1980.

Docket No. 81–00083. Applicant: Pennsylvania College of Optometry, 1200 West Godfrey, Philadelphia, PA 19141. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of Article: The article is intended to be used to study the ocular tissues as they are altered by either of diabetes mellitus, glaucoma, environmental radiation effects, and drug interactions. These ocular tissues are animal ocular tissues or human ocular tissues donated for the purpose of research and investigation on different disease processes. The article will also be used to train students (graduate) in detection of ultrastructural lesions occurring as a result of different diseases. Application received by Commissioner of customs: December 12, 1980.

Docket No. 81–00084. Applicant: University of Maryland School of Medicine, Department of Pathology, 660 W. Redwood Street, Baltimore, MD 21201. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues and macromolecular structures of biological origin in a system allowing TEM, SEM, STEM and analytical capabilities. The article will also be used in the course Path 712, Practical Electron Microscopy in which students will be introduced to modern microscopical principles and techniques in order that they may apply these methods to their research projects. Application received by Commissioner of Customs: December 12, 1980.

Docket NO. 81–00086. Applicant: University of Maine at Orono, Department of Zoology, Murray Hall, Orono, Maine 04469. Article: Flow Meter with four dials, Model #2536–B. Manufacturer: Rigosha and Co., Ltd., Japan. Intended use of article: The article is intended to be used to measure flow of water through a plankton net to permit estimation of juvenile eel abundance. Collections of juvenile eels will be made on consecutive ebb and flood tides using buoyed and anchored net arrays. The objective of the experiment is to determine the behavioral patterns exhibited by juvenile eels migrating upstream in a tidal estuary. Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81–00087. Applicant: NASA/Goddard Space Flight Center, Greenbelt, Rd., Greenbelt, MD 20771. Article: Excimer Rare Gas Halide Laser, Model TE–861M with Accessories. Manufacturer: Lumonics Inc., Canada. Intended use of article: The article is intended to be used for the following:

(1) Studies conducted using small molecules in the gas phase, e.g., water, ammonia, propyne, and acetylene.

(2) Study of small radical molecules such as CN, NH_2, OH, C_2 using the phenomena of dye laser induced fluroscence or spectroscopy.

(3) Studies on small radical molecules, e.g. C_2, C_3, and NH_2.

Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81–00088. Applicant: U.S. Department of Commerce—NOAA, National Marine Fisheries Service, Atlanta Environmental Group, RR 7A, Box 522A, Narragansett, RI 02882. Article: Undulating Oceanographic Recorder—Mark II. Manufacturer: Almondbury Development Co., Ltd., United Kingdom. Intended use of article: The article will be used in collection of plankton data and relevant environmental data to explain the significant decline of these organisms which serve as larval fish food and to ensure other key questions regarding the functional relationships between resources and environments. The foreign article will sample the plankton over an extended range of depth (instead of present single depth) and measure and record, in situ, a number of physical parameters even when timed at high speeds of vital importance in marine ecology as well as physical oceanography and meteorology. Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81–00089. Applicant: University of Georgia, Sea Grant College Program, Ecology Building, Athens, Georgia 30602. Article: Four Radar Units. Manufacturer: Sperry Marine Systems, Japan. Intended use of article: The article is intended to be used for the establishment of training facilities for a commercial fisheries training program. Navigational courses will be conducted to provide commercial fishermen and students interested in commercial fishing careers with the opportunity to obtain training in the operation of radar, fishfinding types of sonar and loran C. Application received by Commissioner of Customs: December 30, 1980.

Docket No. 81–00090. Applicant: St. Agnes Medical Center, Skin Bank, 1900 South Broad Street, Philadelphia, PA 19145. Article: Evaporimeter #EPIC. Manufacturer: Servo-Med AB, Sweden. Intended use of article: The article is intended to be used to take quantitative measurements of water evaporation from skin surfaces which have been altered as the result of thermal injury and evaluate:

1. Patient status,

2. The fluid requirements of the patient,

3. Effectiveness of treatments designed to as closely as possible, imitate the physiologic functions of normal skin.

Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81–00092. Applicant: Johns Hopkins University, Charles and 34th Street, Baltimore, Maryland 21218. Article: Electron Microscope, Model EM 109 and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be

used in conducting research of the following:

(1) Control of eukaryotic DNA replication and genetic recombination in *Xenopus laevis*.

(2) Work on the structure and function of contractile proteins involved in cell motility.

(3) Regulation of eukaryotic gene expression.

(4) Cellular and molecular mechanisms controlling DNA replication.

(5) The structure of the plasma membrane and how this structure permits this membrane to conduct its physiological function.

(6) Genetic characterization of imaginal disc development in *Drosophila* studied using lethal and temperature-sensitive mutants.

The article will be used to train graduate students and postdoctoral fellows in the use of an electron microscope in their research. Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81–00093. Applicant: Cornell University, University of Chemistry, Baker Laboratory, Ithaca, New York 14853. Article: Ion Microanalyzer, Model IMS–3F. Manufacturer: Cameca Instruments, France. Intended use of article: The article is intended to be used for research involving the study of three dimensional chemical composition of a wide variety of materials. Efforts on the quantification of elemental concentration obtained in ion microscopy will be a continuation of ongoing research. Typical areas of study are:

(1) Semiconductors—materials including silicon and the III–V semiconductors such as gallium arsenide, indium phosphide, and compounds grown epitaxially on these materials as substrates.

(2) Metals—lateral and in-depth distributions of impurity elements will be studied in metals chosen for their structural and engineering importance.

(3) Biological materials—materials will be thin tissue sections from both animal and plant sources.

The article will also be used for educational purposes by graduate students doing Ph.D. thesis studies. Application received by Commissioner of Customs: January 5, 1981.

Docket No. 81–00094. Applicant: Franklin Research Center, 20th & Race Streets, Philadelphia, PA 19103. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study biological cells and tissues and particulate matter. Included among these will be respiratory tissue in the normal and diseased state. An important aspect of these studies will involve the structure of elastin and collagen in the lung. Also inflammatory such as neutrophils and macrophages and the identification of particulate materials ingested by these cells will be studied. Application received by Commissioner of Customs: January 6, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Program Staff.

[FR Doc. 81–8977 Filed 3–24–81; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register**.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00095. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Microscope Goniometer Stage. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope which will allow for better resolution of rare earth oxides, minerals, and single crystals of semiconductors. The objectives of the investigation for which the article will be used will be to obtain structural knowledge of samples observed and to improve techniques for obtaining data from images of crystalline and amorphous samples. The article will also be used in the course Physics 591, Diffraction Physics—Elements of Microscopy to teach students the current theories pertaining to the field of electron microscopy as well as the application of those theories. Application received by Commissioner of Customs: January 6, 1980.

Docket No. 81–00096. Applicant: Uniformed Services, University of the Health Sciences, School of Medicine, 4301 Jones Bridge Road, Bethesda, MD 20014. Article: Electron Microscope, Model JEM 100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to support basic and clinical medical research projects requiring high resolution transmission electron microscopy and goniometry. The specific research applications include the following:

a. Interaction of parasites with host erythrocytes, leukocytes, phagocytes, and epithelial cells.

b. Localization and characterization of the components of malaria parasites and their altered host cells which are important in the immunologic protection against malaria.

c. Analysis of experimental malaria vaccines from blood stage antigen preparations.

d. Structural, cytochemical, and morphogenetic analysis of the knob alterations on the surface of erythrocytes infected with *Plasmodium falciparum*.

e. Parasite-induced cell, tissue, and organ histopathology.

f. Chemotherapy in parasite model systems.

g. Cellular interaction in the immune response *in vitro* and *in vivo*.

The principle objectives of the research programs in which the article will be used are a better understanding of the basic biological mechanisms involved in host-parasite interactions, particularly as they relate to immunological responses. The article will also be used for teaching graduate students, postdoctoral fellows, and staff, advanced techniques in electron microscopy. Application received by Commissioner of Customs: January 6, 1981.

Docket No. 81–00097. Applicant: Arizona State University, Tempe, AZ 85281. Article: Electron Milcroscope Specimen Holder, BLG No. 1. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope which will allow for better resolution of rare earth oxides, minerals,

and single crystals of semiconductors. The objectives of the investigation for which the article will be used will be to obtain structural knowledge of samples observed and to improve techniques for obtaining data from images of crystalline and amorphous samples. The article will also be used in the course Physics 591, Diffraction Physics—Elements of Microscopy to teach students the current theories pertaining to the field of electron microscopy as well as the application of those therories. Application received by Commissioner of Customs: January 6, 1981.

Docket No. 81–00098. Applicant: University of Illinois Medical Center, Research Resources Center (933 Bldg.), P.O. Box 6998, Chicago, Illinois 60680. Article: Electron Microscope, Model JEM 100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a wide range of research projects including but not limited to:

Synaptogenesis in the Trigeminal Mesencephalic Nucleus
Separation of the Neurons and Glia by Density Gradient Centrifiguation
Role of Microfilaments in Synthesis and Secretion
Retinal Degenerations
Characterization of Muscle Specific Clones-Heteroduplex R-Looping
Nucleolus and Nuclear Differentiation in the Oral Epithelium of Zink Deficient Rats
The Ultrastructural of Normal Primate Lung and Lung in Shock
The Ultrastructural of Nuclear Histones in Melanocytes and Melanoma
Neonatal and Other Incremental Lines in Human Enamel
Liposomes on Lymphoblasts
Dermopathology of Hair
Normal and Pathological Skin Cells
Dentogenesis in Frog's Teeth
The Maturation of Rat Incisor Enamel
Fixation of Tissues by Metallizable Chloro-s-triozines
Localization of Salivary Gland Virus Particles in SGV-Sensitive Cell Lines
Search of Virus Particles from Spontaneously Transformed Normal Calvarium Derived Tissue Culture Cells to Transplantable Neoplasms in Mice
Odontoblastic Process in Sclerotic End Formation.

Application received by Commissioner of Customs: January 6, 1981.

Docket No. 81–00099. Applicant: Greater Washington Educational Telecommuncations Assoc., Inc., Box 2626, Washington, D.C. 20013. Article: Teletext System. Manufactures: Norpak, Canada. Intended use of article: The article will be used in a research project to identify public response to a variety of teletext materials provided by, among others, educational institutions, newspapers, the U.S. Food and Drug Administration, the Federal Trade Commission, The District of Columbia government, the U.S. Office of Education, and the General Services Administration. The basic experiment is the measurement of viewer response to the teletext materials, using the data recorder integral to the receiver decoders. Ancillary to the basic experiment is measurement of the technical performance of the system when a variety of data rates, library length, etc., is employed. The experiment will yield data on public acceptance of teletext materials, permitting a determination whether teletext should be integrated into the nation's system of public telecommunications, and if so, what technical parameters and content are optimum. Application received by Commissioner of Customs: January 19, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–9068 Filed 3–24–81; 8:45 am]

BILLING CODE 3510–25–M

DHEW/PHS/CDC/NIOSH; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 3109 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 80-00267. Applicant: DHEW/PHS/CDC/NIOSH, Division of Physical Sciences & Engineering, Measurements Research Branch, 4676 Columbia Parkway, Cincinnati, OH 45226. Article: Gas Chromatograph/Mass Spectrometer, Model MM70/70. Manufacturer: VG Micromass Ltd., United Kingdom. Intended use of article: See Notice on page 41998 in the **Federal Register** of June 23, 1980.

Comments: No comments have been received with respect to this application.

Decision: Application denied.

Reasons: An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Discussion: In its response to Question 8.C.(2) the applicant alleges that the foreign article is the only instrument or apparatus which can provide a high resolution capability. The National Bureau of Standards (NBS) advises in its memorandum dated September 18, 1980 that a high resolution instrument enhances the applicant's research goals and is pertinent to the intended purposes. The determination of scientific equivalency is based on a comparison of the guaranteed pertinent specifications of the foreign article and similar specifications of the most closely comparable domestic instrument. The foreign article has a guaranteed resolution of 25,000 (10% valley definition). The most closely comparable domestic instrument is the Model 12-90-G(DF) and accessories manufactured by Nuclide Corporation (Nuclide). This domestic instrument guarantees a resolution of 30,000 (10% valley definition) (PUBS 1452–A–0974). NBS advises that the Nuclide instrument matches or exceeds the guaranteed resolution of the foreign article. The Department concurs.

The applicant in reply to Question 9 states that it did not seek a request for quote (RFQ) from domestic manufacturers. The applicant explained that as a Federal agency it is required to purchase such equipment (mass spectrometers) from those available on the General Services Administration (GSA) schedule. Also the applicant consulted catalogues, technical journals, etc. in which such instruments are advertised and concluded that to its knowledge there are no domestic manufacturers of high resolution mass spectrometers on or off the GSA schedule. Therefore, it saw no need to request bids on equipment that is standard and available as a stock item.

The Department has historically treated mass spectrometers as produced-on-order instruments. Subsection 301.2(j) of the Department's regulations defines produced-on-order instruments as those which a manufacturer lists in a current catalogue and is able and willing to produce and have available without unreasonable delay to the applicant. Nuclide offers standard produced-on-order mass spectrometers. The fact that the applicant's purchase policy limits

purchases to instruments on the GSA schedule is not relevant to the Department's procedures and cannot be considered in our scientific equivalency evaluation. Further, the applicant indicates that other sources of supply were reviewed. The failure to contact Nuclide is difficult to understand since Nuclide has been manufacturing mass spectrometers of the type desired by the applicant over 20 years. Nuclide in the past (at least as early as 1969) has published literature guaranteeing a resolution of 30,000 for its Model 12–90–G(DF) and has quoted that resolution in response to RFQs.

Therefore based on the foregoing, NBS advice, specifications in our files, and our own review of the application, we find that the Model 12–90–G(DF) is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-9069 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Discrete Semiconductor Device Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Discrete Semiconductor Device Subcommittee was formed to study transistor, diode, photoconductive, and thyristor semiconductor devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: April 14, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Conference Room B, 14th Street and Constitution Avenue NW., Washington, D.C. The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

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, 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.

Dated: March 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-9070 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Microcircuit Subcommittee of the Semiconductor Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Microcircuit Subcommittee was formed to study microcircuit and acoustic wave devices with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

TIME AND PLACE: April 14, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

AGENDA: General Session

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review of minutes of February 10, 1981 meeting.

(4) Subcommittee preparation for the next list review.

(5) Discussion of microprocessor peripheral circuits for educational purposes of the Subcommittee.

(6) Presentation on CMOS microprocessor capability. Executive Session

(7) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic 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, 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 closed 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 A. Cornejo, Office of the Director of Lisensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: March 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-9072 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Manufacturing Materials and Equipment Subcommittee of the Semiconductor Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered onAugust 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was approved for continuation on September 19, 1980 pursuant to the charter of the Committee.

The Semiconductor Manufacturing Materials and Equipment Subcommittee was formed to study the technical and strategic value of semiconductor device production equipment and materials for the purpose of maintaining a continuous review of the export control technical parameters, and the formulation of recommendations to the Commerce Department for parameter updating as appropriate for reasons of national security.

TIME AND PLACE: April 14, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The Subcommittee will meet only in executive session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: 202–377–2583.

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, 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.

Dated: March 20, 1981.

Saul Padwo,

Director of Licensing, Office of Export Administration.

[FR Doc. 81-9073 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Semiconductor Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductors, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States established or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: April 15, 1981 at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room B841, 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) Committee preparation for the next list review.

(4) Subcommittee reports:

a. Discrete Semiconductor Device,

b. Microcircuits and,

c. Semiconductor Manufacturing Materials and Equipment. Executive Session.

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic 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 Government 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 20, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-9071 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

Maritime Administration

[Docket No. S–687]

Manhattan Tankers Co., Inc., et al., Application

Notice is hereby given that Manhattan Tankers Company, Inc., Keystone Shipping Co., Keystone Tankship Corporation, and Fredericksburg Shipping Company have each filed an application with the Maritime Subsidy Board, pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1981, unless extended, to operate the SS's *Manhattan, Perryville, Golden Gate,* and *Fredericksburg, respectively, in the carriage of bulk raw and processed agricultural commodities in the foreign commerce of the United States from ports in the U.S. to ports in*

the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.-U.S.S.R. export bulk and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessels named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the applications and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before 4/7/81 notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act, and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject applications, the purpose of such hearing will be to receive evidence relevant to (1) whether the applications herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

Dated: March 20, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-8979 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-15-M

National Bureau of Standards

Federal Information Processing Standards 60-1, 61, 62, 63; Technical Verification Guidance

Correction

In FR Doc. 81-7090 appearing at page 15526 in the issue of Friday, March 6, 1981, please make the following changes:

(1) On page 15527, first column, fourteenth line, a comma should be inserted in between "60-1)" and "FIPS".

(2) On page 15527, first column, first full paragraph, last line, the number "69371)." should read "69317)."

(3) On page 15527, first column, last paragraph, ninth line, the word "and" should be removed from the sentence.

(4) On page 15527, second column, fourth full paragraph, seventh line, "ventor's" should read "vendor's".

(5) On page 15527, third column, second paragraph, first line, "61-1" should read "60-1".

(6) On page 15527, third column, following the third paragraph ending with the line "Speed Data Transfer feature", a new paragraph should be inserted that reads: "In order to be verified, all tape subsystems must implement the following commands:"

(7) On page 15527, third column, the word "is" should be inserted following the word "command" on the first line.

BILLING CODE 1505-01-M

Federal Information Processing Standards 60-1, 61, 62, 63; Technical Verification Guidance; Correction

In FR Doc. 81-7090 appearing at page 15526 in the **Federal Register** of Friday, March 6, 1981, right-hand column, under question 4.3, the list of commands is corrected to read as follows:

Write
Read Forward
Read Backward
Sense
Request Track-In-Error
Rewind
Rewind Unload
Erase Gap
Write Tape Mark
Backspace Block
Backspace File
Forward Space Block
Forward Space File
Data Security Erase
No/Operation

Dated: March 20, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-8961 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Auckland City Council (P265).

b. Address: Auckland Zoological Park, Grey Lynn, Auckland 2, New Zealand.

2. Type of Permit: Public Display.

3. Name and Number of Animals: California sea lions *(Zalophus californianus)*, 4.

4. Type of Take: The Applicant will take 4 sea lions from captive bred stocks.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11619, March 12, 1975). In this regard, no application will be considered unless:

(a) It is submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the appropriate agency of the foreign government;

(b) It includes:

i. a certification from such appropriate government agency verifying the information set forth in the application;

ii. a certification from such government agency that the laws and regulations of the government involved permit enforcement of the terms of the conditions of the permit, and that the government will enforce such terms;

iii. a statement that the government concerned will afford comity to a National Marine Fisheries Service decision to amend, suspend or revoke a permit.

In accordance with the above cited policy, the certification and statements of New Zealand government have been found appropriate and sufficient to allow consideration of this permit application.

5. Location of Activity: Sea Life Park, Waimanalo, Hawaii.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before April 24, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 18, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-9079 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to import marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222)

1. Applicant:

a. Name: Carnegie Museum of Natural History (P258A).

b. Address: Section of Man, 4400 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals:

Bearded seal *(Erignathus barbatus)*, 6+; Ringed seal (*Phoca hispida*), 11+; Bowhead whale (*Balaena mysticetus*), 1+; Unspecified whalebone, 3+.

4. Type of Take:

Anthropological specimen materials from seals taken in subsistence hunts and beach cast whalebones including bowhead whales will be imported into a curated collection.

5. Location of Activity: Holman Island, Northwest Territories, Canada.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before April 24, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statement and opinions contained in this appiication are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 18, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-9080 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, April 7, 1981, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, N.W., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C., March 17, 1981.

Charles H. Atherton,

Secretary.

[FR Doc. 81-9028 Filed 3-24-81; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Levels of Restraint Under a New Bilateral Wool and Man-Made Fiber Textile Agreement With the Socialist Republic of Romania, Effective April 1, 1981

March 19, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing levels of restraint for certain wool and man-made fiber textile products, produced or manufactured in Romania and exported during the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982, pursuant to a new bilateral agreement.

SUMMARY: By an exchange of notes dated September 3, 1980, the Governments of the United States and the Socialist Republic of Romania have agreed on a new Bilateral Wool and Man-Made Fiber Textile Agreement beginning on April 1, 1981 and extending through March 31, 1985. The agreement establishes, among other things, specific levels of restraint for textile products in Categories 443 (men's and boys' wool suits) and 643/644pt. (woven suits of man-made fibers). The agreement also

provides consultation levels for certain categories, such as Categories 465 (wool floor coverings) and 635 (women's, girls' and infants' coats of man-made fibers), which are not subject to specific limits and for which the levels of restraint may be adjusted during the agreement year. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the terms of the new bilateral agreement, to prohibit, during the twelve-month period beginning on April 1, 1981 and extending through March 31, 1982, entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in Categories 443, 465, 635 and 643/644pt. in excess of the designated levels.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

March 19, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the bilateral Wool and Man-Made Fiber Textile Agreement of September 30, 1980, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 1, 1981 and for the twelve-month period extending through March 31, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 443, 465, 635, and 643/644 pt., produced or manufactured in Romania, in excess of the following levels of restraint:

Category	15-mo level of restraint [1]
443	7,557 doz.
465	1,550,000 ft [2].
635	41,162 doz.
643/644 pt. [1]	24,537 doz.

[1] In Category 643/644, only TSUSA numbers 380.0464, 380.5176, 380.8451, 380.8452, 382.0478, 382.4282, and 382.8187.

In carrying out this directive entries of textile products in the foregoing categories, except Category 465, produced or manufactured in Romania, which have been exported to the united States on and after January 1, 1980 and extending through March 31, 1981, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the fifteen-month period beginning on January 1, 1980 and extending through March 31, 1981. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Category 465 that have been exported to the United States before April 1, 1981 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of September 3, 1980, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; consultations may be held to adjust levels of restraint for categories not subject to specific limits; and (2) administrative arragnements or adjustments may be made to resolve problems arising under these provisions of the agreement. Any appropriate adjustments under the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the textile cateogries in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementaion of Textile Agreements.

[FR Doc. 81-9026 Filed 3-24-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 20, 1981.

The USAF Scientific Advisory Board Ad Hoc Committee on Non-Nuclear Armament will meet on April 9th and 10th, 1981 from 8:30 a.m. to 5:00 p.m. at Picatinny Arsenal, Dover, NJ.

The Committee will receive classified briefings and participate in classified discussions relating to the Air Force Non-Nuclear Armament Development, Production and use. The meetings concern matters listed in Section 552b(c) ot Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly the meetings will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–4648.

[FR Doc. 81-9012 Filed 3-24-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Relocation of United States Military Enlistment Processing Command Headquarters from Fort Sheridan to Great Lakes, Ill.

AGENCY: Department of Defense, Department of the Army

ACTION: Final notice on the relocation of United States Military Enlistment Processing Command Headquarters and its subordinate element from Fort Sheridan, IL, to Building 3400, Naval Training Center, Great Lakes, IL.

SUMMARY: The Department of Defense announced that the United States Military Enlistment Processing Command (US MEPCOM) Headquarters and the Command's Central Sector Headquarters will move from Fort Sheridan, IL, to Building 3400, Naval Training Center, Great Lakes, IL. The previous 21 November 1980 announcement of this minor base realignment was subjected to a 30 day public review period (**Federal Register** Vol. 46, No. 5, 8 January 1981). After reviewing the public comments received, Department of Defense is proceeding

with relocation as previously announced. The move will be completed in two phases over the next 2 years.

This operationally advantageous move collocates the US MEPCOM Headquarters with elements of the Selective Service System in Building 3400 at Great Lakes. An automated data processing facility to be operated by US MEPCOM is being planned for installation in the building, which will be shared with the Selective Service System. The initial phase of the move will involve the Automated Data Processing Elements of US MEPCOM with 17 military and 11 civilian personnel actions. This initial phase is expected to be completed by May 1981 with the final phase scheduled for completion in April 1982. Building 3400 will also be occupied by elements of other Department of Defense Agencies.

This action will result in the move of a total of 124 military and 89 civilian positions to Great Lakes, which is about seven miles north of Fort Sheridan. The one-time cost of this action will be approximately $1 million, including relocation costs and the cost of renovation of portions of Building 3400 for US MEPCOM. However, projected annual savings are expected to be cost beneficial in that base operating support costs at Great Lakes will be lower.

US MEPCOM is one of the organizations included in the Army's study of the closure of Fort Sheridan announced on 26 April 1978. Also, the use of Building 3400 is one of the alternatives considered in that study. As a result of today's decision, the Fort Sheridan study will require some revision.

FOR FURTHER INFORMATION CONTACT: Perry J. Fliakas, Deputy Assistant Secretary of Defense (Installations and Housing), Washington, D.C. 20310 (202–695–7804).

Dated: March 20, 1981.

Paul W. Johnson,

Deputy for Installation and Housing ASA(IL&FM).

[FR Doc. 81–8865 Filed 3–24–81; 8:45 am]

BILLING CODE 3710–08–M

Medical Research and Development Advisory Panel, Pharmacology Subcommittee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee Meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Pharmacology.

Date of Meeting: April 22, 1981.

Time and Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public on 22 April from 0830 to 0945 hours to discuss the scientific research program of the Pharmacology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 0945–1200 hrs and from 1300–1600 hrs on 22 April 1981 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items. the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg. 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander:

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81–8866 Filed 3–24–81; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Community Education Advisory Council; Meeting Cancellation

AGENCY: Department of Education, Community Education Advisory Council.

ACTION: Notice of meeting cancellation.

SUMMARY: This notice is intended to notify the general public of the cancellation of the Community Education Advisory Council meeting scheduled for March 17 and 18, 1981 in Washington, D.C. Notice of the meeting was published in the **Federal Register**, Vol. 46, No. 39 on Friday, February 27, 1981 as required under Section 10(a)(2) of the Federal Advisory Committee Act.

SUPPLEMENTARY INFORMATION: The Community Education Advisory Council is authorized under Pub. L. 95–561. The Council is established to advise on policy matters relating to the interest of community schools.

Regulations governing advisory councils state that meetings cannot be conducted without a quorum. Therefore, it was necessary to cancel the March 17 and 18, 1981 Council meeting. The meeting will be rescheduled possibly in April and a subsequent announcement of the meeting will be published in this document.

Signed at Washington, D.C. on March 19, 1981.

Ron Castaldi,

Director, Community Education Program.

[FR Doc. 81–8873 Filed 3–24–81; 8:45 am]

BILLING CODE 4000–01–M

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: April 14, 1981, 1:30 p.m. to 5:30 p.m., Executive Committee meeting; April 15, 1981, 2:30 p.m. to 5:30 p.m. and April 16, 1981, 10:00 a.m. to 12:30 p.m., public hearings on the reauthorization of the Adult Education Act.

ADDRESSES: Biltmore Plaza, Kennedy Plaza, Providence, Rhode Island, on April 14–15; Providence Opportunities Industrialization Center, One Hilton Street, Providence, Rhode Island, on April 16.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., N.W., Washington, D.C. 20004 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs

under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Committee is open to the public. The proposed agenda includes:

Block Grants.
Rescissions.
FY-82 Appropriations.
Council Operational Budget.
Council Meeting Schedule.
Committee Activities.
Presentation to Commission on Adult Basic Education National Conference on Issues, Appropriations, Reauthorization, and Federal Policy for the Adult Education Act.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., N.W., Suite 323, Washington, D.C. 20004.

Signed at Washington, D.C., on March 19, 1981.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 81-8987 Filed 3-24-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Continued Operation of the Los Alamos National Scientific Laboratory at Los Alamos, New Mexico; Record of Decision

Decision

The Department of Energy (DOE) has evaluated the environmental impact of past and expected future activities at the Los Alamos National Scientific Laboratory (LANSL) site and alternative actions. Based on this analysis and national defense program needs, DOE has decided to continue operating the facility at a moderate growth rate while actively modifying procedures and facilities to eliminate or reduce environmental impacts resulting from the nuclear weapons research and development and other nonweapons programs.

Project Description

LANSL has operated at the Los Alamos, New Mexico, laboratory site for thirty-eight years. The environmental impact statement (EIS) for this site, DOE/EIS-0018, assesses actual and potential impacts on the surrounding environment from past operations with coverage of some further growth and evolution of research programs in new areas. The primary mission of LANSL has continued to be nuclear weapons research and development. However, other programs have been incorporated including development of peaceful uses of nuclear energy in such areas as fission reactors, space technology, controlled thermonuclear reactions, and medical and biological applications. Recently, there has been increasing diversification into nonnuclear research areas; notably, geothermal, solar, and the use of superconductor technology for energy storage and transmission. Adverse impacts from postulated accidents associated with these activities have been considered. Minute quantities of various effluents, including radioactive ones, are released to the environment during normal operations. However, a continuing, comprehensive monitoring program is carried out to assist in the control of all effluents, and improved systems of release control are installed as they are developed. The measurements made in the monitoring program are available to the public at all times and are assembled in the annual monitoring report for the LANSL site. The operation of LANSL is essential for the maintenance of the national defense program. It also contributes significantly to increased national self-sufficiency of energy resources. Systems developed to reduce environmental impact of these operations are available for use throughout the Nation.

Description of Alternatives

The following alternatives were considered by DOE in reaching its decision:

(1) No change from present facilities and operations. (No action alternative.)

(2) Cessation or relocation of programs to other sites to transfer environmental costs to other locations.

(3) Modification of future trends to include a major increase in growth which would induce impacts of new construction, land use, resource consumption, and increase waste disposal requirements.

(4) Limitation of adverse impacts during moderate growth by replacing or modifying facilities and procedures in order to reduce environmental impact as better technologies become available.

(5) Institutional change of limiting some adverse impacts by increasing water conservation, releasing additional lands for housing, and limiting public access to onsite roads.

Basis for Decision

Recent international events have underscored the needs for the maintenance of the Nation's defense program and the need to decrease the Nation's dependency on imported energy by promoting self-sufficiency by utilizing our own energy resources. The continued operation of LANSL by DOE is directed toward achieving these needs.

Requirements for nuclear weapons research, development, and production are mandated by Congress and the President as part of the overall national defense policy. DOE is responsible for carrying out this mandate. The principal activities at LANSL support DOE's effort in carrying out its responsibilities in the nuclear weapons program area, although increased emphasis is being placed on activities at LANSL for developing energy self-sufficiency.

Consideration of each of the above alternatives is as follows:

(1) *No Action.* If the no-action alternative were to be chosen, there would be no change in the present facilities and operations with the consequence of no change in continuing environmental impacts. This also means there would be no further construction or decommissioning of facilities, no change in rate of use of resources, no change in employment, and no change in the general nature of work performed. Because of the nature of work performed, i.e., applied and basic scientific research, this alternative is not tenable for more than a very short period. As phases of research are completed, the type of work would change which would frequently result in changes in the use of facilities and resources. The overall size of the laboratory employment could be held constant, and no new buildings would be constructed. This would permit research work to continue by modifying existing facilities to accommodate program changes. This course of action would lead to a limitation on the types of research and productivity as facilities become totally obsolete.

This no-action alternative would incur a continuation of environmental impacts at the present level. There would be no improvement by mitigation of impacts, and there would be some impacts that could become cumulatively larger, e.g., the amount of land committed to waste disposal. In addition, LANSL would become ineffective in assisting DOE in meeting its responsibilities for implementing new research and development activities mandated by Congress and the President.

(2) *Cessation or Relocation of Programs.* Cessation of planned nuclear weapons research programs or complete or partial relocation would result in reductions in environmental impacts. The discontinuation or relocation of these research programs would make other uses of the site possible, though not necessarily feasible. Complete cessation of all research programs, with no provision for meeting defense program needs elsewhere, would be contrary to Presidential directives and is therefore unacceptable.

Research on various energy technologies also has a high national priority. Thus, complete cessation of all programs at LANSL would result in some loss of research and development in these areas of national need.

Complete relocation of all research programs would eliminate many environmental impacts at the LANSL site without substantial loss of the benefits of research. However, such relocation is costly. Small parts of current operations could be moved to other DOE laboratories without expansion of their facilities. Most research is closely tied to major LANSL facilities that would have to be moved to, or reproduced at, other sites to permit continuation. Many of the special facilities would be both difficult to decontaminate and costly to relocate or rebuild. Certain structures could not be moved, yet have long remaining economic lifetimes. Complete decontamination and decommissioning of the entire LANSL facility could run into the hundreds of millions of dollars. Some radioactive waste disposal areas may be too costly to decontaminate sufficiently to allow unrestricted use.

Removal of the laboratory would delete at least $515 million annually in personal incomes and other laboratory-related expenditures from the New Mexico economy. The benefits derived from termination or relocation of research programs from LANSL would be partly dependent on the new uses of the existing facilities and site.

The termination or relocation of selected programs or facilities could reduce or eliminate some environmental impacts of the current operations without complete loss of benefits.

Radioactive airborne effluents and liquid wastes are treated to meet appropriate guidelines Total quantities released have been substantially reduced in recent years due to improvement of treatment systems. The net result of relocation would be eliminating the release of about 40 μCi of plutonium in airborne effluents and about 8 mCi of plutonium in liquid effluents.

The removal of LANSL activities to other locations would merely transfer many environmental impacts to other areas. Although reconstruction might lead to some reduced impacts at the new site in comparison with present operations, the equivalent expenditure on improvements to the existing site and facilities would be more productive.

(3) *Modification of Future Trends.* A major increase in growth of LANSL would include new construction and additional land use. There is ample developable space for a moderate growth without causing major impacts on total proportion of land used or greatly disturbing wild life habitat. Land areas have been identified that are suitable for development that would permit considerable expansion of facilities. Any expansion would likely increase consumption of water and energy resources in close proportion to the number of employees. Waste disposal requirements would also increase, but effluents might not necessarily increase because of better control and treatment. New construction and increases in employment would add greater economic input to the region. Since housing in the Los Alamos area is in short supply, accelerated growth would place even more pressure on the existing market and could push prices even higher. Water and energy use, as well as solid and liquid waste disposal for the community, would increase in proportion to total population.

(4) *Limitation of Adverse Impacts.* The preferred action is to continue operation of LANSL with moderate growth in employment. This increase is predicated on the likely expansion or addition of certain research programs. This growth would be accompanied by addition of facilities and/or modification of procedures and facilities and would eliminate or reduce the resultant impacts of operations.

A moderate growth rate could result from a change in programmatic emphasis, combination of programs, acceleration of programs, or a combination of all three. Major deviations would most likely result from substantive changes in national policy made at the congressional or executive levels of Federal Government. For example, a major new federally supported program to develop new energy technologies at a faster pace could lead to rapid expansion of at least some LANSL research activities. A consolidation of weapons research programs at LANSL could lead to a significant expansion of many research activities. Conversely, consolidation of weapons work at another laboratory could lead to a reduction at LANSL.

The modification of laboratory procedures or facilities with the objective of further reduction or elimination of environmental impact from present or future research operations can be accomplished productively and economically. New facilities will continue to be designed with due consideration to environmental impact. Basic mechanisms operate at LANSL with the goal of identifying and dealing with problems before they incur significant impacts. Systematic reviews of proposed projects, facilities, or procedures are conducted to identify any potential problems and to suggest alternatives or appropriate mitigating measures to be employed.

The ongoing environmental surveillance program is designed to document actual performance and detect trends that could indicate the development of undesirable conditions so that corrective measures can be initiated before significant impacts occur.

Several basic approaches to reduce environmental impact include replacement of facilities to permit continued operations with improved environmental controls, application of new or different technologies to existing operations, alteration of procedures, conservation, and long-range coordinated site planning.

(5) *Institutional Alternatives.* Some types of environmental impacts could be affected by institutional actions and, in many cases, would provide administratively simple ways of minimizing the impacts.

Potential exposure of members of the general public to radiation near some facilities could be reduced by restricting public access to the roads running across the site. This would require additional manned entrance gates at the laboratory boundaries. There would be a substantial effect on transportation patterns, resulting in inconvenience for many people.

An implementation of mass transit for laboratory employees in the local residential areas, coupled with parking controls or other incentives to encourage carpooling, could reduce gasoline consumption and the associated release of atmospheric pollutants.

Discussion of Environmentally Preferred Alternative

Alternative 4, the continued operation of LANSL with the limitation of adverse impacts by modification of procedures and facilities and by replacing or improving existing facilities to reduce

environmental impact, is the preferred course of action. Effluent improvement technologies continue to be developed, and installation of improved effluent mitigating measures, as they become available, should further reduce pollutant discharges to even lower levels than are detected at the present time.

Operation of the laboratory at a moderate growth rate to accommodate national needs with the continued improvement of environmental impact mitigating measures, coupled with institutional alternatives, is considered the environmentally preferred alternative. Although the institutional alternatives are not being implemented at this time, the Department will continue to pursue these alternatives as viable means for reducing adverse environmental impacts.

Considerations in Implementing the Decision

There must be a continuing review of proposed new projects for environmental aspects before they go forward, and projects will be balanced against programmatic needs of national security and national energy requirements. The present monitoring and sampling programs will be continued and further developed, as needed, to keep pace with new LANSL programs. All practicable means to minimize environmental harm will continue to be adopted. This includes upgrading of environmental release mitigating measures, such as the present active programs to improve waste management practices.

The LANSL site contains many archeological sites, and the present practice of archeological surveys prior to new construction will be continued with careful documentation.

The present active conservation program to reduce natural resource consumption will be continued and action taken to provide for minimizing energy and materials wherever such actions are reasonable.

The public is aware of programs at LANSL, and local effort will continue to be made to keep the public informed of research programs and any possible environmental impacts, as well as steps taken to minimize such impacts.

R. L. Morgan

Acting Assistant Secretary for Defense Programs.

March 9, 1981.

[FR Doc. 81-8990 Filed 3-24-81 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangements

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for shipment of enriched uranium/aluminum alloy fuels from the locations below to the DOE Savannah River facility for reprocessing and storage of recovered uranium.

Reactor and location	Kilograms of contained uranium
JMTR, Japan	55
Nereide, France	2

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security. These arrangements for returning U.S. origin highly enriched uranium (HEU) to the U.S. are consistent with U.S. non-proliferation policy in that they serve to reduce the amount of HEU abroad.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 19, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-8988 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Bonneville Power Administration

Intent To Develop Policy Guidelines and Methodology To Compute Billing Credits; Request for Public Comments

AGENCY: Bonneville Power Administration (Bonneville or BPA), Department of Energy.

ACTION: Notice of Intent to Develop Policy Guidelines and Methodology to Compute Billing Credits; Request for Public Comments.

SUMMARY: Pursuant to Section 6 of Pub. L. 96-501, the Bonneville Power Administration intends to develop policy guidelines and a methodology to compute billing credits. At this time, Bonneville is seeking suggestions, advice, and recommendations from interested persons which can be used to assist in the development of the initial proposal.

Bonneville expects to publish a Notice of Proposed Policy Guidelines and Methodology to Compute Billing Credits in the summer of 1981 following the prospective establishment of the Pacific Northwest Electric Power and Conservation Planning Council. That Notice will also include a schedule for public information and comment forums. Bonneville will explain its billing credit proposal and answer questions at the information forums. The comment forums will give interested persons an opportunity to present both oral and written comments on the proposal.

DATES: Effective Date: March 25, 1981. Suggestions and recommendations concerning the development of Bonneville's initial proposed billing credit policy guidelines will be accepted through June 30, 1981. In addition, BPA will endeavor to meet with all interested persons who may have questions concerning the billing credit requirement under Pub. L. 96-501. To request such a meeting, interested persons should contact the BPA Area or District Manager in their locality or the office of the Public Involvement Coordinator.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503-234-3361, ext. 4261. Toll-free numbers for Oregon callers, 800-452-8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California, 800-547-6048.

Mr. John H. Jones, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503-234-3361, ext. 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-345-0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406-755-6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509-662-4377, ext. 379.

Mr. Randall W. Hardy, Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.
Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, ext. 701.
Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: Section 6(h) of Pub. L. 96–501, the Pacific Northwest Electric Power Planning and Conservation Act (Act), directs Bonneville, upon request, to grant billing credits to customers for (1) independent conservation activities undertaken or continued by a customer or political subdivision served by such customer after the effective date of the Act (i.e., December 5, 1980), or (2) resources constructed, completed, or acquired by a customer, an entity acting on behalf of such customer, or political subdivision served by such customer after the effective date of the Act, that reduce the obligation of the Administrator to acquire resources under the Act. Retail rate structures which are voluntarily implemented by Bonneville customers and induce conservation or installation of consumer-owned renewable resources also qualify for billing credits upon the same showing as that required for other conservation activities or renewable resources.

The energy and capacity on which a credit to a customer is based shall be the amount by which a conservation activity or resource actually changes the customer's net requirement for supply of electric power or reserves from Bonneville. In addition, the credit for a conservation activity shall be set to credit the customer for the actual savings resulting from the activity, and the credit for a resource other than conservation shall be set to credit the customer for the net costs actually incurred by the customer or its representative in acquiring, constructing or operating the resource. In both instances, the rate impact to Bonneville's other customers shall not exceed the rate impact they would otherwise have experienced had Bonneville been obligated to acquire resources in an amount equal to that actually saved by the conservation activity or produced by the resource for which the credit is granted.

Prior to granting any billing credits, Bonneville must (1) publish notice in the **Federal Register**, and include the methodology the Administrator proposes to use in determining the amount of any credit; (2) include the cost of the credit in the annual or supplementary budget submittal to the Congress made pursuant to the Federal Columbia River Transmission System Act (16 U.S.C. § 38(j)); (3) require (with some exceptions) that resources in excess of a customer's reasonable load growth must have been offered to others for ownership, participation, or other sponsorship pursuant to subsection 6(m) of the Act; (4) require that the operators of any generating resource for which a billing credit is to be granted agree to operate the resource in a manner compatible with the planning and operation of the region's power system; and, (5) in the case of billing credits for major resources, provide for oversight provisions in the contracts therefor in accordance with subsection 6(i) of the Act, and comply with the procedures of subsection 6(c) of the Act.

Bonneville has formed an internal task force to develop billing credit policy guidelines and devise a methodology for calculating credits. Preliminary work has been performed for some aspects of this undertaking, including (1) initial development of fiscal year 1982 and outyear (through fiscal year 1986) contingency estimates of billing credit program obligations for rate design, budgetary, and financial planning purposes; and (2) tentative identification of technical and policy issues. Bonneville recognizes that compliance with the procedural requirements of section 6 applicable to billing credits and other resource options under the Act will be time consuming, and that, furthermore, it will not be able to determine what its obligations will be under the Act prior to execution of the new power sales contracts now being negotiated with its customers. Nonetheless, Bonneville has concluded that it is desirable to initiate development of the billing credit policy guidelines and methodology as soon as possible in order to satisfy the mandate to insure swift and timely implementation of the Act, and to promote the resolution of outstanding issues affecting resource planning, development, and acquisition in the Pacific Northwest. Therefore, Bonneville has elected to follow its Revised Procedure for Public Participation in Marketing Policy Formulation, and invites early public comment and review on the issues which it has so far identified and expects to consider in formulating proposed billing credit policy guidelines and methodology. In addition, Bonneville seeks from interested persons advice and recommendations on additional issues of which they may be aware. The issues Bonneville has identified include, but are not necessarily limited to, the following:

1. *Standards for applications,* including (a) appropriate information and timing of its submittal for planning, evaluation purposes, and compliance with NEPA and other applicable law and regulations; and (b) degree of notice to Bonneville, its customers, the Council, and other interested persons;

2. *Criteria to be used to establish eligibility for billing credits,* including how to establish consistency with the priorities of 4(e)(1), the considerations of 4(e)(2), and other applicable criteria and standards set forth in the Act;

3. *Frequency and duration of billing credits;* including the schedule and procedures for administering credits once approved;

4. *Determination and verification of amount of actual savings from eligible conservation activities;*

5. *Determination and verification of the amount of conservation or installation of consumer-owned renewable resources induced by retail rate structures;*

6. *Derivation of net costs,* including treatment of support costs, actually incurred by a customer or its representative for an eligible resource;

7. *Derivation of net costs,* of consumer-owned renewable resources induced by eligible retail rate structures;

8. *Program oversight,* including public review of Bonneville program development and implementation;

9. *Nature, content, and timing of prototype contractual provisions* for billing credits;

10. *Criteria to be used to classify credits to capacity and energy and reserves;*

11. *Services to be provided by Bonneville* for eligible activities or resources, including (a) specific types of services, (b) service priorities, in order, and (c) in event of system constraints, policy principles to guide the allocation of services;

12. *Criteria and procedures to govern integration and assure compatibility with regional power system operating and planning requirements;*

13. *Determination of Bonneville's marginal (avoided) cost* under the Act, i.e., whether shortrun or longrun incremental costs should be used for billing credit purposes;

14. *Method of making the rate impact test,* including the number of years to be considered as the test period;

15. *Definition of "multipurpose projects uniquely suitable for development"* by a customer;

16. *Coordination of billing credits* with other Regional Act programs and

activities to provide for the equitable distribution of benefits throughout the region. FOR FURTHER INFORMATION CONTACT: The Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4261. Toll-free numbers for Oregon callers, 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California, 800–547–6048.

Dated: March 13, 1981.

Earl Gielde,

Acting Administrator.

[FR Doc. 81–9067 Filed 3–24–81; 8:45 am]

BILLING CODE 6450–01–M

Public Utility Regulatory Policies Act; Order

AGENCY: Department of Energy, Bonneville Power Administration.

ACTION: Order rejecting standards for utility practices.

SUMMARY: By **Federal Register** notice of May 19, 1980 (45 FR 32752), Bonneville Power Administration (BPA) announced that it would hold hearings on June 18, 1980, and accept comments through July 18, 1980, regarding whether BPA should adopt certain utility standards required to be considered pursuant to Section 113 of the Public Utility Regulatory Policies Act (PURPA). Based on the hearings and written comments, the Bonneville Administrator on December 9, 1980, entered an order that the PURPA Section 113 standards pertaining to utility practices should not be adopted for Bonneville. The standards rejected pertained to master metering, automatic adjustment clauses, information to consumers, procedures for termination of electric service, and advertising, as defined by Section 113 of PURPA. Hearings were held on these standards. The Hearing Officer prepared a report, which was adopted by the Bonneville Administrator in promulgating the order. The full text of the Hearing Officer's Report and of the Administrator's Order follow:

Summary of Record, Report, and Recommendations of Hearing Officer Regarding PURPA Section 113 Standards

Introduction

Pursuant to a notice of hearing published on May 19, 1980, in the **Federal Register** (X–1),* hearings were held on June 18, 1980, at 9 a.m. and 7 p.m. in the Bonneville Power Administration (BPA) auditorium in Portland with respect to the utility practices standards proposed by Section 113 of the Public Utility Regulatory Policies Act (PURPA requires nonregulated electric utilities, after public notice and hearing, to consider each of five specified utility practice standards (Section 113(b)). BPA, as a Federal agency which sells electric energy and which is not regulated by a state regulatory authority, is a nonregulated electric utility which must make the PURPA considerations (Section 3). In addition to consideration of the specific standards, PBA to adopt each of the standards in order to carry out the purposes of PURPA (Section 113(a)). The determination must be in writing, based upon findings included in the determination, and based upon the evidence presented at the hearing (Section 113(c)). The determination must then be available to the public (Section 113(c)).

Pursuant to your memorandum of June 4, 1980, designating me as Hearing Officer for these PURPA hearings (X1), this report summarizes the record presented and makes recommendations as to your determinations concerning the Section 113 PURPA standards. The full record accompanies this report.

The purposes of PURPA and the purposes to be accomplished or accommodated in the application of the standards are specified by the statute to be:

"(1) Conservation of energy supplied by electric utilities;

"(2) The optimization of the efficiency of use of facilities and resources by electric utilities; and

"(3) Equitable rates to electric consumers."

PURPA institutes a dozen standards which are to be considered at hearings. You have adopted already the six standards dealing with ratemaking standards, with small modifications, by your Determination Order of November 19, 1979. The five other standards deal with utility practices; it is these which were covered by these hearings and will be covered by this report and recommendation. The statute describes these standards in the following language in Section 113(b):

"The following Federal standards are hereby established:

"(1) Master Metering. To the extent determined appropriate under section 115(d), master metering of electric service in the case of new buildings shall be prohibited or restricted to the extent necessary to carry out the purposes of this title.

"(2) Automatic Adjustment Clauses. No electric utility may increase any rate pursuant to an automatic adjustment clause unless such clause meets the requirements of section 115(e).

"(3) Information to Consumer. Each electric utility shall transmit to each of its electric consumers information regarding rate schedules in accordance with the requirements of section 115(f).

"(4) Procedures for Termination of Electric Service. No electric utility may terminate electric service to any electric consumer except pursuant to procedures described in section 115(g).

"(5) Advertising. No electric utility may recover from any person other than the shareholders (or other owners) of such utility any direct or indirect expenditure by such utility for promotional or political advertising as defined in section 115(h)."

Section 115 further explains these standards as follows:

"(d) Master Metering. Separate metering shall be determined appropriate for any new building for purposes of section 113(b)(1) if—

"(1) there is more than one unit in such building,

"(2) the occupant of each such unit has control over a portion of the electric energy used in such unit, and

"(3) with respect to such portion of electric energy used in such unit, the long-run benefits to the electric consumers in such building exceed the cost of purchasing and installing separate meters in such building.

"(e) Automatic Adjustment Clause. (1) An automatic adjustment clause of an electric utility meets the requirements of this subsection if—

"(A) such clause is determined, not less often than every 4 years, by the State regulatory authority (with respect to an electric utility for which it has ratemaking authority) or by the electric utility (in the case of a nonregulated electric utility), after an evidentiary hearing, to provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electric energy) by such electric utility, and

"(B) such clause is reviewed not less often than every 2 years in the manner described in paragraph (2), by the State regulatory authority having ratemaking authority with respect to such utility (or by the electric utility in the case of a nonregulated electric utility), to insure the maximum economies in those operations and purchases which affect the rates to which such clause applies.

"(2) In making a review under subparagraph (B) of paragraph (1) with respect to an electric utility, the reviewing authority shall examine and, if appropriate, cause to be audited the practices of such electric utility relating

*"X" numbers refer to exhibit numbers.

to costs subject to an automatic adjustment clause, and shall require such reports as may be necessary to carry out such review (including a disclosure of any ownership or corporate relationship between such electric utility and the seller to such utility of fuel, electric energy, or other items).

"(3) As used in this subsection and section 113(b), the term 'automatic adjustment clause' means a provision of a rate schedule which provides for increases or decreases (or both) without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by an electric utility. Such term does not include an interim rate which takes effect subject to a later determination of the appropriate amount of the rate.

"(f) Information to Consumers. (1) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility shall transmit to each of its electric consumers a clear and concise explanation of the existing rate schedule and any rate schedule applied for (or proposed by a nonregulated electric utility) applicable to such consumer. Such statement shall be transmitted to each such consumer—

"(A) not later than 60 days after the date of commencement of service to such consumer or 90 days after the standard established by section 113(b)(3) is adopted with respect to such electric utility, whichever last occurs, and

"(B) not later than 30 days (60 days in the case of an electric utility which uses a bimonthly billing system) after such utility's application for any change in a rate schedule applicable to such consumer (or proposal of such a change in the case of a nonregulated utility).

"(2) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility shall transmit to each of its electric consumers not less frequently than once each year—

"(A) a clear and concise summary of the existing rate schedules applicable to each of the major classes of its electric consumers for which there is a separate rate, and

"(B) an identification of any classes whose rates are not summarized.

"Such summary may be transmitted together with such consumer's billing or in such other manner as the State regulatory authority or nonregulated electric utility deems appropriate.

"(3) For purposes of the standard for information to consumers established by section 113(b)(3), each electric utility, on request of an electric consumer of such utility, shall transmit to such consumer a clear and concise statement of the actual consumption (or degree-day adjusted consumption) of electric energy by such consumer for each billing period during the prior year (unless such consumption data is not reasonably ascertainable by the utility).

"(g) Procedures for Termination of Electric Service. The procedures for termination of service referred to in section 113(b)(4) are procedures prescribed by the State regulatory authority (with respect to electric utilities for which it has ratemaking authority) or by the nonregulated electric utility which provide that—

"(1) no electric service to an electric consumer may be terminated unless reasonable prior notice (including notice of rights and remedies) is given to such consumer and such consumer has a reasonable opportunity to dispute the reasons for such termination, and

"(2) during any period when termination of service to an electric consumer would be especially dangerous to health, as determined by the State regulatory authority (with respect to an electric utility for which it has ratemaking authority) or nonregulated electric utility, and such consumer establishes that—

"(A) he is unable to pay for such service in accordance with the requirements of the utility's billing, or

"(B) he is able to pay for such service but only in installments.

"Such service may not be terminated.

"Such procedures shall take into account the need to include reasonable provisions for elderly and handicapped consumers.

"(h) Advertising. (1) For purposes of this section and section 113(b)(5)—

"(A) The term 'advertising' means the commercial use, by an electric utility, of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public or to such utility's electric consumers.

"(B) The 'political advertising' means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

"(C) The term 'promotional advertising' means any advertising for the purpose of encouraging any person to select or use the service or additional service of an electric utility or the selection or installation of any appliance or equipment designed to use such utility's service.

"(2) For purposes of this subsection and section 113(b)(5), the terms 'political advertising' and 'promotional advertising' do not include—

"(A) advertising which informs electric consumers how they can conserve energy or can reduce peak demand for electric energy,

"(B) advertising required by law or regulation, including advertising required under Part 1 of Title II of the National Energy Conservation Policy Act,

"(C) advertising regarding service interruptions, safety measures, or emergency conditions,

"(D) advertising concerning employment opportunities with such utility,

"(E) advertising which promotes the use of energy efficient appliances, equipment or services, or

"(F) any explanation or justification of existing or proposed rate schedules, or notifications of hearings thereon."

Although the statute mandates consideration by certain procedures of each of these standards and mandates some determination as to each standard, the statute also makes it clear that your determination may be either to implement or not to implement each standard. (Section 113(a) and 113(c).) You also are free, as to any standard, to implement it in part and not to implement it for other parts. Further, after you have made a determination as to any standard, you may change your policy with respect to that standard any time thereafter, on any grounds and with or without hearings.

The record of this hearing is very short, consisting of the six-page presentation by the Bonneville staff and six other short documents. The entire record is attached. The only real evidence offered on any standard was that of the staff; hence, this report is essentially a summary of the staff position. And the proposed order, which is also attached, adopts the staff proposals, which are to reject all of the PURPA utility practice standards, because none is applicable to Bonneville. Letters from two customers (X5 and X6) do not disagree with such a position.

Summary of Evidence: The Bonneville staff position appears in Exhibits 3 and 4.

Master metering is the sale and metering to an order of a large building, such as an apartment house or an office skyscraper, for use by the occupants, who pay for their electricity in their rent. The PURPA proposed standard suggests that each occupant be metered separately as a separate customer, for alleged conservation purposes. Since Bonneville has no such large building

customers, this standard does not apply to Bonneville.

Automatic adjustment clauses are rate schedule provisions allowing rates to increase or decrease, without action by a regualtory body, as fuel costs increase or decrease. Since Bonneville has no such clause, the PURPA proposed standard for automatic adjustment clauses is not relevant to Bonneville.

The PURPA proposed standard on information to consumers is directed at retail utilities and the information which they make available to households and businesses. Bonneville's practices relative to its wholesale customers, who are knowledgeable about electric power subjects than the average householder or businessman, are analogus to what PURPA suggests from an informational point of view. Bonneville, indeed, goes beyond what PURPA suggests in dissemination of information to the public and to the ultimate ratepayer. Hence, there is no need nor usefulness in Bonneville adopting the PURPA standards for information to consumers.

The proposed PURPA standard on procedures for termination of electric service is intended to protect the ill, aged, and temporarily poor from abuses of the utility's right to terminate service for nonpayment. Since Bonneville's customers are businesses and utilities, the standard on termination of services is not applicable to Bonneville. Furthermore, the subject of termination of service is included in the negotiated contracts which Bonneville has with its customers.

The proposed PURPA standard on advertising is aimed principally at privately owned utilities and suggests that they should recover the costs of promotional and political advertising from their stockholders rather than their ratepayers. This standard is not applicable to Bonneville because Bonneville engages in neither promotional nor political advertising.

Conclusion. The original objective of this entire procedure was to make the determinations statutorily required by PURPA. This objective has been maintained throughout and can be accomplished properly by your following through with a written determination as to each standard. There has never been any objection as to the sufficiency of any of the procedures legally and properly to attain that primary objective.

PURPA requires that EPA make determinations as to the applciation of the standards only to its not-for-resale customers, that is, only for direct-service industries and Federal agencies. PURPA does not apply to EPA sales for resale (Section 102[b]).

The evidence supports only the rejection of all of the PURPA utility practice standards. I find that none of these standards, if applied to Bonneville, would contribute materially to conservation of energy, nor to optimization of efficiency of use of facilities or resources by Bonneville, nor to equitable rates for electric consumers. Thus, the adoption of these standards would not tend materially to accomplish the purposes of PURPA.

I, therefore, recommend that none of the utility practices standards of PURPA be adopted.

Attached for your consideration is a draft of a proposed determination order by which Bonneville would decline to adopt all of the PURPA standards on utility practices.

Respectfully submitted this 8th day of December 1980.

Determination Order by Bonneville Power Administration on Public Utility Regulatory Policies Act Utility Practices Standards.

Whereas the Congress of the United States enacted the Public Utility Regulatory Policies Act of 1978 (PURPA), which pertains to Bonneville Power Administration (Bonneville) as an electric utility which sells electric energy;

And whereas Section 113 of PURPA required Bonneville to hold a hearing about certain standards as to utility practices and to make a determination concerning the applicability to Bonneville of those standards;

And whereas, upon due notice, Bonneville on June 18, 1980, held hearings in due form before Robert L. Jones, the duly designated Hearing Officer, and heard testimony and took evidence concerning the utility practices standards;

And whereas the Hearing Officer has filed with the Administrator of Bonneville a Summary of Record, Report, and Recommendations of Hearing Officer Regarding PURPA Section 113 Standards and has filed also the complete record of the hearings and evidence;

And whereas Bonneville has considered the record and evidence of said hearings and has considered the Summary of Record, Report, and Recommendations of the Hearing Officer;

And whereas Bonneville has considered each and all of the standards of Section 113 of PURPA and the appropriate applicability thereof the Bonneville as disclosed by the evidence of the hearings,

And whereas Bonneville hereby adopts the findings and recommendations of the Summary of Record, Report, and Recommendations of Hearing Officer regarding PURPA Section 113 Standards,

Now, therefore, Bonneville hereby orders that, until further consideration and determination, for the reasons set forth in the Hearing Officer's Report and Recommendation, the utility practices standards are hereby not adopted for Bonneville, to wit:

(1) Master metering. Master metering of electric service in the case of new buildings shall not be prohibited or restricted.

(2) Automatic adjustment clauses. Bonneville may effectuate rates pursuant to any automatic adjustment clause which it shall adopt.

(3) Information to consumers. Bonneville shall not be required to transmit to each of its electric consumers information regarding rate schedules in accordance with the requirements of Section 115(f) of PURPA.

(4) Procedures for termination of electric service. Bonneville may terminate electric service to any electric consumer in accordance with its contracts and the law.

(5) Advertising. Bonneville may recover from persons other that its owners any direct or indirect expenditure by it for promotional or polictical advertising as defined in Section 115(h) of PURPA.

It is further ordered that no attorney fees nor witness fees shall be paid to any party or participant under Section 122 of PURPA.

Dated this 9th day of December 1980.

Sterling Munro,

Administrator, Bonneville Power Administration.

Furnishing information: Bonneville will furnish information of PURPA standards in accordance with the Freedom of Information Act.

For further information contact: Further information, including copies of the exhibits mentioned in the Summary of Record, are available from Ms. Donna Lou Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4161. Toll-free numbers for Oregon callers 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800–547–6048.

Dated: March 17, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81-9062 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Proposed Modification of Duration of an Order Granting a Temporary Public Interest Exemption for Use of Natural Gas by an Existing Powerplant Under the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic regulatory Administration Department of Energy.

ACTION: Notice of Proposed Modification Extending Duration of an Order Granting a Special Temporary Public Interest Exemption.

SUMMARY: The Economic Regulatory Administration (EPA) of the Department of Energy (DOE) proposes to extend the duration of the Order issued to the Petitioner listed below for a period of time sufficient ot allow construction of natural gas pipeline interconnection, necessary payback period, plus an additional 18 months.

Petitioner/generating station	Identification No.	Original expiration date
Mississippi Power & Light Company (Gerald Andrus).	1	Dec. 7, 1981.

A copy of the proposed modification has been sent by certified mail to the petitioner.

The above listed petitioner was issued an Order granting a temporary public interest exemption pursuant to section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 USC § 8301 *et seq.* (FUA or the Act), 10 CFR § 501.68 and 10 CFR Part 508. The powerplant listed above is either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or is prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. The Order granting the temporary exemption allows the powerplant to burn natural gas, notwithstanding the prohibitions of section 301(a) (2) and (3) of FUA, to displace consumption of high sulfur residual fuel oil.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing section 311(e) of FUA. This final rule, 10 CFR Part 508 (44 FR 21230, April 9, 1979) sets forth the policy ERA has adopted in implementing section 311(e) of FUA, and the eligibility standards which petitioners for the temporary exemption must meet.

ERA issued an order granting a temporary public interest exemption to Gerald Andrus #1 on March 17, 1981 (46 FR 18336, March 24, 1981). The temporary exemption permits the existing electric powerplant to use natural gas as a primary energy source in excess of the amount which is permitted by section 301(a) (2) and (3) of FUA. The use of natural gas permitted under the temporary exemption was to displace the burning of high sulfur residual fuel oil in the existing powerplant.

ERA has been informed that the above listed petitioner is unable to utilize natural gas pursuant to the granted temporary exemption because there is no natural gas interconnection to this powerplant. Before a petitioner can commit to the construction of the interconnection it must have assurance that it will be able to utilize the natural gas for a period of sufficient length to recover the capital expense of installing the pipeline and accrue some economic benefit for its customers. Therefore, ERA proposes to extend the duration of the Order, for a period of time covering construction of a natural gas pipeline inter-connection, a payback period, plus an additional 18 months. If ERA issues a modified order extending the duration of the temporary exemption, the expiration date of such extension will be listed in the modified Order.

Without this extension, the issued Order will have no practical effect in promoting ERA's policy set forth in 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). In the Special Rule, ERA determined that to the extent that the near term choice for certain existing powerplants is limited to petroleum or natural gas, generally, the use of natural gas is preferred. The increased use of natural gas helps to reduce the Nation's short-term oil consumption and the demand for imported oil. This decreased consumption of imported oil helps the Nation's balance of payments and domestic inflation rate.

There are presently surplus quantities of natural gas available for short term contracts to displace fuel oil. The general natural gas supply and demand picture also looks more encouraging for the near future than it has in the recent past. ERA believes this additional displacement of fuel oil will have minimal impact on refineries serving the regions wherein this powerplant is located.

The duration of the exemption may be extended upon request of the petitioner for an additional period at the discretion of ERA. However, the temporary public interest exemption, including all extensions and the period during which the petitioner is allowed to burn natural gas while the petition is pending may not exceed the lesser of the maximum 5-year period authorized by the Act, or extend beyond June 30, 1985.

In addition, the modification would not relieve the exiting powerplant from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from public utility obligation to pertinent categories of customers.

COMMENTS: ERA is publishing this notice of proposed modification, to invite interested persons to submit written comments. In addition, any interested person may request that a public hearing be convened in regard to this proposed modification.

DATES: Written comments relating to the proposed modification are due on or before May 8, 1981. A request for a public hearing may be made by any interested person within this same 45 day period.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vanderberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055;

James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112D, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4268;

Henry K. Garson, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2967.

Issued in Washington, D.C. on March 17, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion Economic Regulatory Administration.

[FR Doc. 81-8991 Filed 3-24-81 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-22-LNG]

Gas Service, Inc., and Manchester Gas Company; Liquefied Natural Gas Import; Joint Application To Amend Authorization

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of application to amend liquefied natural gas import authorization to permit purchase price increase.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt on March 13, 1981, of a joint application of Gas Service, Inc. (GSI) and Manchester Gas Company (Manchester) to amend their natural gas import authorizations, in order to permit the purchase of liquefied natural gas (LNG) from Canada at a price of U.S. $6.4057 per MMBtu f.o.b. Montreal. Currently, these companies are authorized to purchase LNG from Canada at a price of U.S. $5.9357 per MMBtu f.o.b. Montreal.

The application is 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 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Marie E. Lanciotti (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, N.W., Room 7108, RG-55, Washington, D.C. 20461, (202) 653-3220.

Patricia J. Neel (Office of the General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Ave., S.W., Forestal Bldg., Room 5E-074, Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: GSI and Manchester are local natural gas distribution companies operating within the State of New Hampshire. During each contract year, GSI and Manchester are authorized to import into the United States from Canada up to 30,879 MMBtu and 41,172 MMBtu of LNG per year, respectively, from Gaz Metropolitan, Inc. (Gaz Metro). There are no take-or-pay or other similar purchase obligations associated with these imports.

In DOE/ERA Opinion and Order No. 26, issued on January 5, 1981, in ERA Docket No. 80-18-LNG, ERA authorized the importation of LNG from Canada by GSI and Manchester at a price of U.S. $5.9357 per MMBtu f.o.b. Montreal. This price consisted of the uniform border price for natural gas exported from Canada to the United States of U.S. $4.47 per MMBtu, plus a cost of service charge for LNG processing of U.S. $1.4657 per MMBtu.

On January 15, 1981, the Government of Canada announced a border price of U.S. $4.94 for natural gas exported to the United States, effective April 1, 1981. GSI and Manchester state that solely because of this increase, the delivered price of LNG on or after April 1, 1981, will increase to U.S. $6.4057 per MMBtu f.o.b. Montreal.

GSI and Manchester note that in DOE/ERA Opinion and Order No. 26, ERA found that this LNG supply will provide a peaking supply which is needed to avoid potential shortages on their systems. GSI and Manchester assert that the need for this imported LNG still exists and, therefore, it is not inconsistent with the public interest to approve this application.

Because the application was filed only 21 days prior to the effective date of the Canadian border price increase, April 1, 1981, we are limiting the intervention period to five days in order to provide sufficient time for ERA to consider this application. In the future, we expect GSI and Manchester to file such applications in a more timely fashion so that a longer period for intervention can be permitted.

Other Information

The ERA invites protests or petitions for intervention in the proceeding. Such protests or petitions 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 30, 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 applications noticed 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 19, 1981.

Barton R. House,

Acting Administrator, Economic Regulatory Administration.

[FR Doc. 81-9063 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Natomas North America, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: March 16, 1981.

FOR FURTHER INFORMATION CONTACT:

Crude Producers Branch, Attn: John Marks, Office of Enforcement, Room 5002, 2000 M Street, N.W., Washington, D.C. 20461, Telephone Number (202) 653-3517.

SUPPLEMENTARY INFORMATION: On August 8, 1980, the Office of Enforcement of the ERA published notification in the **Federal Register** that it executed a Consent Order with Natomas North America, Inc. (Natomas) of Houston, Texas on July 29, 1980, 45 Fed. Reg. 52865 (1980). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believe they have a claim to all or a portion of the refund of overcharges paid by Natomas pursuant to the Consent Order were requested to submit notice of their claim to the ERA.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. The Consent Order, therefore, was not modified.

Pursuant to the Consent Order, Natomas refunded the sum of $53,000 by certified check made payable to the United States Department of Energy. This sum has been placed into a suitable account pending determination of its proper distribution.

The following person submitted a claim to the ERA:

Tesoro Petroleum Corporation

Action taken: The ERA is unable readily to identify the persons entitled to receive the $53,000 or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the ERA has petitioned the Office of Hearings and Appeals (OHA) on March 16, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 18th day of March 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-9064 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP81-218-000]

Columbia Gulf Transmission Co.; Application

March 19, 1981.

Take notice that on March 2, 1981, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-218-000 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 a 2,700 horsepower Cooper Bessemer GMV-12 compressor unit and appurtenant facilities in Block 251, Eugene Island area, offshore Louisiana, 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 2,700 horsepower Cooper Bessemer GMV-12 reciprocating engine compressor unit and appurtenant facilities which would be located on an existing platform owned and operated by Exxon Company, U.S.A. (Exxon) in Block 251, Eugene Island area, offshore Louisiana. It is stated that Exxon is the operator-producer of approximately 35,700,000 Mcf of low-pressure natural gas to be compressed by the proposed facilities or alternatively lost to the interstate market. It is stated that installation of compression facilities would make the gas available for transportation for the account of Columbia Transmission Corporation, Applicant's affiliate.

Applicant states that the proposed facilities would be installed, operated and maintained by Applicant or others.

Applicant estimates the total cost of the proposed facilities to be $4,103,600 which would be financed by funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9 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. 81-9043 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-41]

Delhi Gas Pipeline Corp.; Extension of Transportation Service

March 19, 1981.

Take notice that on February 23, 1981, Delhi Gas Pipeline Corporation (Applicant), Fidelity Union Tower Building, Dallas, Texas 75201, filed in Docket No. ST79-41 a report pursuant to Section 284.126(c) of the Regulations under the Natural Gas Policy Act of 1978 that it intends to continue the transportation of natural gas for United Gas Pipe Line Company (United) for an additional two-year term, 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 entered into a July 16, 1979, transportation arrangement with United which provides for Applicant to receive natural gas at the points of delivery provided in gas purchase agreements between United and certain producers and to transport and redeliver such natural gas to United at specified redelivery points.

Applicant asserts that it commenced the transportation of gas for United on July 16, 1979, and now proposes to entend such transportation for a two-year period commencing July 16, 1981. It is stated that the total and daily volumes of natural gas to be transported during the two-year period are currently estimated at 16,100,000 Mcf and 22,000 Mcf, respectively, and that the estimate may change as additional gas reserves are developed and acquired by United and as existing reserves are depleted.

Applicant states that it would charge United rates of 31.0 cents, 30.0 cents and 20.0 cents per million Btu for the transportation service depending upon the location of the gas reserves and the point of delivery.

Any person desiring to be heard or to make any protest with reference to said report should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants

parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9044 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Michigan Wisconsin Pipe Line Co.; Application

[Docket No. CP81-206-000]

March 19, 1981.

Take notice that on February 24, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP 81-206-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline compression and measurement facilities and the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia), Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that High Island Offshore System (HIOS) makes deliveries of natural gas from the northerly terminus of its pipeline facilities to the pipeline systems of U-T Offshore System and Applicant in West Cameron Block area Block 167, offshore Louisiana (Block 167).

Applicant further states that HIOS has proposed to increase the firm capacity of its system from 988,000 Mcf of gas per day to approximately 2,610,500 Mcf of gas per day.

Applicant consequently proposes to increase the capacity of its offshore pipeline system to accommodate over 1,000,000 Mcf of gas per day of HIOS' redeliveries by constructing and operating the new facilities enumerated below:

(1) 39.0 miles of 30-inch O.D. pipeline loop between Block 167 and Applicant's Grand Chenier station in Cameron Parish, Louisiana;

(2) 16,000 horsepower of additional compression at Grand Chenier;

(3) Additional metering facilities at Grand Chenier necessary to measure the aggregate redeliveries from HIOS;

(4) A new interconnection with Tennessee at Grand Chenier enabling redeliveries to Tennessee at such location; and

(5) A new interconnection with Columbia Gas Transmission Company located north of Lowry, Louisiana, enabling redeliveries at least in part to be made for the account of Columbia.

Applicant states that the compression and the majority of the proposed measurement facilities would be installed at an existing measurement station site.

Applicant estimates the total cost of the propsed facilities to be $60,409,780 which would be financed initially with treasury and other internally generated funds together with short-term loans from banks.

Applicant also proposes to assist Columbia, Tennessee and Texas Gas in effectuating receipt of their gas supplies underlying the High Island area of offshore Texas. It is submitted that the firm quantity to be transported and the monthly rates per Mcf would be as follows:

Company	Contract demand (1,000 ft³)	Monthly demand rate
Columbia	110,000	$3.81
Tennessee	230,000	3.17
Texas Gas	103,360	3.08

Applicant states that it has made transportation arrangements with Columbia, Tennessee and Texas Gas which provide that each of the above shipper's redelivery volumes be reduced by 0.8 percent to compensate Applicant for its compressor fuel usage attributable to the aforementioned Grand Chenier compression.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20436, 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 Natur5al 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. 81-9045 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-204-000]

Mid Louisiana Gas Co.; Application

March 19, 1981.

Take notice that on February 23, 1981, Mid Louisiana Gas Co. (Applicant), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP81-204-000 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 the facilities necessary to provide the direct sale of natural gas to Copolymer Rubber & Chemical Corporation (Copolymer) on an interruptible basis, 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 has agreed to sell Copolymer up to 15,000 Mcf of natural gas per day beginning May 1, 1981, on a fully interruptable basis for use in Copolymer's Baton Rouge, Louisiana, plant. Under such agreement, Applicant states it would deliver the natural gas from its mainline transmission system to Copolymer at Copolymer's plant facilities.

Applicant further states that Copolymer would pay a base price of 300.00¢ per Mcf for the subject volumes. Applicant proposes to render the above-described service subject to *pro rata* interrruption as provided in a pending settlement agreement in Docket No. TC80-93.

Applicant asserts that in order to provide the proposed service to Copolymer it would be required to

construct and operate a metering station and appurtenant piping facilities. It is estimated that the cost of such construction would be $10,500.00 which would be financed from internally generated funds.

Applicant states that it would not apply to the Commission or join in any application to reclassify the subject volumes as essential agricultural or essential industrial process or feedstocks under Sections 401 or 402 of the Natural Gas Policy Act of 1978. Applicant therefore requests that the certificate issued herein be conditioned with the provision that the subject volumes would not be reclassified as essential agricultural or essential industrial processes or feedstocks under Sections 401 and 402 of the Natural Gas Policy Act of 1978.

Applicant further requests that all rate matters pertinent to the proposed service not be resolved in the subject docket but that they be reserved and disposed of in accordance with the final order in Applicant's general rate case filing pending in Docket No. RP80–113.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 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. 81–9046 Filed 3–24–81; 8:45 am]

BILLING CODE 6450–85–M

Mississippi River Transmission Corp.; Application

[Docket No. CP81–214–000]

March 19, 1981.

Take notice that on February 27, 1981, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP81–214–000 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 one new injection/withdrawal well and appurtenant facilities in Lincoln Parish, Louisiana, 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 one new injection/withdrawal well and appurtenant facilities in the east central section of Applicant's existing East Unionville storage field in Lincoln Parish, Louisiana. Applicant further proposes to construct and operate minor appurtenant facilities to connect the proposed new well to the field gathering system. It is asserted the new well would enable Applicant to monitor the southeastern movement of the storage gas that has been occurring in that field.

Applicant further contends that the construction of the well in the east central section of that field where no well currently exists would increase the operating efficiency and deliverability of gas from that field. Applicant avers, however, that the proposed facilities would neither increase the capacity of its overall system nor the total storage capacity in the East Unionville storage field.

Applicant estimates that the total cost of the proposed facilities to be $975,000 which would be financed by short-term loans and/or available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 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. 81–9047 Filed 3–24–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–210–000]

Texas Gas Transmission Corp.; Application

March 19, 1981.

Take notice that on February 24, 1981, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP81–210–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessary authorizing the construction and operation of natural gas facilities in Cameron and Jefferson Davis Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into contracts with several producers for the purchase of natural gas from fields located in the Tuscaloosa Trend Area of Louisiana which Applicant estimates cover proved and probable gas reserves approximately 590,000,000 Mcf.

Moreover, Applicant states that it is currently negotiating for the acquisition of other interests in these fields and intends to negotiate for the purchase of any additional reserves developed in the area.

It is stated that in order to effectuate the return of the gas purchased in the fields Applicant has entered into separate long-term transportation and exchange agreements with Louisiana Interstate Gas Corporation (LIG) and Louisiana Resources Company (LRC) dated January 29, 1981, and February 18, 1981, respectively.

Applicant asserts that under the agreement between Applicant and LIG, LIG would receive volumes of natural gas into its system for the account of Applicant as Applicant acquires reserves in the Tuscaloosa Trend Area. It is stated that points of delivery would be central points in the fields from which LIG would transport the gas purchased by Applicant through that part of its system known as the Tuscalossa Pipeline System and redeliver up to 125,000 Mcf per day for the account of LRC at a point near Plaquemine, Iberville Parish, Louisiana. It is further stated that any volume in excess of 125,000 Mcf per day would be redelivered by LIG to Applicant at an existing interconnection on Applicant's system located in Lafayette Parish, Louisiana. Applicant states that at the present time, LIG is tranporting approximately 60,000,000 Mcf of natural gas a day being purchased by Applicant from the fields on a short-term, self-executing basis as an interim measure during the initial production buildup period.

It is stated that LIG has advised Applicant that because of the manner in which LIG operates its system LIG is not able to sustain the delivery of volumes as would ultimately be required by Applicant at the Lafayette Parish point on either a short-term or a long-term basis.

Applicant states that, under the long-term agreement between Applicant and LRC, LRC would receive volumes of natural gas up to 125,000 Mcf per day delivered by LIG for the account of Applicant at Plaquemine and would redeliver by exchange on a firm basis an equivalent volume of up to 125,000 Mcf per day to Applicant at an existing point of interconnection between the facilities of Applicant and LRC in Cameron Parish, Louisiana. It is stated that since LRC's principal markets are in the general area of the Plaquemine delivery points and its principal gas supply in the Cameron Parish area accessible to Applicant's system, there are mutual advantages to both Applicant and LRC by this arrangement and consequently no rate or charge by either party for the service. However, Applicant would pay LIG 20.0 cents per Mcf for its service.

In order to permit Applicant to receive the volumes of natural gas presently being purchased and to be purchased in the fields as well as volumes to be purchased in the fields in the area into its system on a firm long-term basis, Applicant proposes to construct and operate certain natural gas facilities. Applicant specifically proposes to construct 32.23 miles of 20-inch O.D. loop pipeline from Grand Chenier, Cameron Parish, Louisiana, to Roanoke Junction, Jefferson Davis Parish, Louisiana. Additionally, Applicant proposes to install approximately 1,950 feet of 20-inch O.D. tie-over line between LRC's 16- and 20-inch lines and Applicant's Roanoke-Grand Chenier System, Cameron Parish, Louisiana, and to enlarge an existing metering station at such point. Applicant estimates the cost of the proposed facilities to be $14,546,580 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with referance to said application should on or before April 9, 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 detemining the appropriate action to be taken but will not serve to make the protestants parties to the a proceeding. Any person wishing to become a party to 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. 81-9048 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Transcontinental Gas Pipe Line Corp. and United Gas Pipe Line Co.; Notice of Application

[Docket No. CP81-217-000]

March 19, 1981.

Take notice that on February 27, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-217-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities in the offshore Texas area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they each have the right to purchase 50 percent of the natural gas reserves in the High Island area, South Addition, Block A-545 field (comprised of Blocks A-545, A-546, A-547 and A-548), offshore Texas.

In order to attach this new source of gas supply, Applicants propose to construct jointly as co-owners approximately 3.33 miles of 16-inch pipeline which would connect the existing production platform in Block A-548 with an underwater tap on the existing 30-inch pipeline of High Island Offshore System in Block A-546.

Applicants estimate that the cost of such facilities would be $5,870,000 financed initially by revolving credit arrangements, short-term loans or available funds. It is submitted that permanent financing would be undertaken as part of Applicants' respective overall long-term financing programs at later dates. It is further asserted that the cost would be shared equally by Applicants.

Applicants state that the proposed pipeline would have a maximum capability to transport volumes of up to 90,000 Mcf per day from Block A-545 field. It is further estimated that the reserves and deliverability of the field

would be 99,760,000 Mcf and 75,000 Mcf per day (1982), respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9049 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Transcontinental Gas Pipe Line Corp. and Columbia Gulf Transmission Co.; Application

[Docket No. CP81-209-000]

March 19, 1981.

Take notice that on February 24, 1981, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81-209-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 3.5 miles of 12-inch pipeline in offshore Texas, all as more fully set forth in the application which is file with the Commission and open to the public inspection.

Applicants state that they have acquired the right to purchase natural gas reserves located in the High Island area, South Addition, Block A-508, offshore Texas. It is stated that in order to attach this new source of gas supply to their existing systems, Applicants propose herein to construct and own jointly Project HI A-508 consisting of approximately 3.5 miles of 12-inch pipeline and appurtenant facilities. It is stated that Project HI A-508 would connect Block A-508, High Island area, South Addition to an underwater tap on the 16-inch pipeline owned by Applicants and others in Block A-519, Galveston area, South Addition. It is stated that the proposed Project HI A-508 would have the maximum capacity to transport up to 20,000 Mcf of natural gas per day from Block A-508.

Applicants submit that Block A-508 would be operated by Michigan Wisconsin Pipe Line Company and that Transco owns the Block A-159 facilities. Applicants further state that respective gas ownership interests in these Blocks would be Transco—81.43 percent and Columbia Gulf—18.57 percent.

Applicants estimate the cost of the proposed facilities to be $4,450,000 which would be financed initially be revolving credit arrangements, short-term loans or available funds. Permanent financing would be undertaken at later dates as part of Applicants' respective overall long-term financing program, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9050 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Trunkline Gas Co. et al.; Application

[Docket No. CP81-213-000]

March 19, 1981.

Take notice that on February 27, 1981, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural) 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-213-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to construct and operate approximately 8.5 miles of 10-inch pipeline originating at a side tap on Stingray Pipeline Company's system in East Cameron 338, offshore Louisiana, and extending to the producer platform in East Cameron Block 359; and 1.0 mile of 8-inch pipeline and appurtenant facilities extending from a side tap on the aforementioned facilities in East Cameron block 347 to the producer platform in East Cameron Block 347.

Applicants estimate that the total cost of the facilities would be $6,379,000 which would be financed initially with funds on hand, borrowings under

Applicants' revolving credit arrangements or short-term financing.

Applicants assert that the proposed facilities would permit the attachment of volumes of gas being purchased by Applicants from East Cameron Blocks 359, 340 and 347.

Applicants further estimate that approximately 46,000,000 Mcf of gas reserves (dry) would be available from East Cameron Block 359 for delivery through the proposed facilities and that total deliverability from such area would be approximately 40,000 Mcf of gas per day. It is estimated that approximately 22,000,000 Mcf of gas reserves would be available from East Cameron Blocks 340/347 with deliverability from such area being approximately 20,000 Mcf per day.

Applicants state that the cost, owership and capacity entitlements of the proposed facilities would be based on the relative ownership interests of the Applicant's dedicated gas supplies. Under such allocation, it is submitted, Natural would own 100 percent of the 8-inch lateral and appurtenant facilities to East Cameron Block 347. It is also submitted that the cost, ownership and capacity entitlements of the 10-inch lateral from East Cameron Block 338 to the point of interconnection in East Cameron Block 347 would be allocated as follows: 53.84 percent to Trunkline, 12.83 percent to Tennessee and 33.33 percent to Natural. From East Cameron Block 347 to the producer platform in East Cameron Block 359, the cost, ownership and capacity entitlements of the proposed facilities would be allocated as follows: 80.75 percent to Trunkline and 19.25 percent to Tennessee, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 181, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9051 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-212-000]

March 19, 1981.

United Gas Pipe Line Co.; Application

Take notice that on February 26, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-212-000 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 Shell Oil Company (Shell), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas transportation agreement dated October 28, 1980, Applicant proposes herein to transport natural gas dedicated to Shell by Shell Onshore Partnership (SOP) which is to be produced from the Robeline Field, Natchitoches Parish, Louisiana. Applicant states that it would transport the lesser quantity of either 50 percent of the gas attributable to SOP's interest in the gas well gas to be produced from the Houston Formation, Reservoir A or up to 10,000 Mcf of natural gas per day, less 2.3 percent for fuel use and losses. Applicant states that pursuant to the agreement it could accept or reject any excess gas that Shell might have periodically. It is asserted that the ten-year transportation agreement would expire on June 1, 1990.

Applicant states that it would receive the subject gas at a mutually agreeable point in Natchitoches Parish, Louisiana, and would deliver equivalent volumes to two of Applicant's regulating and measuring facilities, in St. Charles Parish, and in St. James Parish and Assumption Parish, Louisiana. It is stated that delivery would also be made at a proposed point on Applicant's existing pipeline system near South Pisgah Field and/or the McKay Field, Rankin County, Mississippi.

It is further stated that Shell would pay Applicant a rate of 28.12 cents per Mcf of natural gas delivered. It is asserted that the stated rate is in accordance with Applicant's current jurisdictional rate for its northern zone and that Applicant may file for rate changes which would become effective on the date such new rate filed with the Commission is approved or after suspension by the Commission and upon motion of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 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. 81-9052 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Southern Natural Gas Co. et al.; Application

[Docket No. CP81-215-000]

March 19, 1981.

Take notice that on February 27, 1981, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-215-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities located offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have acquired the right to purchase the natural gas reserves to be produced from certain reservoirs beneath Mustang Island Block 758, Mustang Island Blocks 741 and 755, Matagorda Island Block 700, Matagorda Island Block 713, and Mustang Island Blocks 757, 762, and 763, offshore Texas. It is stated that total proven reserves in the blocks are estimated to be 78,000,000 Mcf with an estimated 79,000,000 Mcf of potential reserves. Applicants further state that total initial daily deliverability from the proven reserves is estimated to be approximately 130,000 Mcf per day.

Applicants state that in order to transport onshore the acquired natural gas Applicants have agreed to join in the construction and operation of certain natural gas facilities. Specifically, Applicants propose to construct and operate approximately 16.7 miles of 24-inch pipeline and a receiving station consisting of measuring facilities and certain related and appurtenant facilities. It is asserted that the proposed 24-inch pipeline would extend from the producers' platform in Mustang Island Block 758 to a point of interconnection at a subsea tap in Matagorda Island Block 686 with a 24-inch pipeline jointly owned by Southern, Florida Gas Transmission Company and Northern. Applicants assert that the proposed receiving station would be installed on the producers' platform in Mustang Island Block 758. It is stated that Applicants would share the cost and ownership of the proposed facilities in the following percentages:

Applicant	Percentage
(a) Pipeline:	
Southern	18.0180
Transco	45.0450
Natural	12.6127
Northern	24.3243
(b) Receiving station:	
Southern	58.820
Natural	41.180

It is stated that these ownership percentages are based on each Applicant's proportional interest in the gas reserves to be transported by the proposed facilities and that the ownership percentage corresponding to any uncommitted reserves have been allocated proportionately to Applicants. Moreover, it is asserted that upon commitment of any presently uncommitted gas reserves ownership percentages may be redetermined retroactively.

Applicants estimate the cost of the proposed facilities to be $17,732,425 which 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 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9053 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-20-000]

Cleveland-Cliffs Iron Co.; Application for Adjustment Seeking Interim Relief and Permanent Exemption From Incremental Pricing Surcharges

March 19, 1981.

Take notice that on March 3, 1981, the Cleveland-Cliffs Iron Company (Cleveland-Cliffs) filed with the Federal Energy Regulatory Commission (Commission) an application for adjustment under sections 206(d) and 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and sections 1.41 and 282.206(b) of the Commission's regulations. Cleveland-Cliffs requests interim relief and a permanent exemption from the incremental pricing surcharges imposed by section 201 of the NGPA and Part 282 of the Commission's regulations on Cleveland-Cliffs' non-exempt boiler fuel facilities in Tilden Township and Republic, Michigan.

Cleveland-Cliffs operates two iron ore beneficiation facilities in Northern Michigan; one at Tilden Township and one at Republic. These facilities are alleged to suffer a substantial natural competitive disadvantage compared to other iron ore processors due to the fact that the iron ore which they process, that is found at their sites, is of comparatively low quality, thus requiring substantial energy-intensive processing. The energy-intensive processing undertaken by Cleveland-Cliffs is not required for the higher quality ores processed by Cleveland-Cliffs' competitors.

Cleveland-Cliffs maintains that the imposition of incremental pricing surcharges exacerbates their already high processing costs. Inasmuch as their processing costs exceed those of nearly all other companies in the industry, coupled with the fact that the other companies not subject to significant incremental pricing surcharges,

Cleveland-Cliffs argues that it cannot easily pass its incremental pricing surcharges on to its customers. Cleveland-Cliffs purchases its gas from Northern Natural Gas Company, and the surcharges have averaged over $140,000 per month. The application asserts that continued absorption of these surcharges poses grave difficulty to Cleveland-Cliff's facilities.

Due to the unique nature of the Tilden and Republic facilities and the fact that they are in the position of being the only facilities in the industry to pay significant incremental pricing surcharges, Cleveland-Cliffs alleges that the facilities suffer a special hardship and unfair burden, and that failure to grant relief could cause the facilities to curtail or even terminate their operations, which would cause serious adverse consequences to the localities in which the facilities are located.

The application requests that interim relief be granted as it is in the public interest and is necessary to avoid irreparable injury. Cleveland-Cliffs asserts that interim relief would result in only a *de minimis* increase in rates to Northern Natural Gas Company's other users, while preventing special hardship to Cleveland-Cliffs as well as the localities of Tilden and Republic.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 and § 282.206 of the Commission's regulations.

Any person desiring to partcipate in this proceeding shall file and petition to interverne in accordance with the provisions of 18 CFR §1.41(c). All petitions to intervene must be filed on or before April 9, 1981.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-9036 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-226-000]

Eastern Shore Natural Gas Co.; Application

March 19, 1981.

Take notice that on March 6, 1981, Eastern Shore Natural Gas Company (Applicant), P.O. Box 615, Dover Delaware 19901, filed in Docket No. CP81-226-000 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 13.19 miles of 10-inch pipeline to extend southeasterly from Dover to Harrington, Delaware, 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 13.19 miles of 10-inch pipeline to extend southeasterly from Dover to a point approximately three miles north of Harrington, Delaware. Applicant asserts that the proposed pipeline would be an extension of Applicant's existing 10-inch line which currently extends from Heckessin to Dover, Delaware.

Applicant states that absent the proposed loop it would be unable to maintain adequate pressure in order to deliver existing contract loads at the required minimum operational pressures during pressures from Applicant's supplier.

Applicant estimates the total cost to be $1,313,421.20 which would be financed by funds generated from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 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. 81-9037 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EC81-9-000]

Kentucky Utilities Co.; Filing

March 19, 1981.

The filing company submits the following:

Take notice that on March 9, 1981, Kentucky Utilities Company (KU) submitted for filing an application, pursuant to section 203 of the Federal Power Act, to acquire certain securities from the Old Dominion Power Company (Old Dominion).

KU states that the sale of securities by Old Dominion to KU will allow Old Dominion to finance certain construction plans.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 6, 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. 81-9038 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-220-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Notice of Application

March 19, 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. CP81-220-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline facilities in Sublette, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and remove the facilities comprising the Sublette gasoline plant located in Sublette, Kansas, because it no longer serves the function for which it was originally installed and represents an inefficient and uneconomical asset. It is stated that the plant was placed in service for the purpose of removing natural gasoline and other liquid hydrocarbons from Applicant's gas stream prior to delivery into its main transmission system. However, it is stated, the gas volumes which flow through the lines which once delivered gas to the Sublette plant for processing no longer require that processing to assure transportability. Applicant states that the plant has been shutdown since March 22, 1978, and that there has been no adverse impact on the related pipeline operations. Applicant also asserts that it would be inefficient and uneconomical to continue the operation of the Sublette plant because it is an ambient temperature oil absorption plant in contrast to the more modern refrigerated oil absorption plants and requires a greater amount of operating fuel.

Finally, Applicant contends that to continue operation of the plant would necessitate continuance of a large operation and maintenance cost and additional capital improvements to maintain and provide a plant meeting operational standards and that since the plant is not needed for operational purposes the expenditures required would not be justifiable.

Applicant estimates the cost of removing the facilities would be $150,000 with no estimated salvage value of the facilities to be reclaimed.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9040 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-320-000]

Northern States Power Co.; Filing

March 19, 1981.

The filing Company submits the following:

Take notice that on March 9, 1981, Northern States Power Company (Northern States) tendered for filing Supplement No. 6 to the Twin Cities-Iowa St. Louis 345 kV Interconnection Coordinating Agreement on August 12, 1980 on behalf of the parties to the Agreement. The parties are: Interstate Power Company, Iowa Electric Light & Power Company, Iowa-Illinois Gas & Electric Company, Iowa Public Service Company, Iowa Southern Utilities Company, Northern States Power Company, and Union Electric Company. This filing was made in response to Order No. 84 issued by the Commission on May 7, 1980 in Docket No. RM79-29. The filing submitted by Northern States Power was docketed as ER80-636 by the Commission on August 19, 1980, and subsequently accepted for filing September 1, 1980.

Due to the complexity of the Commission's Order, the number of parties involved, and the time restraints imposed by the Order, the parties were unable to consummate a formal agreement as prescribed by the Commission's rules and regulations. In an effort to file a fully executed agreement, the parties continued discussions which have resulted in a formal agreement for Supplement No. 6. The parties have tendered a substitute filing dated November 7, 1980 under Docket No. ER80-636 providing for fixed adders for transactions involving transmission on third party resale of electric power. The parties request that the substitute filing be permitted to become effective September 2, 1980, subject to refund, and to be consolidated as part of the proceeding know as Allegheny Power Systems et al., Docket Nos. ER80-592 et al., now pending settlement discussions.

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 April 6, 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. 81-9039 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-19-000]

Occidental Chemical Co.; Application Treated as a Request for Adjustment Under the NGPA

March 19, 1981.

Take notice that on February 27, 1981, Occidental Chemical Company, Florida Operations, Post Office Box 300, White Springs, Florida 32096 (Applicant) filed a letter with the Federal Energy Regulatory Commission protesting the requirement that it pay certain incremental pricing surcharges totaling $41,689.38 for the months of December, 1980, and January, 1981.

Applicant states that its surcharges relate to the months that it used natural gas to generate steam used in a manufacturing facility devoted entirely to the production of agricultural products. Applicant takes issue with the fact that it must pay surcharges because it filed an exemption affidavit after October 23, 1980, whereas those who filed by that date are exempt.

Applicant's letter shall be treated as an application for an adjustment under the Natural Gas Policy Act of 1978, 15 U.S.C. § 3301, *et seq.* pursuant to §§ 1.41 and 282.206(b) of the Commission's rules and regulations, effective with the date

that applicant fulfills the initial application requirements set forth in § 1.41(d), except § 1.41(d)(v), of the Commission's rules.

The procedures applicable to the conduct of this adjustment proceeding are found in § 1.41 of the Commission's rules of Practice and Procedure, 18 CFR 1.41. Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed on or before April 9, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9041 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-84-002]

Panhandle Eastern Pipe Line Co.; Petition to Amend

March 19, 1981.

Take notice that on March 3, 1981, Panhandle Eastern Pipe Line Company (Petitioner), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP79-84-002 a petition to amend the order issued July 23, 1979, in the instant docket pursuant to Section 7(c) of the Natual Gas Act so as to authorize changes in the gas storage service agreement between Petitioner and ANR Storage Company (ANR) and to amend certain separate transportation agreements with Michigan Wisconsin Pipe Line Company (Mich Wis) and Michigan Consolidated Gas Company, Interstate Storage Division (ISD), and to implement gas storage and transporation service for an existing resale customer, Citizens Gas and Coke Utility (Citizens), all as more fully set forth in the petition to amend.

Petitioner states that pursuant to order issued July 23, 1979, it (1) receives up to 1,140,000 Mcf of long-term 50-day gas storage from ANR pursuant to a July 6, 1978, gas storage agreement between Petitioner and ANR; (2) performs storage and transportation service for certain existing resale customers pursuant to several gas storage and transportation agreements; (3) implements two separate transportation agreements with Mich Wis and ISD enabling volumes of gas to be transported to storage during the summer period of April 1 through October 31 and redelivered from storage to the participating customers of Petitioner during the winter period of November 1 through March 31.

Petitioner proposes to amend the various agreements in order to provide storage service needed by Citizens, an existing resale customer. It is stated that Petitioner has requested ANR to provide firm storage capacity of 1,960,000 Mcf in addition to the 1,140,000 Mcf previously authorized. Petitioner also states that the volumes of gas so designated by Citizens would be transported and delivered by Petitioner to Mich Wis, then to ISD, then back to Mich Wis, then to Great Lakes Gas Transmission Company (Great Lakes) pursuant to a transportation and exchange arrangement between Mich Wis and Great Lakes, and then to ANR for injection into ANR's underground storage fields.

Petitioner proposes to amend its gas storage arrangement with ANR and has entered into a December 5, 1980, amended gas storage agreement which would be effective April 1, 1981, and which provides that during the summer period ANR would provide firm storage capacity for Petitioner in ANR's underground storage facilities of up to 3,100,000 Mcf of gas, exclusive of compressor fuel, at a daily rate of up to 15,702 Mcf. Moreover, it is stated, under the amended agreement during the winter period ANR would redeliver the stored volumes to Petitioner and the redelivery rate would not be in excess of a maximum daily quantity equal to (a) 62,000 Mcf per day until 80 percent of the stored volumes have been withdrawn from storage; (b) thereafter, 49 600 Mcf per day until 90 percent of the stored volumes have been withdrawn from storage; and (c) thereafter, 37,200 Mcf per day.

Petitioner states that it would pay ANR a monthly charge of $153,243.33 (59.32 cents per Mcf) commencing April 1, 1981, for the term of the agreement.

Petitioner also proposes to amend the transportation agreement between itself and Mich Wis and on December 5, 1980, amended their July 6, 1978, transportation agreement for firm service to increase the daily and annual volumes to be transported by Mich Wis for Petitioner. It is asserted that the amended agreement provides for Mich Wis to receive from Petitioner up to 3,154,901 Mcf of gas, exclusive of compressor fuel, at a daily rate of up to 15,775 Mcf of gas during the summer period and for Mich Wis to receive up to 3,195,915 Mcf of gas from ISD at a daily rate of 15,980. Petitioner asserts that during the winter period Mich Wis would transport and redeliver the stored volumes to Petitioner and that such redeliveries would be accomplished by Mich Wis delivering up to 3,099,690 Mcf of gas, exclusive of compressor fuel, at a daily rate of up to 61,994 Mcf of gas to ISD for the account of Petitioner and such volumes of gas as are then redelivered by ISD to Mich Wis for transportation to Petitioner.

Petitioner maintains that it would pay Mich Wis a charge of $56,676 (21.94 cents per Mcf) per month for the transportation service.

Petitioner further proposes to amend its transportation agreement with ISD in accordance with a December 5, 1980, agreement to alter their July 6, 1978, transportation ageement for firm service to increase the daily and annual volumes of gas to be transported by ISD for Petitioner. It is stated that the amended agreement provides for annual summer period transportation of up to 3,100,000 Mcf of natural gas, exclusive of compressor fuel, at a daily rate of up to 15,500 Mcf.

It is asserted that ISD would transport and redeliver the stored volumes to Mich Wis for the account of Petitioner during the winter period of each year of the term of the contract and that the transportation rate would be the volume of gas redelivered by Mich Wis to ISD. Petitioner states that it would pay ISD for the transportation service a charge of $32,799 (12.647 cents per Mcf) per month for each month under the term of the agreement.

Furthermore, Petitioner states that on December 5, 1980, it and Citizens entered into a gas storage and transportation agreement whereby Petitioner would provide firm, long-term storage and transportation service for Citizens for a period of 14 years commencing April 1, 1981. It is stated that Petitioner would provide storage and transportation of up to 1,960,000 Mcf of natural gas per year for Citizens on a firm basis. Moreover, Petitioner asserts that the firm contract provides that during the summer period, April 1 to October 31, Citizens would direct that a portion of its monthly gas entitlement pursuant to an existing gas sales contract be transported by Petitioner for storage and that during the winter period, November 1 to March 31, specified portions of such stored volumes would be redelivered by Petitioner to Citizens for use in its service area.

It is stated that under the firm contract Citizens would be billed a monthly charge for each month of the term equal to 1/12th of the stored volume multiplied by 93.907 cents. Petitioner states that there would also be an additional administrative charge equal to 2.50 cents per Mcf of gas transported by Petitioner on behalf of Citizens for injection into storage and 2.50 cents per Mcf of gas withdrawn from storage and transported and redelivered by Petitioner to Citizens.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-9042 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed Week of February 2 Through February 6, 1981

During the week of February 2 through February 6, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before April 14, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearing and Appeals.

March 19, 1981.

Williams & Sons Enterprises, Inc., d.b.a. Campbell, Point Boat Dock, Shell Knob, Missouri, BRO-1383, motor gasoline

On February 6, 1981, Williams & Sons Enterprises, Inc. (Williams), Shell Knob, Missouri 65747 perfected the filing of a Notice of Objection to a Proposed Remedial Order which the DOE Central District Office of Enforcement issued to the firm on August 27, 1981. In the PRO, the Central District found that during the period from March 28, 1980 to July 16, 1980, Williams charged more than the maximum lawful selling price for motor gasoline in violation of 10 CFR 212.93.

According to the PRO, the Williams violation resulted in $3,282.54 of overcharges.

Cyr's Marina, Severna Park, MD, BRO-1381, motor gasoline

On February 2, 1981, Cyr's Marina, 368 North Drive, Severna Park, MD 21146 filed a Notice of Objection to a Proposed Remedial Order which the DOE National Office of Enforcement issued to the firm on December 31, 1980. In the Proposed Remedial Order, the National Office found that during the period from August 1, 1979 to August 27, 1980, Cyr's Marina committed pricing violations on its sales of motor gasoline in the State of Maryland.

According to the Proposed Remedial Order, the Cyr's Marina violation resulted in $1,575.05 of overcharges. This Notice of Objection has been transferred to the Northeast Regional Center of the Office of Hearings and Appeals for analysis.

[FR Doc. 81-9066 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of February 27 Through March 6, 1981.

During the week of February 27 through March 6, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 19, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of Feb. 27 through Mar. 6, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 2, 1981	Exxon Company, U.S.A. et al., Washington, D.C.	BED, BEH-0096 thru 0102	Motion for Discovery and Evidentiary Hearing. If granted: An Evidentiary Hearing would be convened and Discovery would be granted to Exxon Company, U.S.A., Cities Service Company, Conoco Inc., Marathon Oil Company, Sun Oil Company of Pennsylvania, Standard Oil Company (Ohio) and Tosco Corporation in connection with an Application for Exception (Case No. DEE-7746) filed by the 341 Tract Unit of the Citronelle Field.
Mar. 2, 1981	Marathon Oil Company, Findlay, OH	BRD-1491	Motion for Discovery. If granted: Discovery would be granted to Marathon Oil Company in connection with the Statement of Objections submitted in response to the Proposed Decision and Order (Case No. BEE-1491) issued to Asamera Oil (U.S.), Inc.
Mar. 2, 1981	Mobil Oil Corporation, Fairfax, Virginia	BED, BEH-0103	Motion for Discovery and Evidentiary Hearing. If granted: An evidentiary hearing would be convened and discovery would be granted to Mobil Oil Corporation in connection with an Application for Exception (Case No. DEE-7746) filed by the 341 Tract Unit of the Citronelle Field.
Mar. 2, 1981	Mobil Oil Corporation, Fairfax, Virginia	BES-0145	Request for Stay. If granted: Mobil Oil Corporation would receive a stay of the provisions of the December 31, 1980 Decision and Order (Case No. BEN-0078) pending a determination on 341 Tract Unit of the Citronelle Field's Application for Exception (Case No. DEE-7746).
Mar. 3, 1981	C. R. Mullis Oil & Heating Company, Inc., Charlotte, N.C.	BEE-1641	Exception from reporting requirements. If granted: C. R. Mullis Oil & Heating Company, Inc. would not be required to file Form EIA-9A ("No. 2 Distillate Price Monitoring Report").
Mar. 3, 1981	Hydrotherm, Inc., Northvale, N.J.	BES-0146	Request for Stay from the Energy Conservation Program for Consumer Appliances. If granted: Hydrotherm, Inc. would receive a stay of the provisions under 10 C.F.R., Part 430, the Energy Conservation Program for Consumer Appliances, pending a final determination by the Office of Conservation and Solar Energy on Hydrotherm's November 21, 1980 petition for waiver.
Mar. 3, 1981	Louisiana Land & Exploration; Texaco, Inc., Washington, D.C.	BRZ-0086, 0087	Motion to Dismiss. If granted: The Proposed Remedial Order issued to Texaco on May 1, 1979 (Case No. DRO-0199) would be dismissed or remanded.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Feb. 27 through Mar. 6, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Mar. 3, 1981	Total Petroleum, Inc., Alamo, Michigan	BEX-0171	Supplemental Order. If granted: The October 1, 1980 Decision and Order (Case No. BES-1147) issued to Total Petroleum, Inc. would be rescinded.
Mar. 4, 1981	Atlantic Richfield Co., Washington, D.C.	BEX-0172	Supplemental Order. If granted: The February 27, 1981 Decision and Order issued to Atlantic Richfield Company (Case No. BED-0373) would be modified, and Ashland Oil, Inc. would be required to provide additional discovery in connection with the objections phase of Case No. BEE-0373.
Mar. 4, 1981	Larry Ellis, Idaho Falls, ID	BFA-0618	Appeal of an Information Request Denial. If granted: The Information Request Denial issued by the System Manager for Privacy Acts in the Idaho Operations Office would be rescinded, and Larry Ellis would receive information regarding records from the EG-G Idaho, Inc. files.
Mar. 4, 1981	Marathon Oil Company, Findlay, Ohio	BEA-0619	Appeal of an Entitlements Notice. If granted: The November 1980 Entitlements Notice would be modified with respect to Marathon Oil Company's entitlements purchase obligations.
Mar. 5, 1981	Hudson, Creyke, Koehler, Tacke, and Bixler, Washington, D.C.	BFA-0620	Appeal of an Information Request Denial. If granted: The February 26, 1981 Information Request Denial issued by the Idaho Operations Office would be rescinded, and Hudson, Creyke, Koehler, Tacke and Bixler would receive access to certain DOE information.
Mar. 5, 1981	The 341 Tract Unit of the Citronelle Field, Washington, D.C.	BEX-0173	Supplemental Order. If granted: The Office of Hearings and Appeals would implement the refund of tertiary incentive revenues previously received by the 341 Tract Unit of the Citronelle Field (Case No. BEN-0078).
Mar. 6, 1981	Office of Special Counsel/Gulf Oil Corp., Washington, D.C.	BRJ-0193	Motion for Protective Order. If granted: Office of Special Counsel would enter into a Protective Order with Gulf Oil Corporation regarding the exchange of proprietary information.
Mar. 6, 1981	Stephen M. Shaw, La Jolla, CA	BFA-0621	Appeal of an Information Request Denial. If granted: The December 22, 1980 Information Request Denial issued by the Division of FOI and Privacy Acts Activities would be rescinded, and Stephen M. Shaw would receive access to certain DOE information.
Mar. 6, 1981	Stephen M. Shaw, La Jolla, CA	BFA-0622	Appeal of an Information Request Denial. If granted: The January 26, 1981 Information Request Denial issued by the Division of FOI and Privacy Acts Activities would be rescinded, and Stephen M. Shaw would receive access to certain DOE information.

Notices of Objection Received

[Week of 2/27/81 to 3/6/81]

Date	Name and location of applicant	Case No.
3/2/81	Witco Chemical Corporation, Arlington, Virginia.	BEE-1306.
3/3/81	Asamera Oil (U.S.) Inc., Cleveland, Ohio.	BXE-1600, BXE-1601.
3/4/81	Tosco Corporation, Washington, D.C.	BEE-1621.
3/4/81	Road Oil Sales, Inc., Washington, D.C.	BEE-1550.

Dismissed Cases Reopened

[Week of 3/2/81 to 3/6/81]

Date and case name	Case No.	Location city/State
3/2/81—Tarpon Spring Fina Gas & Car.	BEO-0276	Orlando, Florida.
3/2/81—Putnam Fuels, Inc.	BEE-0569	North Bergen, N.J.
3/2/81—Payne's Oil Company, Inc.	DEE-2431	Clearwater, Florida.
3/2/81—Learn Brothers.	BEO-0074	East Stroudsburg, Penn.
3/2/81—By-Rite Oil Company.	BEE-0631	Southfield, Michigan.
3/2/81—Pryor Interprises, Inc.	DEE-5441	Atlanta, Georgia.
3/5/81—Mocar Oil Company.	BEE-0698	Orlando, Florida.
3/5/81—L. S. Riggins Oil Company.	BEE-1131	Washington, D.C.

[FR Doc. 81-9065 Filed 3-24-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1787-3]

EPA Comments on Environmental Impact Statements and Other Actions Impacting the Environment; Availability of Report

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: Pursuant to the requirements of section 102(2)(c) of the National Environmental Policy Act of 1969, and Section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment.

SUMMARY OF NOTICE: A report which identifies EPA's comments on EIS's and other actions impacting the environment which were released during February 1981 has been prepared and is available upon request. To obtain a copy of this report you should contact: Ms. Kathi L. Wilson, Office of Federal Activities (A-104), U.S. Environmental Protection Agency, Washington, D.C. 20460.

This report is also published in the monthly publication entitled, 102 monitor, which is available through subscription with the Government Printing Office, Superintendent of Documents, Washington, D.C. 20402.

CONTENTS OF REPORT: The report contains the type and title of the document reviewed by EPA, the agency responsible for preparing document, the EPA review control number, the classification of the nature of EPA's comments for draft EIS's and a summary of the EPA's comment is given for final EIS's and other actions.

Dated: March 19, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities.

[FR Doc. 81-8999 Filed 3-24-81 8:45 am]

BILLING CODE 6560-37-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-4-AL-1]

Alabama Radiological Emergency Response Plan for the J. M. Farley Nuclear Power Facility

ACTION: Certification of FEMA Findings and Determination.

In accordance with FEMA Rule 44 CFR Part 350 (proposed), on November 10, 1980, the State of Alabama submitted its plans relating to the Farley nuclear power facility to the Regional Director of FEMA Region IV for review and FEMA approval. The Regional Director has forwarded his evaluation dated January 24, 1981, to the Acting Associate Director for Plans and Preparedness in accordance with § 350.11 of the proposed Rule. Considered in his evaluation were the State plan, associated local plans, contiguous State and local plans involved in the 10- and 50-mile emergency planning zones (EPZs) for the Farley facility, a critique

of the exercise conducted on November 19–20, 1980, at the Farley facility in accordance with § 350.9 and a report of the public meeting held on November 18, 1980, to discuss the site-specific aspects of the State and local plans in accordance with § 350.10 of the proposed Rule.

Based on a review of the Region's evaluation by FEMA Headquarters, the Acting Associate Director finds and determines that, subject to the condition stated below, State plans and preparedness including the local plans and preparedness for the Farley facility are adequate to protect the health and safety of the public living in the vicinity of the Farley facility by providing reasonable assurance that appropriate protective measures can and will be taken off-site in the event of a radiological emergency and are capable of being implemented. The Acting Associate Director further finds and determines with respect to the joint criteria NUREG–0654/FEMA–REP–1, Revision 1, that by July 1, 1981, the public alerting and notification system must meet FEMA/Nuclear Regulatory Commission (NRC) criteria. These findings and determination have been communicated to the NRC and to the Governor of Alabama.

FEMA will continue to review the status of preparedness of the States and the local jurisdictions associated with the Farley facility in accordance with § 350.13 of the proposed Rule.

For further details with respect to this action, refer to Docket File FEMA–4–AL–1 maintained by the FEMA Regional Director at 1375 Peachtree Street, NE, Atlanta, Georgia 30309.

Dated: March 11, 1981, Washington, DC.

For the Federal Emergency Management Agency:

John W. McConnell,

Acting Associate Director for Plans and Preparedness.

[FR Doc. 81-8957 Filed 3-24-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Common Carriers by Water in the United States/Northern Marianas Trade; Exemption From Domestic Trade Tariff, Filing and Financial Reporting Requirements; Filing of Petition

Notice is given that a petition has been filed by the Commonwealth of the Northern Mariana Islands seeking exemption under section 35 of the Shipping Act, 1916 of Federal Maritime Commission domestic trade tariff filing and financial reporting requirements.

Petitioner seeks issuance by the Commission of a rule reading as follows:

"The Provisions of Section 18(a) of the Shipping Act, 1916 and Section 2 of the Intercoastal Shipping Act, 1933, as amended, and Commission Regulations issued pursuant thereto (including but not limited to General Orders No. 5, 11, and 38, as amended) shall not apply to transportation by water between ports in the United States, its territories or possessions on the one hand and ports in the Commonwealth of the Northern Mariana Islands on the other hand of general cargo (including liquid in bulk) for a period commencing upon approval by the Federal Maritime Commission and ending December 31, 1981. This exemption is subject to the following conditions:

1. Each common carrier serving the above described trades shall adhere to the tariff filing and publication requirments of Section 18(b), Shipping Act, 1916 and Commission Regulations issued pursuant thereto (General Order 13, as amended).

2. Each common carrier serving the above described trades shall submit the balance sheet and profit and loss statement in the same form and at the same time as it is submitted to the Government of the Northern Mariana Islands or, if no such financial statements are required to be submitted to that Government, each such carrier shall submit to the Commission a balance sheet and profit and loss statement within 150 days of the close of the carriers fiscal year.

Interested persons may inspect and obtain a copy of the petition at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 11101, or may inspect the petition at the Field Offices located at New York, New York; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested persons may submit comments to the Secretary, Federal Maritime Commission, Washington, D.C. 20573 on or before April 27, 1981. An original and fifteen copies of such comments shall be submitted and a copy thereof served on petitioner.

Dated: March 20, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-8952 Filed 3-24-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Lloyds Bank Ltd.; Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than April 20, 1081.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Lloyds Bank Limited, London, England, Royal Bank of Scotland Group Limited and Royal Bank of Scotland, Edinburgh, Scotland (commercial financing; New York, California): to engage, through their indirect subsidiary, James Talcott Business Credit, Inc., a subsidiary of James Talcott Factors, Inc., New York, New York, in commercial financing activities, including making or acquiring commercial loans secured by a borrower's accounts receivable, inventory or other assets and servicing such loans for others. These activities would be conducted from offices in New York, New York and Los Angeles, California serving the entire United States.

B. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Independence Bank Group, Inc., Waukesha, Wisconsin (mortgage banking activities; the State of Wisconsin): to engage through its *de novo* subsidiary, Independence Mortgage Company, Inc., in making, acquiring, selling and servicing mortgage loans, with primary emphasis on residential mortgages, including mortgages guaranteed by the Federal Housing Administration and the Veterans Administration. These activities would be conducted from offices of the subsidiary located in New Berlin, Wisconsin, serving the State of Wisconsin. Comments on this application must be received not later than April 17, 1981.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9056 Filed 3-24-81; 8:45 am]

BILLING CODE 6210-01-M

South Texas Bancshares, Inc.; Formation of Bank Holding Company

South Texas Bancshares, Inc., Beeville, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Commercial National Bank of Beeville, Beeville, Texas, and First State Bank of Mathis, Mathis, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 18, 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 19, 1981.

Jefferson A. Walker,

Assistant Secretary of the Board.

[FR Doc. 81-9057 Filed 3-24-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 2355]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

Part 1

T. 6 S., R. 9 E.,
Secs. 23, 25, 27 and 35
T. 6 S., R. 10 E.,
Sec. 31
Sec. 35, W½
T. 7 S., R. 10 E.,
Sec. 1, S½
Sec. 3, 5, and 11
Sec. 9, N½

Part 2

T. 6 S., R. 9 E.,
Sec. 13, All except M&B in Parcel 1 exception (0.57 acres)
T. 6 S., R. 10 E.,
Secs. 21, 23, 25, 27, 29 and 33
Sec. 35, E½
T. 6 S., R. 12 E.,
Secs. 13, 15, 23, 27 and 35
T. 7 S., R. 9 E.,
Sec. 1
T. 7 S., R. 10 E.,
Sec. 1, N½
Sec. 7, All except Parcel 2 M&B (11.172 acres)
Sec. 9, S½
T. 7 S., R. 11 E.,
Secs. 1, 3, 5, 7, 9, 11, 13, 15, 17, 21, 23, 25, 27 and 29
T. 7 S., R. 12 E.,
Secs. 1, 3, 11, 13, 15, 23, 25 and 27
T. 7 S., R. 13 E.,
Secs. 7 and 19
T. 8 S., R. 7 E.,
Secs. 1, 3, 11, 13, 15, 21, 23, 25, 27, 33 and 35

Excepting, from the above described PART 2, that portion of said property lying below a depth of 500 feet, measured vertically from the surface of said property, provided, however, that Grantee shall have the right to drill into, and to appropriate such water which is below its boiling point at atmospheric pressure, for beneficial use from said property lying below a depth of 500 feet, provided further, that Grantor, its successors and assigns shall not have the right for any purpose whatsoever to enter upon, into or through the surface of the property granted herein or any part thereof lying between said surface and five hundred (500) feet below said surface.

2. At 10 a.m. on April 21, 1981, the land described in Part 1 shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands described in Part 2 shall at 10 a.m. April 21, 1981, on be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, to a depth of 500 feet, subject to valid existing rights, the provision of existing withdrawals, and the requirment of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-9020 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[R-2565]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made unde the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g(1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

T. 6 S., R. 10 E.,
Sec. 7, All;
Sec. 17, All;
Sec. 19, All.

The area aggregates 1,742.28 acres in Riverside County, California.

2. At 10 a.m. on April 21, 1981, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-9021 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[CA 2550]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

Parcel I

The North 2158.10 feet, measured on the West line of that portion of the Northwest quarter of Sec. 19, T. 6 S., R. 6 E., SB Mer., in the County of Riverside, State of California, according to the Official Plat there of which lies Westerly of the West right of way line of State Highway 74, as described in the Deed to the County of Riverside recorded April 5, 1932, in Book 71, page 252 of Official Records.

Parcel II

T. 8 S., R. 7 E., SB Mer.,
Sec. 19, All.

Parcel III

The following described real property situated in the County of San Bernardino, State of California:

That portion of the Northeast ¼ of section 7, Township 9 North, Range 1 West, San Bernardino Meridian, according to the Offical plat thereof, described as follows:

Beginning at the Northwest corner of the Northeast ¼ of the Northeast ¼ of said Section 7; thence North 89° 33' 09" West along the North line of said Northeast ¼ of said Section 7, a distance of 658.400 feet to the Northwest corner of the Northeast ¼ of the Northwest ¼ of the Northeast ¼ of said Section 7; thence South 0° 35' 46" West along the West line of the Northeast ¼ of the Northwest ¼ of the Northeast ¼ of said Section 7, a distance of 550.553 feet; thence North 89° 55' 00" East, a distance of 722.953 feet to a point; thence North 33° 45' 38" East a distance of 175.212 feet to a point on a curve concave Northeasterly, from which the radius of said curve bears North 33° 45' 38" East a distance of 350 feet; thence along said curve Northerly through an angle of 55° 51' 43", a distance of 341.241 feet; thence North 0° 22' 39" West a distance of 110.000 feet, more or less, to the point of beginning.

2. The lands described in Parcel I and II shall at 10 a.m. on April 21, 1981 be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on April 21, 1981, the lands described in Parcel III shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2). These lands have been and continue to be open to the mineral leasing laws. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-9022 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[LA 0106794]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g(1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

T. 13 N., R 10 E.,
Sec. 36, All.
The area aggregates 640 acres in San Bernardino, County, California.

2. At 10 a.m. on April 21, 1981, the land shall be open to operation of the public land laws generally, including the mining laws, (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-9023 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[LA 0107351]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g(1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

T. 16 N., R 12 E.,
Sec. 34, NW¼NW¼.
The area aggregates 40 acres in San Bernardino County, California.

2. At 10 a.m. on April 21, 1981, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirement of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E–2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Lands and Minerals Operations.

[FR Doc. 81-9024 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[LA 0140886]

California; Order Providing for Opening of Public Land

March 13, 1981.

1. In an exchange of lands made under the provision of Section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g(1964), the following land has been reconveyed to the United States:

San Bernardino Meridian

T. 7 N., R. 2 E.,
Sec. 15, NW¼SE¼.

The area aggregates 40 acres in San Bernardino County, California.

2. At 10 a.m. on April 21, 1981, the land shall be open to operation of the public land laws generally, including the mining laws (30 U.S.C. Ch. 2), and the mineral leasing laws, subject to valid existing rights, the provision of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 21, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. Inquiries concerning the lands should be addressed to the Bureau of Land Management, Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Joan B. Russell,

Chief, Lands Section Branch of Land and Minerals Operations.

[FR Doc. 81-9025 filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 44159]

New Mexico; Notice of Application

March 17, 1981.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for one 12-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 25 S., R. 32 E., NMPM,
- Sec. 17, W½SW¼, SE¼SW¼;
- Sec. 18, W½NE¼, SE¼NE¼, NE¼NW¼;
- Sec. 20, W½NE¼, SE¼NE¼, NE¼NW¼, NE¼SE¼;
- Sec. 21, W½SW¼, SE¼SW¼;
- Sec. 27, SW¼SW¼;
- Sec. 28, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼;
- Sec. 34, SW¼NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼;
- Sec. 35, SE¼SW¼.

T. 26 S., R. 32 E., NMPM,
- Sec. 11, NE¼NE¼;
- Sec. 12, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
- Sec. 13, NE¼NE¼.

T. 26 S., R. 33 E., NMPM,
- Sec. 18, Lots 1, 2, 3, SE¼NW¼, E½SW¼, SW¼SE¼;
- Sec. 19, N½NE¼, SE¼NE¼;
- Sec. 20, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
- Sec. 28, SW¼NW¼, W½SW¼, SE¼SW¼;
- Sec. 29, N½NE¼, SE¼NE¼;
- Sec. 33, Lots 3, 4, NW¼NE¼, NE¼NW¼.

These pipelines will convey natural gas across 11.187 miles of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

James H. O'Connor,

District Manager.

[FR Doc. 81-8985 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[INT DES 81-14]

Outer Continental Shelf; Gulf of Mexico; Availability of Draft Environmental Statement and Holding of Public Hearing Regarding Proposed Oil and Gas Lease Sales No. 67 and 69

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement relating to a proposed oil and gas lease sale of 472 tracts of submerged lands on the Outer Continental Shelf of the Gulf of Mexico (OCS Sales No. 67 and 69).

Single copies of the draft environmental statement can be obtained from the Office of the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana 70130, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the following public libraries: Austin Public Library, 401 West Ninth Street, Austin, Texas; Houston Public Library, 500 McKinney Street, Houston, Texas; Rosenbrug Library, 2310 Sealy Street, Galveston, Texas; Dallas Public Library, 1954 Commerce Street, Dallas, Texas; Brazoria County Library, 410 Brazosport Boulevard, Freeport, Texas; La Ratama Library, 505 Mesquite Street, Corpus Christi, Texas; Texas Southmost College Library, 80 Fort Brown Street, Brownsville, Texas; New Orleans Public Library, 219 Loyola Avenue, New Orleans, Louisiana; Louisiana State Library, Baton Rouge, Louisiana; Lafayette Public Library, 301 West Congress Street, Lafayette, Louisiana; Calcasieu Parish Library, Downtown Branch, Lake Charles, Louisiana; Harrison County Library, 21st Avenue and Beach Street, Gulfport, Mississippi; Mobile Public Library, 701 Government Street, Mobile, Alabama; Montgomery Public Library, 445 South Lawrence Street, Montgomery, Alabama; St. Petersburg Public Library, 3745 Ninth Avenue North, St. Petersburg, Florida; West Florida Regional Library, 200 West Gregory Street, Pensacola, Florida; Northwest Regional Library System, 25 West Government Street, Panama City, Florida; Leon County Public Library, 127 North Monroe Street, Tallahassee, Florida; Lee County Free Library, 3355 Fowler Street, Fort Myers, Florida; Charlotte-Glades Regional Library System, 801 NW Aaron Street, Port Charlotte, Florida; and Tampa-Hillsborough County Public Library System, 800 North Ashley Street, Tampa, Florida.

In accordance with 43 CFR 3314.1, a public hearing on the draft environmental statement is scheduled for May 5, 1981, in the Bureau of Land Management Conference Room, Hale Boggs Federal Building, Suite 841, 500 Camp Street, New Orleans, Louisiana. The hearing will convene at 9:00 a.m. and will conclude at 5:00 p.m. or earlier, if all scheduled witnesses have testified.

The hearing will provide the Secretary of the Interior with information from government agencies, public and private groups, and others to help evaluate the potential effects of the proposed lease offerings. Comments are solicited concerning the effects of projected sale-related activities on marine, cultural, recreational and other resources of the Gulf of Mexico region.

Interested individuals, representatives of organizations, and public officials who wish to testify at the hearing are requested to contact the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address by 4:15 p.m., April 24, 1981. Written comments from those unable to attend the hearing also should be addressed to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, at the above address. The Department will accept written testimony and comments on the draft environmental statement until May 11, 1981. This should allow ample time for those unable to testify at the hearings to make their views known and for the submission of supplemental materials by those who presented oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of

presentation of the oral statement. Written statements presented in person at the hearing will be considered as part of the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After testimony and comments have been received and analyzed, a final environmental statement will be prepared.

George D. Lee,

Deputy Director, Bureau of Land Management.

Approved: March 20, 1981.

Cecil S. Hoffman,

Special Assistant to Assistant Secretary of the Interior.

[FR Doc. 81-9032 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

Public Lands in San Bernardino County, Calif.; Notice of Realty Action—Sale CA 8601

The following described land has been identified as suitable for disposal by sale under the Federal Land Policy and Management Act of 1976 (90 Stat. 2743; 43 U.S.C. 1713), at no less than the fair market value shown:

Legal description: W½NE¼NE¼NE¼ Sec. 32, T. 2 N., R. 8 E., San Bernardino Meridian.
Acreage: 5.
Value: $4,500.

The above described land is being offered as a direct, noncompetitive sale to Leslie B. Lambert, Sr., owner of the improvements on the sale tract. The land was leased by Mr. Lambert under the Small Tract Act in the early 1950's. After constructing the improvements on the land, Mr. Lambert filed an application to purchase the land in 1956. In 1957 the land was appraised and offered to Mr. Lambert; however, through inadvertence, the purchase price was not paid and the case was closed. Therefore, in order to resolve this occupancy trespass, disposal by direct sale, rather than public auction, will protect the equity investment in the improvements on the land, and eliminate an undue hardship if he were compelled to remove or otherwise dispose of the improvements. The lands are not required for any Federal purpose. The sale is consistent with the Bureau's planning system, and the public interest would be served by offering this land for sale.

The land will not be offered for sale until 60 days after the date of issuance of this notice.

The terms and conditions applicable to the sale are:

1. All minerals in the land will be reserved to the United States in accordance with Section 209(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719).

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

Detailed information concerning the sale is available for review at the Bureau's Barstow Resource Area Office, 831 Barstow Road, Barstow, CA 92311.

On or before May 11, 1981, interested parties may submit comments to the Secretary of the Interior (LLM 320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become a final determination of the Department of the Interior.

Dated: March 17, 1981.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-9029 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

[1784 (020)]

Phoenix District, Kingman Resource Area, Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Kingman Resource Area (Phoenix District) Grazing Advisory Board will be held on April 22, 1981.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

The agenda for the meeting will include:

1. Election of Officers
2. Review of the Draft EIS for Hualapai-Aquarius
3. Review of the new grazing regulations
4. Status of range improvements for F.Y. 81.
5. Allotment Management Plan Implementation in the Cerbat/Black Planning Unit.
6. Arrangement for future meetings.

The meeting is open to the public. Anyone wishing to make oral or written statements to the Board is requested to do so through the office of the District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 at least seven days prior to the meeting date.

Summary minutes of the Board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Malcolm J. Schnitker,

Acting District Manager.

March 16, 1981.

[FR Doc. 81-8949 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Texoma Production Company has submitted a Development and Production Plan Describing the activities it proposes to conduct on Leases OCS-G 2566 and 3389, Blocks 340 and 347, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated; March 17, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-9007 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, April 18, 1981, at 1:00 p.m. at the Allegany County Community College, Willowbrook Road, Cumberland, Maryland.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush, Chairman, Hagerstown, Maryland
Mrs. Bonnie Troxell, Cumberland, Maryland
Miss Nancy Long, Glen Echo, Maryland
Mrs. Constance Morella, Bethesda, Maryland
Mr. Kenneth S. Rollins, Brookmont, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. Edwin F. Wesely, Jr., Brookmont, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Dorothy Grotos, Arlington, Virginia
Mrs. Minny Pohlmann, Dickerson, Maryland
Mrs. Margaret Dietz, Lovettsville, Virginia
Mr. William H. Ansel, Jr., Romney, West Virginia
Dr. James H. Gilford, Frederick, Maryland
Mr. Donald H. Shannon, Washington, D.C.
Mr. Silas F. Starry, Shepherdstown, West Virginia
Mr. Rockwood H. Foster, Washington, D.C.
Mr. R. Lee Downey, Williamsport, Maryland
Mr. John C. Frye, Gapland, Maryland

Matters to be discussed at this meeting include:

1. Status of Cumberland/North Branch Development Concept Plan.
2. Status of Williamsport Development Concept Plan.
3. Philosophy on Treatment and Construction of the Towpath.
4. Status of Towpath Bridge over Catoctin Creek.
5. Planning Procedures Proposal for C&O Canal.
6. Hancock Re-watering Proposal.
7. Policy Statement on Commercial Intrusions.
8. Bicycle Safety Policy.

The meeting will be open to the public. 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 Richard L. Statton, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301-739-4200.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: March 17, 1981.

Manus J. Fish, Jr.,

Regional Director, National Capital Region.

[FR Doc. 81-9055 Filed 3-24-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-105

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 153051 (Sub-II-4TA), filed March 13, 1981. Applicant: ATS TRANSPORT, INC., 34439 Mills Road, North Ridgeville, OH 44039. Representative: James F. Crosby & Associates, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *General commodities,* between Chicago, IL (and points in its commercial zone), on the one hand, and, on the other, (1) points in IN on and north of Interstate Highway 70, (2) points in the lower peninsula of MI, (3) Buffalo, NY (and points in its commercial zone), (4) points in OH on and north of Interstate Highway 70, (5) Erie, Johnstown, Brockway, and Pittsburgh, PA (and points in their respective commercial zones), and points in PA on and west of Interstate Highway 79. Restriction: Restricted to shipments having prior or subsequent movement via rail, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the ICC Regional Office, Phila., PA.

MC 154713 (Sub-II-1TA), filed March 13, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Clay and clay products,* between Anniston, AL on the one hand, and, on the other, Bucyrus, Cleveland, Columbus and Warren, OH; Pontiac, MI; Chicago, IL; and Aliquippa and Pittsburgh, PA (including points in the commercial zones of the cities specified), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Donoho Clay Co., P.O. Box 843, Anniston, AL 36202.

MC 112184 (Sub-II-8TA), filed March 13, 1981. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. *Contract: irregular; Paints and resins, in bulk, in tank vehicles* from the facilities of PPG Industries, Inc. located in Delaware County, OH to points in AR, FL, GA, IN, KY, MA, MD, MI, NJ, NY, PA, SC, and TX for the account of PPG Industries, Inc. for 270 days. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 138126 (Sub-II-4TA), filed March 13, 1981. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Rd., Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. *Foodstuffs, pet foods and materials and supplies* used

in the manufacture and distribution of foodstuffs and pet foods, between Passaic County, NJ, on the one hand, and, on the other, points in PA, NY, DE, MD, VA, DC, NH, VT, MA, CT, and RI, for 270 days. Supporting shipper: Swift & Company, Chicago, IL 60604.

MC 145018 (Sub-2–7TA), filed March 12, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507. *Baking soda,* (1) from Syracuse, NY to Little Ferry, NJ; (2) from Little Ferry, NJ to points in PA, MD, and VA for 270 days. Supporting shipper: Major Products Co., Inc., 66 Industrial Ave., Little Ferry, NJ 07643.

MC 107012 (Sub-II–142TA), filed March 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Furniture and sheds,* from Emmett, ID to points in the U.S. (except CT, MA, NJ, PA, and MD) for 270 days. An underlying ETA is seeking authority for 120 days. Supporting shipper: Creative Forest Products, Inc., 800 E. Locust Road, Emmett, ID.

Note.—Common control may be involved.

MC 113828 (Sub-II–20TA), filed March 12, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Cement, in bulk,* between Chatham County, GA on the one hand, and, on the other, points in SC and FL for 270 days. Supporting shipper: Atlantic Cement Co., Inc., 25 Crescent St., P.O. Box 30, Stamford, CT 06904.

MC 146807 (Sub-II–17TA), filed March 12, 1981. Applicant: S N W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same as above). Entire swimming pools, plastic sleds, wrought iron furniture and foam cushions and materials and supplies used in the manufacture and distribution of the above commodities between Wilkes Barre, PA on the one hand, and, on the other, points in NY, NJ, OH, MI, IL, TX, CA, FL, NC, SC, TN, KY, GA, IA, MN, and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Muskin Corporation, 400 E. Thomas St., P.O. Box 629, Wilkes Barre, PA 18702.

MC 146568 (Sub-II–3TA), filed March 4, 1981. Applicant: PHOENIX BIRD, INC., Suite 118, 1 Neshaminy Plaza, Street Road and Bristol Pike, Cornwells Heights, PA 19020. Representative: Joseph M. Roberts, 1730 M Street, N.W., Suite 501, Washington, DC. *Contract; irregular: General Commodities (except household goods as defined by the Commission and Classes A and B Explosives, as well as commodities in bulk),* between DE, NJ, and PA, on the one hand, and, on the other, AZ, CA, CO, ID, NM, NV, OR, TX, UT, and WA, for 270 days, under continuing contract with ITOFCA, Inc., of Chicago, Illinois. Supporting shipper: ITOFCA, Inc., Two Walker Avenue, P.O. Box 188, Clarendon Hills, IL 60514.

MC 152390 (Sub-II–2TA), filed March 4, 1981. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138, Calcutta Branch, East Liverpool, OH 43920. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. (1) *clay products and refractory products and* (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above between Irondale and Wellsville, Ohio, on the one hand, and, on the other, Chautauqua, Erie, and Niagara Counties, New York, and Lake and Porter Counties, Indiana for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Frederick J. Dando Company, Irondale, OH 43932; Swank Refractories Company, Pittsburgh Airport Office Park, Coraopolis Heights, PA 15108.

MC 113828 (Sub-II–19TA), filed March 5, 1981. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 818 Connecticut Ave., NW., Washington, DC 20006. *Chemicals,* in bulk, between Spartanburg and Laurens Counties, SC on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Thermofil, Inc., P.O. Box 868, Laurens, SC 29360; G. M. Haynes, Inc., Spartanburg, SC 29304.

MC 124212 (Sub-II–3TA), filed March 6, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Cement,* in bulk, from Framingham, MA to points in MA, NH, and RI, restricted to shipments having an immediately prior movement by rail for 270 days. Supporting shipper: Consolidated Rail Corporation, Room 450, 6 Penn Center Plaza, Philadelphia, PA 19104.

MC 2202 (Sub-TA). Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *General commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment):* Between points in Lea and Eddy Counties, NM, on the one hand, and, on the other, Roswell, NM, for 270 days. Applicant proposes to tack the authority sought herein with its regular routes at Roswell, NM. Applicant proposes to interline at existing gateways throughout its system. Supporting shippers: Kerr-McGee Corp., P.O. Box 16, Hobbs, NM 88240; and Potash Company of America, P.O. Box 31, Carlsbad, NM 88220.

MC 117883 (Sub-II–15TA), filed March 13, 1981. Applicant: SUBLER TRANSFER, INC., 1 Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Robert Von Aschen (same as applicant). *Food and related products,* between Chicago, IL and Napoleon, OH, on the one hand, and on the other, DE, MD, NJ, PA, VA, Chicago, IL, Napoleon, OH and Providence, RI for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): Campbell Soup Co., East Maumee Ave., Napoleon, OH 43545.

MC 9915 (Sub-II–8TA), filed March 11, 1981. Applicant: WARREN TRUCKING CO., INC., P.O. Box 2038, Martinsville, VA 24112. Representative: D. R. Beeler, 1261 Columbia Ave., Franklin, TN 37064. *New furniture* from Henry County, VA to points in PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Herman Lang, Inc., 2740 Smallman St., Pittsburgh, PA 15222 and David Leitman, Inc., 2740 Smallman St., Pittsburgh, PA 15222.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2930, Chicago, IL 60604.

MC 15975 (Sub-4–22TA), filed March 13, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant). *Alcoholic liquors (STCC 20–851), materials, supplies and equipment used in the manufacture, distribution and sales thereof,* between points in IL and NJ, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper(s): Hiram Walker & Sons, Inc., Foot of Edmund St., Peoria, IL 61601.

MC 36556 (Sub-4–3TA), filed March 13, 1981. Applicant: BLACKMON TRUCKING, INC., P.O. Box 186, Somers,

WI 53171. Representative: Howard E. Blackmon (address same as applicant). *Food and related products* from the plantsites and/or facilities utilized by the Friday Canning Corporation, at or near Cambria, Eden, Markesan and Oakfield, WI, to Wright City, MO. Supporting shipper: Friday Canning Corp., 660 N. Second Street, New Richmond, WI 54017.

MC 92319 (Sub-4–1TA), filed March 12, 1981. Applicant: KENNETH GRAHAM, Route #1, Box 41–A, Brimley, MI 49715. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract: Non-alcoholic beverages* from St. Paul, MN to Marquette, MI under continuing contract(s) with the H. W. Elson Bottling Company of Marquette, MI. Supporting shipper: H. W. Elson Bottling Company, 950 W. Washington, Marquette, MI.

MC 103798 (Sub-4–6TA), filed March 16, 1981. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Sugar* from Drayton, ND to points in WI. An underlying ETA seeks 120 days authority. Supporting shipper: American Crystal Sugar Co., Inc., 101 N. 3rd St., Moorhead, MN 56560.

MC 103798 (Sub-4–7TA), filed March 16, 1981. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Foodstuffs*, (1) From Grand Forks, ND to Clearfield, UT and (2) From Grand Forks, ND to Peoria, IL and (3) from Boardman, OR and Firth, ID to Grand Forks, ND. An underlying ETA seeks 120 days authority. Supporting shipper: The Pillsbury Company, 608 2nd Ave South, Minneapolis, MN 55402.

MC 111274 (Sub-4–8TA), filed March 13, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (address same as applicant). *Contract: Material and components used or useful in the manufacture, erection and completion of steel buildings and steel buildings* between Van Wert, OH and Rainsville, AL and points in RI, ME, WI, MN, IL, SC, CT, NY, PA, IN, AL, KY, MO, GA, KS, IA, MA, NJ, LA, TN, MI, MS, TX, MD, NC, VA, AR, OK, and OH, under a continuing contract with Republic Buildings Corporation. Supporting shipper: Republic Buildings Corporation, 1202 Industrial Ave., Van Wert, OH 45891.

MC 133689 (Sub-4–71TA), filed March 17, 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. *Animal feed and pet foods*, from the facilities of Perk Foods Company at Kansas City, KS to points in the U.S. Supporting shipper: Perk Foods Company, 4141 Fairbanks Ave., Kansas City, KS.

MC 133689 (Sub-4–72TA), filed March 17, 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. *Paper products*, from the facilities of Mid America Webpress, Inc. at Lincoln, NE to points in the U.S. Supporting shipper: Mid America Webpress, Inc., 3700 NW 12th St., Lincoln, NE 68501.

MC 133689 (Sub-4–73TA), filed March 17, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Paper products*, from the facilities of Henry Wurst, Inc., at North Kansas City, MO, and Apex, NC to points in the United States. Supporting shipper: Henry Wurst, Inc., 1331 Saline Street, N. Kansas City, MO 64116.

MC 133689 (Sub-4–74TA), filed March 17, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *General commodities* (except Classes A and B explosives and household goods as defined by the Commission) between the facilities of The Kendall Company on the one hand, and, on the other, points in the U.S. Supporting shipper: The Kendall Company, 1 Federal Street, Boston, MA 02101.

MC 135154 (Sub-4–2TA), filed March 16, 1981. Applicant: BADGER LINES, INC., 3109 West Lisbon Avenue, Milwaukee, WI 53208. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. (1) *Nonalcoholic beverages*, from Watertown, WI to points in IL, IA, MN, and the Upper Peninsula of MI, and (2) *materials, equipment, and supplies used in the production and distribution of nonalcoholic beverages*, from points in IL, IA, MN, and the Upper Peninsula of MI, to Watertown, WI. Supporting shipper: Wis-Pak, Inc., 860 West Street, Watertown, WI, 53094.

MC 136774 (Sub-4–5TA), filed March 13, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, Il 60603. *Malt syrup, corn syrup and molasses*, between Dayton, OH; Maywood, NJ; and Savannah, GA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Malt Products Corporation, Drawer 739, Maywood, NJ 07607.

MC 142059 (Sub-4–18TA), filed March 12, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley, P.O. Box 911, Joliet, Il 60434. *Lumber* from Bearden, Glenwood, Guron, Leola, Malvern, Mountain Pine, Ola, Plumberville, Prescott, Stamps and Warren, AR to points in IL, IA, IN, MI, MN, MO, SD and WI. Supporting shipper: Schaberg Lumber Co., 1930 N. Grand River, Lansing, MI 48901.

MC 142715 (Sub-4–17TA), filed March 13, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Chemicals and materials, equipment and supplies used in the manufacturing and distribution of chemicals (except commodities in bulk)*, between Minneapolis, MN on the one hand, and, on the other, all points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: Industrial Chemical and Equipment Co., 2205 Hennepin Avenue East, Minneapolis, MN 55414.

MC 145276 (Sub-4–5TA), filed March 16, 1981. Applicant: MINNESOTA EXPRESS, INC., 2400 Trott Avenue S.W., P.O. Box 427, Willmar, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. *Drywall Materials*, between Lake County, SD on the one hand, and, on the other, Kandiyohi County, MN. Supporting shipper: Central Contractors Supply, Div. of Central Allied Enterprises, Inc., Willmar, MN 56201.

MC 147039 (Sub-4–8TA), filed March 17, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030. *Walls or partitions constructed of metal and wood frames and nonrelated glass* between points in MI, and points in AL, AR, CA, CO, CT, GA, IL, KY, LA, MA, MD, MO, NE, NM, NC, ND, OH, OR, SC, TN, TX, VA, WA, and WI. Supporting shipper: Modular Security Systems, Inc., 56405 Grand River, New Hudson, MI 48165.

MC 147499 (Sub-4–4TA), filed March 17, 1981. Applicant: D. H. TRANSFER, INC., 671 M–73, Iron River, MI 49935. Representative: Donald Hooper, 671 M–73, Iron River, MI 49935. *(1) Harwood systems, synthetic flooring systems,*

hardwood and synthetic flooring (2) materials and supplies used in the installation of the commodities in (1) above and (3) lumber, wood products and millwork, including juvenile furniture. From the facilities of Connor Forest Industries at or near Laona, WI to all points in the United States. Supporting shipper: Connor Forest Industries, E. R. Cerolewski, Vice President, 330 4th Street, Wausau, WI 54401.

MC 149591 (Sub-4–2TA), filed March 16, 1981. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract:* (1) *Meats, meat products and meat by-products, and articles distributed by meat packing houses,* and (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above,* (a) from ND, SD, and MN to points in IL and WI; and (b) from points in ND, SD, MN, NE, and IA, to points in AL, GA, FL, NC and SC, for the contract(s) of Missouri Valley Foods, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Missouri Valley Foods, Inc., 11414 West Center Road, Omaha, NE 68144.

MC 150644 (Sub-4–3TA), filed March 16, 1981. Applicant: GARY L. SODERBERG and LEROY E. SODERBERG, d.b.a. SODERBERG FARMS, Route 1, Townline Road, Beloit, WI 53511. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703, (608) 256–0606. *Fertilizer and fertilizer ingredients in bulk in tank vehicles* between points in IL on and north of Highway 24 and points in MN on the one hand, and points in WI on the other. Supporting shippers: Braaten Oil Co., Inc., 1804 Beloit Ave., Janesville, WI 53545; and Elko Liquid Fertilizer, Inc., P.O. Box 486, Centralia St., Elkhorn, WI 53121.

MC 153196 (Sub-4–2TA), filed March 16, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Contract: Fresh and frozen boxed and carcass meats and packinghouse products and by-products* from Green Bay, WI to points in AZ and CA, under a continuing contract(s) with Packerland Packing Co., Inc. of Green Bay, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Packerland Packing Co., Inc., P.O. Box 1184, Green Bay, WI 54305.

MC 153796 (Sub-4–1TA), filed March 13, 1981. Applicant: URBAN TRANSPORT, INC., P.O. Box 12865, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Anhydrous ammonia and liquid and dry fertilizers, in bulk in tank vehicles,* between points in IA, MN, WI, ND, SD, NE and IL. An underlying ETA seeks 120 days. Supporting shippers: Firstmiss, Inc., Subsidiary of First Mississippi Corporation, P.O. Box 328, Fort Madison, IA 52627; Land O' Lakes, Inc., 2827—8th Avenue South, Fort Dodge, IA 50501.

MC 153756 (Sub-4–2TA), filed March 17, 1981. Applicant: JAMES R. MURPHY, d.b.a. JAMCO, P.O. Box 724, Sheffield, IL 61361. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001. *Hazardous waste,* from points in MN, NE and WI, to points in Nye County, NV. Supporting shipper: Waste Research and Reclamation Co., Inc., Route 7, Eau Claire, WI 54701.

MC 153829 (Sub-4–8TA), filed March 13, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Steel electrical junction boxes and miscellaneous component part housings,* between the facilities of Hoffman Engineering Company at or near Anoka, MN, on the one hand, and, on the other, points in the United States. Supporting shipper: Hoffman Engineering Company, 9th and Tyler, Anoka, MN 55303.

MC 153829 (Sub-4–9TA), filed March 17, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Dehydrated eggs and egg products,* from the facilities of Marshall Foods, Inc., at on near Marshall, MN to points in the United States. Supporting shipper: Marshall Foods, Inc., P.O. Box 1088, Marshall, MN 56258.

MC 153829 (Sub-4–10TA), filed March 17, 1981. Applicant: UNITED SHIPPING COMPANY, 2104 Lower St. Dennis Road, St. Paul, MN 55116. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Glass containers and caps, closures and cartons for glass containers* between the facilities of Midland Glass Company at or near Shakopee, MN, on the one hand, and, on the other, points in WI, IA, ND, SD, IL, IN, MO, OH, KY and WI. Supporting shipper: Midland Glass Company, Highway 101 and Scott County Road 83, Shakopee, MN 55379.

MC 154175 (Sub-4–1TA), filed March 13, 1981. Applicant: THE JUSTAK CORPORATION, 2336 Schrage Ave., Whiting, IN 46394. Representative: Kenneth P. Justak, 1825 N. Mansard Blvd., Griffith, IN 46319. *Passengers* between Griffith, IN and Chicago, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Town of Griffith, 111 N. Broad Street, Griffith, IN 46319.

MC 2277 (Sub-4–6TA), filed March 12, 1981. Applicant: FRUTH MOTOR TRUCK SERVICE, INC., 720 Scheel St., P.O. Box 992, Belleville, IL 62221. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703. *Contract:* Irregular: *Plastic bottles and caps* from NJ to the St. Louis, MO commercial zone. Supporting shipper: Bristol Myers Products Co., 225 Long Ave., Hillside, NJ 07207.

MC 13777 (Sub-4–6TA), filed March 13, 1981. Applicant: AAA TRANSPORTATION, INC., 2957 S. East St., Indianapolis, IN 46206. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215. *Contact:* (1) *Iron and steel articles and* (2) *materials, equipment and supplies used in the manufacture and distribution of (1) above,* between points in and east of the states of ND, SD, NE, KS, OK and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Tomson Steel Co., 955 Ridgefield, Hamilton, OH 45013.

MC 107295 (Sub-4–33TA), filed March 12, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant). *Iron pipe fittings, valves, and flanges,* from Harris County, TX, to points in AL, AR, AZ, CA, CO, FL, GA, KS, LA, MS, MO, NM, NC, OK, SC, UT and WY. Supporting shipper: Apex Valve and Fitting Corp., 13101 Almeda Road, Houston, TX 77045.

MC 123407 (Sub-4–59TA), filed March 13, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). *Reprocessed plastic resins in containers* between Terre Haute, Indiana, and points in NY, PA, NJ, OH, MI, KS, TN, TX, KY, MO, and IL. *Supporting shipper: Jadcore, Inc., 1415 North Fruitridge Ave., Terre Haute, IN 47805. *An underlying ETA seeks 120 days authority.

MC 145199 (Sub-4–1TA), filed March 13, 1981. Applicant: WESTERFIELD TRUCK LEASING, INC., Rural Route 10, Box 251, Greensburg, IN 47240. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. *Contract: Such merchandise as is dealt in or used by grocery or food business houses,* from Washington Court House

and Dayton, OH and Bloomington, IL to Kroger facilities located at Conyers, GA; Louisville, KY; Livonia, MI; Indianpolis, IN; Nashville and Memphis, TN; Cincinnati and Columbus, OH; Irwin, PA; Salem, VA; Hazelwood, MO; and Irving, TX, under continuing contract(s) with The Kroger Co., of Cincinnati, OH. An underlying ETA seeks 120 days authority. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201.

MC 146628 (Sub-4–4TA), filed March 13, 1981. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Contract,* Irregular: *Portable earth station* between points in the U.S. Restricted to traffic moving under continuing contract with American Telephone & Telegraph Company. An underlying ETA seeks 120 days authority. Supporting Shipper: American Telephone & Telegraph Company, 10 So. Canal St., Chicago, IL 60606.

MC 150187 (Sub-4–5TA), filed March 12, 1981. Applicant: D & L TRUCKING SERVICES, INC., 1419 South Clark Blvd. Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. *Plastic articles,* from Indianapolis, IN to points in IL, KY, MI, MO, OH, TN, WV, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: W. R. Grace & Co., FORMPAC Div., P.O. Box 295, Reading, PA 19603.

MC 150341 (Sub-4–4TA), filed March 13, 1981. Applicant: HOOVESTOL, INC., 3110 Mike Collins Drive, St. Paul, MN 55121. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract: General Commodities, (except Class A and B explosives),* Between points in the U.S. (except AK and HI), under contract with James Refrigeration Company, Edina, MN. An underlying ETA seeks 120 days authority. Supporting shipper: James Refrigeration Company, Box 24137, Edina, MN 55424.

MC 154377 (Sub-4–1TA), filed March 12, 1981. Applicant: H.o.J. TRUCKING, 107 Millbrook Lane, Schaumburg, IL 60193. Representative: John T. O'Connell, 521 S. LaGrange Road, LaGrange, IL 60525. *Contract Oil well drilling equipment which includes derricks, derrick sub-structure and all component parts of oil well drilling* between Howard County, TX, on the one hand, and on the other, points in the U.S. Supporting shipper: oilfield Industrial Lines, Inc., Big Springs, TX 79720.

MC 154645 (Sub-4–1TA), filed March 11, 1981. Applicant: JOHN FINK TRUCKING, INC., Route 1, Darlington, WI 53530. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract:* Irregular; *Dry and liquid fertilizer, and materials, equipment and supplies* used in the manufacture or distribution of such commodities, from Dubuque County, IA, to points within Grant, Green, Iowa, Lafayette and Rock Counties, WI. Restricted to transportation performed under a continuing contract(s) with Ross Soil Service, Inc. and Terra Eastern Corporation. An underlying ETA seeks 120 days authority. Supporting shippers: Ross Soil Service, Inc., Highway 151 South, Mineral Point, WI 53565; and Terra Eastern Corporation, Route 1, Mineral Point, WI 53565.

MC 154665 (Sub-4–1TA), filed March 11, 1981. Applicant: JOSEPH F. GILMARTIN d.b.a. ROOFERS TRANSIT, 847 East Patten, Palatine, IL 60067. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601. *Roofing and roofing materials, and materials and supplies used or useful in the manufacture and distribution of roofing and roofing materials,* between points in IL, IN and WI. Supporting shipper: Capen Wholesale Inc., 1313 Circle Avenue, Forest Park, IL 60130.

MC 154681 (Sub-4–1TA), filed March 12, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., Rural Route No. 4, Box 83–B, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. (1) *Material handling equipment;* and (2) *parts and attachments for material handling equipment,* between the facilities of Nott Company, Hyster Division, Minneapolis, MN, on the one hand, and, on the other, facilities of the Nott Company, Hyster Division, Fargo, ND. An underlying ETA seeks 120 days authority. Supporting shipper: Nott Company, Hyster Division, 4202 14th Avenue NW, Fargo, ND 58102.

The following applications wre filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 2960 (Sub-5–5TA), filed March 12, 1981. Applicant: ENGLAND TRANSPORATION COMPANY OF TEXAS, INC., 2301 McKinney Street, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Petroleum wax (except in bulk)* from Kilgore, TX to Houston and Galveston, TX and their commercial zones. Restricted to traffic having a subsequent movement by water. Supporting shipper: Petrolite Corporation, Bareco Division, 6910 E. Fourteenth Street, Tulsa, OK 74112.

MC 105566 (Sub-5–20TA), filed March 13, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. *Foundry Sand* from Midway, TN to Los Angeles, CA. Supporting shipper: Western Refractory Products, P.O. Box 4907, Irvine, CA 92716.

MC 106398 (Sub-5–62TA), filed March 12, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (Same as Applicant). *Paper and Paper Products, Plastic Products and Accessories* Between points in Hamilton County, OH, on the one hand, and on the other, all points in the U.S. (except AK and HI). Supporting shipper: C. W. Zumbiel Company, 2339 Harris Avenue, Cincinnati, OH.

MC 106398 (Sub-5–63TA), filed March 12, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson (Same as Applicant). *Metal products and accessories* Between points in OH, WV, AR, PA, IL, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Commercial Shearing, Inc., 1775 Logan Avenue, Youngstown, OH 44501.

MC 111401 (Sub-5–34TA), filed March 12, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (Same as applicant). Sulfuric Acid, in bulk, in tank vehicles, from Playas, NM to Earth, TX. Supporting shipper: McKesson Chemical Co., P.O. Box 9001, Amarillo, TX, 79105.

MC 114274 (Sub-5–9TA), filed March 13, 1981. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Pl., P.O. Box 1703, Des Moines, IA 50306. Representative: William H. Towle, 180 North La Salle St., Suite 3520, Chicago, IL 60601. *Materials, Equipment and Supplies used in the Manufacturing of Beverages.* From points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, SD, TN, TX and WI. To the facilities of Mid Continent Bottlers, Inc. at Cedar Rapids and Des Moines, IA; Flint, MI; Omaha, NE; and Kansas City and St. Louis, MO. Supporting shipper: Mid Continent Bottlers, Inc., P.O. Box B J, Des Moines, IA 50304.

MC 116063 (Sub-5–4TA), filed March 13, 1981. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O.

Box 270, Forth Worth, TX 76101. Representative: W. H. Cole (same as applicant). *Glue, in bulk,* from Lewisville, TX to Denver, CO. Supporting shipper: United Resin Adhesives Company, Lewisville, TX 75067.

MC 118959 (Sub-5–16TA), filed March 13, 1981. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Contract; irregular: General commodities (except Classes A and B explosives),* between points in the U.S. under a continuing contract(s) with The Procter & Gamble Company and its wholly owned subsidiaries. Supporting shipper: The Procter & Gamble Company and its wholly owned subsidiaries, P.O. Box 599, Cincinnati, OH 45201.

MC 119399 (Sub-5–52TA), filed March 12, 1981. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, P.O. Box 1375, Joplin, MO 64801. Representative: Thomas P. O'Hara (same as applicant). *Malt Beverages* from Peoria, IL to St. Joseph, MO; and from Milwaukee, WI to Lamar, MO. Supporting shipper: K & B Distributing, Inc., St. Joseph, MO 64501 Stahl Sales Company, Lamar, MO 64759.

MC 121805 (Sub-5–3TA), filed March 12, 1981. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Avenue, North Little Rock, AR 72114. Representative: James M. Duckett, 411 Pyramid Life Building, Little Rock, AR 72201. *General Commodities (with the usual exceptions),* between Crossett, AR and points in TX, OK, KS, NE, MO, KY, TN, LA and MS. Applicant intends to tack and interline. Supporting shipper: Georgia-Pacific Corporation, P.O. Box 520, Crossett, AR 71635.

MC 123876 (Sub-5–1TA), filed March 13, 1981. Applicant: PRATT TRANSPORTATION, INC., P.O. Box 1501, Omaha, NE 68101. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Flour,* from Omaha and Fremont, NE to pts in IA. Supporting shipper: Con Agra, Inc. Omaha, NE.

MC 124174 (Sub-5–41TA), filed March 12, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 "L" Street, Omaha, NE 68137. *Iron and steel plate in bundles, building panels and metal roof deck,* from Bristol, CT to Muscatine, IA. Supporting shipper(s): Morin Building Products, Inc., P.O. Box 503, Bristol, CT 06010.

MC 125535 (Sub-5–8TA), filed March 13, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, P.O. Box 1746, Maryland Heights, MO 63043. Representative: Same as above. Contract: Irregular. *Bonding cement and fire clay (except commodities in bulk in tank vehicles),* between all points in the U.S. (except AK and HI). Supporting shipper: Universal Refractories, Inc., 1554 Candish Lane, Chesterfield, MO 63017.

MC 128273 (Sub-5–37TA), filed March 13, 1981. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. *General commodities* between Kalamazoo, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Lear Siegler, Inc., Borroughs Division. Supporting shipper: Lear Siegler, Inc., Borroughs Division, 3002 N. Burdick St., Kalamazoo, MI 49007.

MC 134134 (Sub-5–13TA), filed March 13, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *(1) floor coverings, and (2) equipment, materials, and supplies used in the manufacture, distribution, and installation of floor coverings,* from Lancaster County, PA and Kankakee County, IL to Omaha, NE. Supporting shipper: Truesdell Distributing Corporation, 6009 Center Street, Omaha, NE 68106.

MC 135797 (Sub-5–104TA), filed March 12, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72756. Representative: Paul R. Bergant, Esq. (Address same as applicant). *Such commodities as are dealt in or used by construction and home improvement businesses (except commodities in bulk),* between the facilities of Therma-Tru, Division of LST Corporation at or near Van Buren, AR and Colorado Springs, CO on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Therma-Tru, Division of LST Corporation, 2806 No. Reynolds Road, Toledo, OH 43615.

MC 138328 (Sub-5–19TA), filed March 13, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). *Iron and steel articles,* from Chicago, IL and points in its commercial zone, to Houston, TX and points in its commercial zone. Supporting shipper: Joseph T. Ryerson & Son, Inc., 2621 West 15th Place, Chicago, IL 60608.

MC 138328 (Sub-5–20TA), filed March 13, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I–80 and Hwy. 50, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same as applicant). *Such commodities as are dealt in or used by manufacturers of plastic articles,* between Omaha, NE, and points in the U.S. Restriction: Restricted to traffic originating at or destined to the facilities of Plastilite Corporation. Supporting shipper: Plastilite Corporation, 9409 N. 45th, Omaha, NE 68112.

MC 138563 (Sub-5–1TA), filed March 13, 1981. Applicant: J.M.J. PROJECTS, INC., 2109 West 50th, Shawnee Mission, KS 66205. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. *Batteries, new and used and parts thereof, equipment, materials and supplies used in the manufacture and distribution of electric storage batteries and lead ingots,* Between the states of AR, CO, IA, IL, KS, OK, NE, MO, and TX, limited to traffic moving to or from the facilities of Gould, Inc. Supporting shipper: Gould, Inc., 1110 Hwy 110, St. Paul, MN 55118.

MC 140635 (Sub-5–9TA), filed March 13, 1981. Applicant: ADAMS LINES, INC., 2619 N Street, Omaha, NE 68107. Representative: John Hornung (same as above). *Drugs, medicines, toilet preparations and articles dealt in or sold by drug and department stores,* from Union County, NJ, to IL, IN, WI, and points in and west of MN, IA, MO, AR, and LA. Supporting shipper: Schering Corporation, Kenilworth, NJ.

MC 144982 (Sub-5–7TA), filed March 12, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. Contract; irregular: *steel shelving, storage racks, and plastic bins,* between points in the U.S. under continuing contract(s) with San Jose Shelving Distribution Center, Inc. Supporting shipper: San Jose Shelving Distribution Center, Inc., 1939 Hartog Drive, San Jose, CA 95131.

MC 145966 (Sub-5–4TA), filed March 12, 1981. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. *Meters, and parts and accessories for meters,* from Nebraska City, NE, to the Houston TX commerical zone, restricted to traffic moving in foreign commerce. Supporting shipper: American Meter Division of The Singer Company, P.O. Box 727, Nebraska City, NE 68410.

MC 146616 (Sub-5–8TA), filed March 13, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 West 21st Street, Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth Street, Tulsa, OK 74103. Contract Irregular: *(1) Conventional pumping units, pipe, casing, tubing tank batteries and (2) equipment and supplies used in the manufacture and distribution of the commodities named in* (1) above, between points in the U.S. under continuing contract(s) with Red Man Pipe & Supply Co., Inc., of Tulsa, Ok. Supporting shipper: Red Man Pipe & Supply Co., Inc., 6111 E. Skelly Drive, Suite 716, Tulsa, OK 74135.

MC 146853 (Sub-5–3TA), filed March 13, 1981. Applicant: FRANK F. SLOAN d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, IA 50327. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Salt,* between Tooele County, UT, on the one hand, and, on the other, pts in IA, IL, MN, MO, and WI. Supporting shipper: American Salt Company, 3142 Broadway, Kansas City, MO 64111.

MC 152245 (Sub-1–10TA), filed March 13, 1981. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 2785, Amarillo, TX 79105. Representative: R. L. Gordon, Greyhound Tower, Station 901, 111 West Clarendon, Phoenix, AZ 85077. Contract, Irregular: *(1) Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses; (2) materials, equipment and supplies used in the manufacture thereof,* between points in the U.S. restricted to traffic originating at or destined to, or for the account of The Carnation Company. Supporting shipper: The Carnation Company, 5045 West Wilshire Boulevard, Los Angeles, CA 90036.

MC 154688 (Sub-5–1TA), filed March 13, 1981. Applicant: DOUBLE L. TRANSPORT, INC., P.O. Box 206, Turpin, OK 73950. Representative: Michael H. Lennox, 8903 North Western Avenue, Oklahoma City, OK 73114. Contract, irregular route: *Finished feed and finished feed ingredients,* between Texas County, OK on the one hand, and, on the other, points in the U.S. Supporting shipper: Thermonetics, Inc., 1260 E. First National Center, Oklahoma City, OK 73102.

MC 154690 (Sub-5–1TA), filed March 13, 1981. Applicant: NEAL FERTILIZER, INC., Dexter, IA 50070. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Roofing materials,* from Kansas City, MO, to points in Madison, Clarke, Union, Story, Polk, Jasper, Dallas, and Warren Counties, IA. Supporting shippers: Circle B Cashway, Inc., Highway 169, North, Winterset, IA 50273.

MC 154696 (Sub-5–1TA), filed March 13, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150, Bernie, MO 63822. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Fertilizer, Chemicals, and Related Products and Clay,* between Memphis, TN, Athens, IL, Lee Creek, SC, Caruthersville, MO, Bradenton, FL, Yazoo City, MS, on the one hand, and, on the other, Malden, MO. Supporting shipper: Farmer's Liquid Plant Foods, Inc., East Main Street, Malden, MO 63863.

MC 154698 (Sub-5–1TA), filed March 13, 1981. Applicant: LEO S. DORZWEILER, 1316 Steven, Hays, KS 67601. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Contract, Irregular *Part 1) Wooden boxes, pallets, lumber, supplies and materials useful in the manufacture of wooden boxes and pallets,* Between Ellis County, KS and points in the U.S. (except AK and HI) *Part 2) clothing, garments, fabrics, articles and materials useful in the manufacture of clothing and garments,* Between points in Ellis County, KS and points in the U.S. (except AK and HI). Supporting shipper: Developmental Services of Northwest Kansas, Inc, P.O. Box 1016, Hays, KS 67601.

MC 200 (Sub-5–99TA), filed March 16, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Road, Kansas City, MO 64141. Representative: H. Lynn Davis (same as applicant). *General Commodities, (except classes A & B explosives),* between points in Sebastian County, AR, on the one hand, and, on the other, points in CA. Supporting shipper: American Can Co., 4411 Midland, Ft. Smith, AR 72901.

MC 2960 (Sub-5–6TA), filed March 16, 1981. Applicant: ENGLAND TRANSPORTATION COMPANY OF TEXAS, 2301 McKinney St., Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Plastic film and sheeting:* from Temple and Waco, TX to the Port of Houston, TX, for export. Supporting shipper(s): Mobil Chemical Company, Macedon, New York 14502.

MC 26825 (Sub-5–15TA), filed March 16, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. *General commodities,* between Galveston County, TX on the one hand, and, on the other, points in the U.S. Supporting shipper: Board of Trustees, Port of Galveston, 802 Rosenburg, Galveston, TX 77550.

MC 69834 (Sub-5–5TA), filed March 16, 1981. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213. Common, Regular. *General commodities (except those of unusual value, classes, A and B explosives, household goods as defined by Commission, commodities in bulk, and those requiring special equipment),* From Wichita south on Interstate 35 to Highway 160, thence west on Highway 160 to Wellington and return to Interstate 35; thence south on Interstate 35 to Highway 177; thence south on Highway 177 to Highway 60; thence east on Highway 60 to Bartlesville, OK, and return over the same route, serving all intermediate points; also, From Wichita south on Interstate 35 to Highway 166; thence east on Highway 166 to Highway 77; thence south on Highway 77 to Ponca City, OK, and return over the same route, serving all intermediate points; also, From Wichita east on Highway 54 to Augusta, KS, and return over the same route, serving all intermediate points. Applicant intends to interline.

MC 92983 (Sub-5–7TA), filed March 16, 1981. Applicant: AMERICAN BULK TRANSPORT CO., 18 Central Avenue, P.O. Box 2387, Kansas City, KS 66110. Representative: William J. O'Neill, Traffic Manager, P.O. Box 1408, Kansas City, MO 64141. *Chemicals in bulk,* from points in Orange County, CA to all points in TX. Supporting shipper: Delst Chemical and Research Inc., 540 E. Jamie, La Habra, CA 90631.

MC 112713 (Sub-5–33TA), filed March 16, 1981. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Overland Park, KS 66207. Representative: William F. Martin, Jr. (same address as above). Contract: Irregular. *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between all points in the continental U.S. Supporting shipper: Control Data Corporation, 8100 34th Avenue South, Minneapolis, MN.

MC 114028 (Sub-5–2TA), filed March 16, 1981. Applicant: ROWLEY INTERSTATE TRANSPORTATION CO., INC., 2010 Kerper Boulevard, Dubuque, IA 52001. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Toys, phonographs and materials, equipment and supplies used in the manufacture, sale or distribution thereof,* from Suffolk County, NY to

Dubuque County, IA. Supporting shipper: Ertl Company, a subsidiary of Kiddee, Inc., Dyersville, IA.

MC 115669 (Sub-5–6TA), filed March 16, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *Processed grain products,* from Inman, Buhler and Whitewater, KS, to Minneapolis, MN; Kansas City, MO; Denver, CO; and Toledo, OH. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.

MC 123876 (Sub-5–2TA), filed March 16, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. *Petroleum products, in bulk,* between pts in IA and NE. Supporting shipper(s): Barns Oil Co., Inc., Crete, NE 68333; Martin's Oil & Propane, Milford, NE.

MC 124174 (Sub-5–42TA), filed March 16, 1981. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Karl E. Momsen, 13811 L Street, Omaha, NE 68137. *(1) Food and related non-exempt food or kindred products—STCC-20, and (2) Packaging materials, plastic, expanded or foamed articles or sheets—STCC-26 and 30,* (1) between San Mateo County, CA and Delta County, CO, on the one hand, and pts in the USA, on the other, and (2) between Cook County, IL, New Castle County, DE; and San Mateo County, CA, on the one hand, and pts in the USA, on the other. Supporting shipper(s): Free-Flow Packaging Corp, 2500 Middlefield Road, Redwood City, CA 94063; Safe-T Pacific Co., 2500 Middlefield Road, Redwood City, CA 94063; and Skyland Food Corp., P.O. Box 250, Delta, CO 81416.

MC 126118 (Sub-5–57TA), filed March 16, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *General commodities (except those commodities which because of their size and weight require the use of special equipment, liquids in bulk, and items of unusual value),* between pts in the U.S. Restriction: Restricted to traffic originating at or destined to facilities utilized by the Brunswick Corporation. Supporting shipper: Brunswick Corporation, Paul Sterner, Transportation Manager, One Brunswick Plaza, Skokie, IL 60077.

MC 134134 (Sub-5–14TA), filed March 16, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Foodstuffs,* from Allegheny County, PA to pts in IN, KY, TN, MI, OH, WI, IL, MN, IA, MO, and NE. Supporting shipper: Daily's Juice Products, Inc., 1 Daily Way, Verona, PA 15147.

MC 135797 (Sub-5–105TA), filed March 16, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Chemicals,* between points in TX on the one hand, and on the other, points in the U.S. (except AK and HI). Restricted to shipments originating at or destined to the facilities of Klenzco Chemical, Division of Economics Laboratory, Inc. Supporting shipper: Klenzco Chemical, Division of Economics Laboratory, Inc., 2014 East Highway 12, Rogers, AR 72756.

MC 135797 (Sub-5–106TA), filed March 16, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Paper, plastic articles and paper products,* between King County, WA and points in the United States (except AK and HI). Supporting shipper: Ridgway Packaging Corporation, 4111 156th Ave. Northeast, Redmond, WA 98052.

MC 136786 (Sub-5–55TA), filed March 16, 1981. Applicant: ROBCO TRANSPORTATION, INC., 4475 Northwest Third Street, Des Moines, IA 50313. Representative: Stanley C. Olsen, Jr., Olsen, Snelling & Christensen, P.A., Suite 307, 5200 Willson Road, Minneapolis, MN 55424. *Foodstuffs* between Lee County, IL, on the one hand, and, on the other, points in MA, MD, FL, TX, TN, GA, SC, NC, KY, WV and VA. Supporting shipper: Purity Mills, Division of Stokely-Van Camp, Inc., P.O. Box 1083, Indianapolis, IN 46206.

MC 138469 (Sub-5–39TA), filed March 16, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73147. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200, Park Ridge, IL 60068. *Confectionery, snack foods and packaging materials,* between Horseheads, NY and points in AR, CA, FL, GA, KS, KY, LA, MO, MS, OK and TX. Supporting shipper: Star Candy Company, Route 3, Box 92, Tuttle, OK 73089.

MC 141293 (Sub-5–3TA), filed March 16, 1981. Applicant: J.R.R.W. TRANSPORT, INC., P.O. Box 5186, Coralville, IA 52241. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Contract irregular *Chemically treated paper,* Between Iowa City, IA, on the one hand, and, on the other, Denver, CO under continuing contract(s) with H. P. Smith Paper Co. Supporting shipper: H. P. Smith Paper Co., 2000 Industrial Park Rd., Iowa City, IA.

MC 144603 (Sub-5–37TA), filed March 16, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant). *(1) Plastic sheets; facing tile and brick; plastic parts and articles; (2) materials and supplies used in the manufacture, sale and distribution of commodities names in (1)* between Xenia, OH, Los Angeles, CA, Washington, IN, Kansas City, MO/KS, and their respective commercial zones, on the one hand, and, on the other, points in CA and in and east of the states of TX, OK, KS, NE, IA and MN. Supporting shipper: K.S.H. Inc., 10091 Manchester Rd., St. Louis, MO 63122.

MC 146055 (Sub-5–13TA), filed March 16, 1981. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Building, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Meats, and packinghouse products,* from the facilities of Spencer Foods Division Land O'Lakes, Oakland, IA to points in MI, IN, OH, KY, GA, FL, WI, IL, NE, and KS. Supporting shipper: Land O'Lakes, Spencer Beef Division P.O. Box 544, Schuyler, NE 68661.

MC 147388 (Sub-5–12TA), filed March 16, 1981. Applicant: EARLY BIRD FREIGHT LINES, INC., Route 1, Box 49, St. Libory, NE 68872. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Malt beverages (except in bulk),* from Milwaukee, WI and Fort Worth, TX and points in their commercial zones, to North Platte, NE, and points in its commercial zone. Supporting shipper: Western Beer Distributing, Inc., 640 N. Willow, Box 787, North Platte, NE 69101.

MC148554 (Sub-5–1TA), filed March 16, 1981. Applicant: WALD TRANSFER & STORAGE CO., P.O. Box 344, Houston, TX 77001. Representative: Joe Check, 1353–A West Hurst Blvd., Hurst, TX 76053. Building, Prefabricated, In Crates, From Arlington, Mansfield, Fort Worth, and Midlothian, TX, to Jefferson County, TX, with a subsequent movement by water. Supporting shipper: M.B.M. International, 1103 Polly Webb, Arlington, TX 76017.

MC 150598 (Sub-5–3TA), filed March 16, 1981. Applicant: WILLIAM J. MUNGER, d.b.a. MUNGER TRUCK

LINE, P.O. Box 115, Beattie, KS 66406. Representative: William B. Barker, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601.*Corn Products*, From the facilities of Lincoln Grain, Inc. at or near Atchison, KS to points in the U.S. (except AR, CO, MN, MT, NE, NM, ND, OK, SD, TN, TX, UT and WY). Supporting shipper: Lincoln Grain, Inc., P.O. Box 436, Atchison, KS 66002.

MC 150627 (Sub-52TA), filed March 16, 1981. Applicant: JAMES FINCH, d.b.a. FINCH HOT SHOT SERVICE, 7601 S. Central Expressway, Dallas, TX 75216. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Contract; irregular; *Lighting Fixtures and Accessories*, from Dallas and Harris Counties, TX to points in NM, OK, LA, and AR; and from Oklahoma and Canadian Counties, OK to points in TX, under continuing contract(s) with Metalux Corporation. Supporting shipper(s): Metalux Corporation, 9100 Chancellor Row, Dallas, TX 75247.

MC 150949 (Sub-5–10TA), filed March 16, 1981. Applicant: NFI, INC., Box 664, Waxahachie, TX 75165. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360. Contract; irregular; *Evaporative Coolers and Related Parts and Supplies*, from Phoenix, AZ to points in OK and TX. Supporting shipper: McGraw-Edison Company, 6991 E. Camelback Road, Scottsdale, AZ 85251.

MC 151914 (Sub-5–1TA), filed March 16, 1981. Applicant: RUSSELL STOVER CANDIES, INC., 1004 Baltimore Ave., Kansas City, MO 64105. Representative: Thomas P. G. Franklin, Assistant Corporate Counsel, (same as above). *Malt beverages and related advertising material and empty used beverage containers and materials, equipment and supplies used in and dealt with by breweries*, between points in TN, AR and Jefferson County, CO. Supporting shipper: Adolph Coors Company, Golden, CO 80401.

MC 152599 (Sub-5–3TA), filed March 16, 1981. Applicant: SOUTHERN CARRIES, INC., P.O. Box 631, Galena Park, TX 77547. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. *General commodities, in containers, having a prior or subsequent movement by water*, between Houston and Galveston, TX, and points in their commercial zone, on the one hand, and, on the other, points in Texas. Supporting shippers: There are 16 supporting shipper.

MC 152971 (Sub-5–1TA), filed March 16, 1981. Applicant: DEEP SOUTH FREIGHT LINES, LTD., 6306 Boutall Street, Metairie, LA 70005. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Food and kindered products*, between points in LA, on the one hand, and, on the other, points in AR, AL, FL, GA, MS, IN, NC, SC, TN, TX and VA; and *Dogfood*, between points in TN, on the one hand, and, on the other, points in AR, AL, FL, GA, IN, MS, NC, SC, TX, VA and LA. Supporting shippers: There are four supporting shippers.

MC 153910 (Sub-5–2TA), filed March 16, 1981. Applicant: L & B TRUCKING CORPORATION, Johnson Street Road, Keokuk, IA 52632. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *General Commodities (except Class A and B explosives)*, between points in IA and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Keokuk Diecasting, Division of Hays Albion, Box 767, Main Street Road, Keokuk, IA 52632, The Miner-01 Company, Inc., South Water Street, Warsaw, IL 62379, Hartricks Independent Lumber Co., 10th E. Johnson Street, Keokuk, IA 52632, J & S Recycle, 1020 Cleveland, Keokuk, IA 52632, B & J Cycle Sales, Hilton Road, Keokuk, IA 52632, Wilkins Pipe & Supply Co., 3201 Plank Road, Keokuk, IA 52632, Sheaffer Eaton Textron, 301 Avenue H, Fort Madison, IA 52627, Graettinger Agri Systems, Box 303, Graettinger, IA 51342.

MC 154718 (Sub-5–1TA), filed March 16, 1981. Applicant: JOHN COLLINS, RUSSELL CARLSON and PRENTICE ORR, d.b.a. PEOPLES TRANSPORTATION COMPANY, 2104 West 6th Street, Davenport, IA 52805. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Passengers and their baggage, in the same vehicle with passengers, in special and charter operations*, beginning and ending at points in Davenport and Waterloo, IA, and Galesburg and Rock Island, IL, and extending to points in the U.S. (including AK but excluding HI). Supporting shippers: Union Baptist Church, 716 Vinton Street, Waterloo, IA, Butler Manufacturing Company, 1020 S. Henderson, Galesburg, IL 61401, Knights of Columbus, 1556 E. Fremont, Galesburg, IL, Peoples Baptist Church, 7th Avenue and 23rd Court, Rock Island, IL.

The following protests were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board (RMBC), P.O. Box 7413, San Francisco, CA 94120.

MC 144726 (Sub-6–2TA), filed March 13, 1981. Applicant: K.K.W. TRUCKING, INC., 516 W. 140th St., Gardena, CA 90248. Representative: James P. Beck, 717 17th St., Ste 2600, Denver, CO 80202. *Furniture, fixtures and such commodities as are dealt in by home furnishing and department stores*, between points in CA on the one hand, and, on the other, points in MN, OR, TX and WA, for 270 days. Supporting shippers: There are 10 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 33641 (Sub-6–8TA), filed March 13, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant). *Common Carrier*, Regular routes: *General Commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving points in Carbon and Emery counties, UT as off-route points in connection with carrier's authorized regular route operations, for 270 days. Applicant intends to tack and interline. Supporting shipper: Utah Power & Light Co., P.O. Box 899, Salt Lake City, Utah 84110.

MC 154702 (Sub-6–1TA), filed March 13, 1981. Applicant: BLUE BELL POTATO CHIP CO., 100 NE. Farragut, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Food and related products*, from Spokane, WA to points in Clark County, WA and points in Multnomah, Clackamas, Yamhill, Marion, Washington and Polk Counties, OR, for 270 days. Supporting shipper: Centennial Mills, a division of ADM Milling Co., 1464 NW. Front Ave., Portland, OR 97208.

MC 154682 (Sub-6–1TA), filed March 12, 1981. Applicant: LARRY BURKE and GEORGE BROWN, a partnership d.b.a. BURKE AND BROWN TRANSPORTATION, 129 Brighton Way, Bakersfield, CA 93308. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Commodities used in the establishment, maintenance or dismantling of oil, gas, steam or water wells* from Bakersfield, CA to Grand Junction, CO, Casper and Gillette, WY, Abilene, TX and Dallas County, TX, for 270 days. Supporting shipper: Wellhead, Inc., 3912 Gilmore Ave., Bakersfield, CA 93308.

MC 136228 (Sub-6–2TA), filed March 12, 1981. Applicant: LUISI TRUCK LINES, INC., P.O. Box "H", Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232. *Wine and malt beverages* from points in CA to Walla Walla, WA, for 270 days. Supporting shipper: Hewitt Distributing Co., Inc.,

2091 Lark Drive, Walla Walla, WA 99362.

MC 139906 (Sub-6–64TA), filed March 16, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Such commodities as are manufactured, used, or dealt in by producers of recreational, leisure and sports equipment* (except in bulk) from the facilities of Ebonite Billiards Division of Fuga Industries, Inc. at or near Miami Lakes, FL to points in the U.S. for 270 days. Supporting shipper: Ebonite Billiards Div. of Fuga Ind. Inc., 14000 N.W. 57th Court, Miami Lakes, FL 33014.

MC 730 (Sub-6–16TA), filed March 13, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 8004, Walnut Creek, CA 94596. Representative: R. N. Cooledge (same as applicant). *Chemicals*, in bulk, from Bisbee, AZ to points in Orange County, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Delst Chemical and Research Company, 540 E. Jamie Ave., LaHabra, CA 90631.

MC 154700 (Sub-6–1TA), filed March 13, 1981. Applicant: ALVIN L. COURTNEY, d.b.a. COURTNEY TRUCKING, 4325 S.E. 3rd, Renton, WA 98055. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Contract Carrier*, irregular routes: *Foodstuffs, including refrigerated* between WA, OR and CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Richardson & Holland, div. of Mallinkrodt, P.O. B. C–19101, Seattle, WA 98102 and Presto Food Products, 620 S. Brandon Street, Seattle, WA 98108.

MC 154701 (Sub-6–1TA), filed March 13, 1981. Applicant: CARL SOWELL, d.b.a. SOWELL TRUCKING, 1365 Paramount Ave., Pocatello, ID 83201. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Contract Carrier*, irregular routes: *Chemicals and fertilizers*, in bulk, between points in ID, NV, OR, UT and WY under continuing contract(s) with J. R. Simplot Company, for 270 days an underlying ETA seeks 120 days authority. Supporting shipper: J. R. Simplot Company, P.O. Box 27, Boise, ID 83707.

MC 154703 (Sub-6–1TA), filed March 13, 1981. Applicant: TOP MATERIALS DISTRIBUTING, INC., 7708 N.E. 99th St., Vancouver, WA 98662. Representative: Derold Hefely (same address as applicant). (1) *Wallboard, Roofing and Decorative Stone products, and Materials and Supplies used in their manufacture and distribution* from Contra Costa, Los Angeles, and Orange Counties, CA and King County, WA to points in OR and WA on and West of USH 97, (2) *Lumber and Wood Products and Materials and Supplies used in their manufacture* from points in OR and WA on and West of USH 97 to points in CA, for 270 days. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the Regional office listed.

MC 150996 (Sub-6–1TA), filed March 13, 1981. Applicant: FRANK GONZALEZ, d.b.a., RELIABLE DRIVEAWAY, 125 Given Pl., Montebello, CA 90640. Representative: C. N. Urevich, 727 W. 7th St., #1000, Los Angeles, CA 90017. *New trucks, tractors, chassis* and *semi-trailers, excluding mobile homes*, in driveaway service between Los Angeles County, CA on the one hand, and, on the other hand, Clark County, NV; Yuma County, AZ; Maricopa County, AZ; Crockett County, TX; Salt Lake County, UT; Leheigh County, PA; and Multonomah County, OR; and *used trucks, tractors, chassis and semi-trailers, excluding mobile homes*, in driveaway service between Los Angeles County, CA; on the one hand, and, on the other hand, Maricopa County, AZ; Denver County, CO; Jackson County, OR; Lane County, OR; New York County, NY; Fulton County, GA; and King County, WA; for 270 days. Supporting shipper: Rollins Leasing Corporation, 1465 Greenwood Ave., Montebello, CA 90640.

MC 154467 (Sub-6–1TA), filed March 13, 1981. Applicant: KENNETH KONTRATH & DAVID L. ENNIS, a partnership d.b.a., KONTRATH TRANSPORTATION, 6216 Glider Dr., San Jose, CA 95123. Representative: Kenneth Kontrath (same address as applicant). *Contract carrier:* Irregular Routes. *Canned Apple Products* from Sebastopol, CA to Phoenix and Tucson, AZ for 270 days. An underlying ETA seeks 120 days authority. Supportive shipper: Sebastopol Cooperative Cannery, 6782 Sebastopol Av. Sebastopol, CA 95427.

MC 154544 (Sub-6–1TA), filed March 12, 1981. Applicant: JOHN MOSIER, d.b.a. JOHN MOSIER TRUCKING, 2230 Patrician Way, Colorado Springs, CO 80909. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Contract;* irregular: (1) *Agricultural sprinkler irrigation systems* and *agricultural wind turbine systems, parts*, and *supplies*, and (2) *material, equipment and supplies* used in the manufacture, distribution, and installation of the commodities in (1), between points in the U.S. under continuing contract(s) with Tumac Industries, Inc., for 270 days. An ETA for 120 days has been applied for. Supporting shippers: Tumac Industries, Inc., 650 Ford, Colorado Springs, CO 80915.

MC 154743 (Sub-6–1TA), filed March 16, 1981. Applicant: AAA TRANSPORT, INC., 152 Heyburn West, Twin Falls, ID 83301. Representative: Louis Garbrecht, P.O.B. 1794, Twin Falls, ID 83301. *Contract Carrier*, Irregular routes: *Beer, wine and related advertising matter in mixed loads with beer and wine*, from points in CA to facilities used and utilized by Southern Idaho Distributing in Twin Falls, Fairfield and Sun Valley, ID for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Southern Idaho Distributing, P.O.B. 423, Twin Falls, ID 83301.

MC 134387 (Sub-6–11TA), filed March 16, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., No. 1800, Los Angeles, CA 90017. *Vermiculite, wall plaster* and *plant, bed*, and *potting media* between points in CA, OR, WA, ID, and AZ, for 270 days. Supporting shipper: W. R. Grace & Co., 2303 N. Harding, Portland, OR 97227.

MC 152238 (Sub-6–6TA), filed March 16, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O. Box 288, Grenada, CA 96038. Representative: John R. Harleman (same as applicant). *Contract carrier;* irregular routes: *K.D. steel buildings and component parts thereof*, from Los Angeles County, CA, to points in AZ, CA, OR, WA, NV, UT, ID, CO, NM, TX, LA, NE, & WY, restricted to shipments moving under continuing contract(s) with Soule Steel Co., Buildings Div., Los Angeles, CA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Soule Steel Co., Buildings Div., 6200 Wilmington Ave, Los Angeles, CA 90002.

MC 135989 (Sub-6–9TA), filed March 16, 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Esq., Steele Park, Suite 330, 50 South Steele St., Denver, CO 80209. *Contract carrier*, irregular routes: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Denver, Fort Morgan and Sterling, CO to points in the U.S. under contract with Sterling Colorado Beef Co. and

Circle C Beef Co., for 270 days. Supporting shippers: Sterling Colorado Beef Co., P.O.B. 1728, Sterling, CO 80751; Circle C Beef Co P.O.B. 5905 TA, Denver, CO 80217.

MC 135989 (Sub-6–10TA), filed March, 16 1981. Applicant: COAST EXPRESS, INC., 14280 Monte Vista Ave., Chino, CA 91710. Representative: William J. Lippman, Steele Park, Suite 330, 50 S. Steele St., Denver, CO 80209. *Contract carrier*, irregular routes: *Malt beverages* from St. Paul, MN; Peoria, IL; Milwaukee, WI; Memphis, TN; Portland, OR; and Irvine, CA to Denver, CO under contract with Murray Bros. Distributing Co. for 270 days. Supporting shipper: Murray Bros. Distributing Co., 1505 West 3rd Ave, Denver, CO 80223.

MC 145054 (Sub-6–9TA), filed March, 16 1981. Applicant: COORS TRANSPORTATION CO., 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. *General commodities*, (except Classes A and B explosives and household goods as defined by the Commission) between points in the states of CA, CO, IL, and TX for 270 days. Supporting shipper: Eastman Kodak Co., 2400 Mt. Read Blvd. Rochester, NY 14650.

MC 144345 (Sub-6–1TA), filed March, 16 1981. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Airport Ave., Caldwell, ID 83605. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Frozen foodstuffs*, from points in Power County, ID, Umatilla County, OR, Benton, Franklin, Grant and Walla Walla Counties, WA to points in AZ, CA, ID, NV, OR, UT and WA, for 270 days. Supporting shipper: Lamb-Weston, Inc., P.O. Box 23517, Portland, OR 97223.

MC 152330 (Sub-6–2TA), filed March 16, 1981. Applicant: GLACIER CARRIERS, P.O.B. 1438, Kalispell, MT 59901. Representative: John T. Wirth, 717–17th St., Ste. 2600, Denver, CO 80202. *Contract carrier*, irregular routes: *Such commodities as are dealt in or used by manufacturers and distributors of agricultural equipment and machinery*, between points of entry on the International Boundary between the U.S. and Canada located in MT and ND on the one hand, and, on the other, points in IN, IL, IA, CO, MN, MI, MO, OH, NE, OK, KS, ND, SD, MT, ID, WI, WY and UT under continuing contract(s) with Wheat-Belt Industries, for 270 days. Supporting shipper: Wheat-Belt Industries, 6423–30th St., SE, Calgary, Alberta, Canada T2C 1R4.

MC 125996 (Sub 6–4TA), filed March 16, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424. *Meat and meat products, meat by-products, and related products distributed by meat packinghouses*, from Albert Lea, MN, Cedar Rapids, Cherokee, and Des Moines, IA, Marshall, MO, Monmouth, IL and Omaha, NE to points in AZ and CA, for 270 days. Supporting shipper: Wilson Foods Corp., 4545 Lincoln Blvd., Oklahoma City, OK, 73105.

MC 154725 (Sub-6–1TA), filed March 16, 1981. Applicant: THOMAS V. HASTINGS d.b.a. H & H ENTERPRISES, 306 Villa Vista, Sterling, CO 80751. Representative: (same as applicant). *Machinery, materials, equipment, supplies and facilities used in or incidental to or in connection with natural gas and petroleum; (a) discovery, development, production and preservation, (b) pipe line construction, operation, repairing, servicing, dismantling and maintenance, (c) storage facility construction, operation, repairing, servicing, dismantling and maintenance, and (d) refining, recycling, processing, repressuring and blending facility construction, operation, repairing, servicing, dismantling, and maintenance*, in all points in the states of: CO, NE, WY, ND, SD, MT, KS, UT, NM, AZ, OK, TX, for 270 days. Supporting shippers: Bethlehem Steel Corp. 215 So. 3rd Ave., Sterling, CO 80751; Allen & Schramm Inc. 1114 Delmar, Sterling, CO 80751

MC 154727 (Sub-6–1TA), filed March 16, 1981. Applicant: HUISH DISTRIBUTING CO., d.b.a. HUCCO TRUCKING, 3540 W. 1987 S., Salt Lake City, UT 84125. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Contract carrier*, irregular routes, *chemicals and related products*, between CA, on the one hand, and, on the other, Salt Lake County, UT, under a continuing contract(s) with Huish Chemical Co. for 270 days. Supporting shipper: Huish Chemical Co., 3540 W. 1987 S., Salt Lake City, UT 84125.

MC 154724 (Sub-6–1TA), filed March 16, 1981. Applicant: LARSEN TRANSPORT, INC., 860 W. 2600 S., Salt Lake City, UT 84119. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. *Contract carrier*, irregular routes: (1) *Clay, concrete, glass or stone products*, (2) *primary and fabricated metal products*, (3) *chemicals or allied products* (4) *petroleum or coal products* (5) *metallic and nonmetallic minerals* (6) *machinery and supplies and* (7) *waste or scrap materials*, between points in the U.S., for 270 days. Supporting shipper: Larsen Foundry Supply Corporation, 860 W. 2600 S., Salt Lake City, UT, 84119.

MC 147066 (Sub-6–1TA), filed March 16, 1981. Applicant: LUCKY THIRTEEN TRANSPORTATION CO., INC., 15200 Hesperian Blvd., San Leandro, CA 94578. Representative: Willian D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Contract carrier*; irregular routes; *Paper and paper products, materials and supplies*, between points in the U.S. under a continuing contract or contracts with H. S. Crocker Co., Inc. of San Bruno, CA for 270 days. Supporting shipper: H. S. Crocker & Co., 1000 San Mateo Ave., San Bruno, CA 94066.

MC 149036 (Sub-6–3TA), filed March 16, 1981. Applicant: MAHAFFEY'S WAREHOUSE, INC., P.O. Box 317, Yellow Jacket, CO 81335. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. *Beer, and equipment, materials, and supplies used in the transportation, sale, and distribution of beer*, between Irvine and Van Nuys, CA, and Los Angeles, CA and points in its commercial zone, on the one hand, and, on the other, Grand Junction, CO and points in its commercial zone for 270 days. Supporting shipper: Hub Distributing Co., Inc., 131 No. Spruce, Grand Junction, CO 81501.

MC 147020 (Sub-6–2TA), filed March 16, 1981. Applicant: NORTHWESTERN TRADING CO., INC., Rt. No. 4, Box 116B, Milton-Freewater, OR 97862. Representative: M. C. Risser, Suite 501, 1410 S.W. Morrison St., Portland, OR 97205. *Wine and malt liquors, in packages*, from Los Angeles, Fresno, Stanislaus, Santa Clara and Napa counties, CA., to Walla Walla, Franklin and Whitman counties, WA and Umatilla county, OR for 270 days. Supporting shipper(s): Desert Sun Distributing, 110 W. Columbia, Pasco, WA 99301; Glafke Distributing Co., Inc., 826 N. 10th Ave., Walla Walla, WA 99362; Graybeal Distributing Co., 514 S. Main St., Pendleton, OR 97801.

MC 150937 (Sub-6–3TA), filed March 16, 1981. Applicant: R & R DISTRIBUTING, INC., 827 N. Main St., Las Vegas, NV 89101. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Plastic articles and materials and equipment* utilized in the production of plastic articles, between the facilities of L.A. Plastics Co., Inc., in Los Angeles, CA, on the one hand, and, on the other, points in AZ, CO, NV, NM, NJ, OR, TX, UT and WA for 270 days. Supporting shipper: L.A. Plastics Co., Inc., 3024 Rosslyn St., Los Angeles, CA 90065.

MC 153013 (Sub-6–2TA), filed March 16, 1981. Applicant: RONNEY L. ROGERS, d.b.a. R. L. ROGERS TRUCKING, Rt. 1, B. 1724, Clatskanie, OR 97016. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210. *Bannanas*, from Port Hueneme and Long Beach, CA to Seattle, WA for 270 days. Supporting shipper: Cody Produce Supply, 4525 S Orchard, Tacoma, WA 98466.

MC 9251 (Sub-6–1TA), filed March 16, 1981. Applicant: S & M TRUCK LINE, INC., 210 S. Garfield St., Mt. Angel, OR 97362. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW. Main St., Portland, OR 97204. *Canned foods*, in steamship cargo containers, from Salem, Stayton, Brooks and Dayton, OR to Seattle and Longview, WA, restricted to shipments having an immediately prior or subsequent movement by water, for 270 days. Supporting shipper: Stayton Canning Co., Coop., 930 W. Washington, St., Stayton, OR 97383. An underlying ETA seeks 120 days authority.

MC 126514 (Sub-6–26TA), filed March 16, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 W Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 S La Salle St., Chicago, IL 60603. *General commodities*, between points in the US (except AK and HI). Restriction: Restricted to shipments moving on bills of lading of National Carrier Service, for 270 days. Supporting shipper: National Carrier Service, 200 Santa Cruz, Anaheim, CA 92805.

MC 154715 (Sub-6–1TA), filed March 13, 1981. Applicant: J. S. STRINDEN TRUCKING CO., 1374 W 27th St., San Pedro, CA 90731. Representative: James C. Strinden (same as applicant). *Contract Carrier*, Irregular routes: (1) *Potting soil, Othro Chemical Products, and Trophy's* from Sacramento and Los Angeles Counties, CA to points in the forty-eight states for 270 days. Supporting shipper: The Leisure Group, Inc., 1035 Watsoncenter Road, Carson, CA 90745.

MC 108461 (Sub-6–3TA), filed March 16, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, 3737 W. Buckeye Rd., Phoenix, AZ 85009. Representative: William S. Richards, P.O. B. 2465, Salt Lake City, UT 84110. *Contract Carrier*, Irregular routes: *Food and paper products*, between points in OR, WA, and CA on the one hand and Phoenix, AZ on the other, for the account of S.E. Rykoff Co. for 270 days. Supporting shipper: S. E. Rykoff Co., 3235 E. Jackson, Phoenix, AZ 85034.

MC 154726 (Sub-6–1TA), filed March 16, 1981. Applicant: WALTER M. KOFOD, d.b.a. THOR KOFOD TRUCKING, P.O. B. 757, Rio Vista, CA 94571. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. *Barite*, from points in NV on and north of U.S. Hwy 6, to points in CA, under continuing contracts with John N. DeWitt and Baroid Corp., a Division of National Lead Corp. for 270 days. Supporting shipper: John N. DeWitt, 399 Airport Rd., Rio Vista, CA 94571; Baroid Corp., a division of National Lead Corp., P.O. Box 206, Bakersfield, CA 93307.

MC 154726 (Sub-6–2TA), filed March 16, 1981. Applicant: WALTER M. KOFOD, d.b.a. THOR KOFOD TRUCKING, P.O. B. 757, Rio Vista, CA 94571. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. *Contract Carrier*; Irregular routes: *Petroleum and petroleum products, in containers*, from points in Contra Costa, Solano, Sacramento and Alameda Counties, CA, to points in Carson City County, NV, under continuing contracts with Carson Valley Oil Co. for 270 days. Supporting shipper: Carson Valley Oil Co., 300 East Eigth St., Carson City, NV.

MC 123329 (Sub-6–11TA), filed March 13, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. B. 3500, Calgary, Alberta, T2P 2P9. Representative: D. S. Vincent (same as applicant). *Bagged Copper Sulphate* from ports of entry on the US/CN boundary line located at East Port ID. to Seattle and Spokane, WA. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Great Western Chemical, 808 S.W. 15th, Portland, OR 97205.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9015 Filed 3-24-81; 8:45 am]

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[Volume No. 45]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: March 20, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 3581 (Sub-30)X, filed February 17, 1981, previously noticed in the **Federal Register** of March 2, 1981, republished as corrected this issue. Applicant: THE MOTOR CONVOY, INC., 2175 Parklake Drive, NE., Suite 107, Atlanta, GA 30345. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 11 and 21 certificates to (1) broaden the commodity descriptions from automobiles, trucks, chassis and tractors (except crawler type), in secondary movements, and tractor attachments, tractor parts, and tractor accessories, in mixed loads with tractors, in both certificates to "transportation equipment and machinery"; (2) remove the "originating at" restriction in Sub-No. 11; (3) remove the named facilities limitation in Sub-No. 21; and (4) expand its one-way authority to radial authority between Nashville, TN, and, points in KY, VA, and WV in Sub-No. 11, and between Norfolk, VA, and, points in AL, DE, FL, GA, KY, MD, MI, MS, NJ, NY, NC, OH, PA, SC, TN, VA, WV and DC, in Sub-No. 21. The purpose of this republication is to add "machinery" to the commodity description in part (1).

MC 18459 (Sub-15)X, filed March 16, 1981. Applicant: BRITTON MOTOR SERVICE, INC., 740 Westminster St., St. Paul, MN 55101. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 4 and 8 certificates to (1) broaden the commodity description in each to "metal products" from iron and steel articles, and also remove the restriction against

the transportation of commodities in bulk in Sub-No. 4, and (2) broaden the territorial descriptions by removing restrictions limiting service to transportation of traffic originating at or destined to the named origins and destinations, replace the specified plantsites and cities with county-wide authority, and change from one-way authority to radial authority: Sub-No. 4, between Putnam County, IL (plantsite in Putnam County, IL), and points in MN and WI; and Sub-No. 8, between Lake and Porter Counties, IN (East Chicago, Hammond, Gary, and Portage, IN), and Kankakee, Will and Cook Counties, IL (Indian Oaks, Joliet, Skokie, Evanston, Franklin Park, and Des Plaines, IL), and Chicago, IL (plantsites near Chicago, IL), and points in Douglas, Sarpy, and Dakota Counties, NE (Omaha and South Sioux City, NE), and points in IA and MN.

MC 25869 (Sub-181)X, filed March 11, 1981. Applicant: C.O.D.E., INC., 4800 Colorado Boulevard, Denver, CO 80216. Representative: Carol S. Raznick, 5241 S. Quebec Street, Englewood, CO 80111. Applicant seeks to remove restrictions in its sub-nos. 25, 33, 35, 41, 70, 148F certificates to (1) broaden its commodity descriptions to "such commodities as are dealt in or used by manufacturers or distributors of iron and steel articles" from scrap metal in Sub-No. 25; iron and steel articles in Sub-No. 33; pipe conduit and tubing (except Mercer and size and weight commodities) in Sub No. 35; iron and steel articles (except articles which because of size, shape or weight require special equipment or special handling) in Sub No. 41; iron and steel articles and materials, equipment and supplies used in the manufacture and processing of iron and steel articles in Sub No. 70; and iron and steel articles in Sub No. 148(f). (2) Remove the plantsite restrictions in Sub-Nos. 33, 41, 70, 148F; (3) broaden from city to county-wide authority: (a) Porter County, IN from Burns Harbor, IN in Sub-No. 33; (b) Whiteside County, IL from Sterling and Rock Falls, IL in Sub-No. 148F; (c) Madison County, NE from Norfolk, NE in sub-No. 25; (d) Livingston County, IL from Fairbury, IL in Sub-No. 35; (4) remove the in bulk restriction in Sub-No. 70; and (5) broaden the one-way authority to radial authority in all the above sub-nos. between the above counties and named mid-western states.

MC 29821 (Sub-9)X, filed March 11, 1981. Applicant: NEWBERG AUTO FREIGHT, INC., 408 W. First Street, Newberg, OR 97132. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. Applicant seeks to remove restrictions from its lead and Sub-Nos. 3, 5 and 7 certificates to: In the lead, (1) remove the usual exceptions other than Classes A and B explosives from its general commodities authority, (2) authorize service at all intermediate points between Portland and Newberg, OR and between St. Paul and Portland, OR; in Sub-No. 3, (1) broaden Springbrook to Yamhill County, OR, and Vancouver to Clark County, WA, (2) broaden the commodity description from canned goods to "food and related products", and cans to "metal products", and (3) expand its one-way authority to radial authority between Yamhill County, OR, and Clark County, WA; in Sub-No. 5, (1) broaden the commodity description from paper mill machinery parts to "machinery", (2) replace facilities limitation at Newberg with Yamhill County, OR; in Sub-No. 7, (1) broaden the commodity description from fresh meat to "food and related products", (2) replace facilities limitation at St. Paul with Marion County, OR, and (3) expand its one-way authority to radial authority between Marion County, OR, and, Seattle, WA.

MC 32882 (Sub-158)X, filed March 11, 1981. Applicant: MITCHELL BROS. TRUCK LINES, 3841 North Columbia Blvd., Portland, OR 97217. Representative: David J. Lister, P.O. Box 17039, Portland, OR 97217. Applicant seeks to remove restrictions in its Sub-No. 150F certificate, to broaden the commodity description in the authority from (1) (a) pumps, and (b) mining equipment and mining machinery, (2) equipment, materials and supplies used in the manufacture of commodities in (1) above to "machinery"; to eliminate the "commodities in bulk" restriction; to eliminate restriction except AK and HI; and to eliminate the facility restriction at Salt Lake County, UT, to authorize operations radially between Salt Lake County and points in the U.S.

MC 68100 (Sub-46)X, filed March 9, 1981. Applicant: D. P. BONHAM TRANSFER, INC., P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions in its Sub-Nos. 20F, 21F, 23F, 24F, 29F, 30F, 35F, 36F, 37F, 39F, and 40F certificates, to (A) change the commodity description from (1) containers, roll off frames, waste equipment, and waste handling units, and parts and supplies for those commodities, and equipment and materials used in the manufacture and distribution of those commodities (except commodities in bulk) to "machinery" and "metal products" in Sub-No. 20F; (2) bentonite clay and lignite coal (except commodities in bulk) to "ores and minerals" and "clay, concrete, glass or stone products" in Sub-No. 21F; (3) lignite coal (except commodities in bulk) to "coal and coal products" in Sub-No. 21F; (4) building materials (except commodities in bulk) and materials and supplies used in the manufacture and distribution of building materials (except commodities in bulk), to "building materials" in Sub-No. 23F; (5) lumber, lumber products, wood products, and millwork, to "lumber and wood products" in Sub-No. 24F; (6) iron and steel articles and pipe, and materials, equipment and supplies used in the manufacture and distribution of iron and steel articles and pipe, in Sub-No. 29F, from fire prevention and sprinkler systems, and parts, equipment, materials, and supplies used in the installation of fire prevention and sprinkler systems in Sub-No. 35F, and from prefabricated buildings and building parts, and materials and supplies used in the manufacture of those items, in Sub-No. 40F, to "metal products"; (7) plastic pipe, vinyl plastic siding, and extruded plastic products, fittings and accessories, to "construction materials, equipment and supplies" in Sub-No. 30F; (8) tractors (except truck tractors), attachments, parts, and equipment designed for use with tractors, and materials, equipment and supplies (except commodities in bulk) used in the assembly and distribution of those items to "machinery", "transportation equipment", and "metal products" in Sub-No. 36F; (9) plastic pipe, plastic conduit, extruded plastic products, and fittings and accessories for such commodities to "rubber and plastic products" in Sub-No. 37F; and (10) plywood paneling, composition board, and building and construction materials, to "lumber and wood products" and "construction materials, equipment and supplies" in Sub-No. 39F; (B) remove the facilities limitations and expand specific points to city or county-wide authority as follows: In Sub-No. 20F from a facility in Bartlesville, OK to Washington County, OK; in Sub-No. 21F from a facility in Phillips County, MT, Big Horn and Crook Counties, WY; and Bowman County, ND to all points in those counties; in Sub-No. 23F from a facility at or near Marrero, LA, to Jefferson Parish, LA; in Sub-No. 29F from Conroe, TX, to Montgomery County, TX; in Sub-No. 30F from a facility at or near Pasadena, TX, to Montgomery County, TX; in Sub-No. 36F from a facility in Harrison County, MS, to all points in that county; in Sub-No. 37F from a facility at Garden City, KS, to Finney County, KS; in Sub-No. 39F from a facility at New Orleans, LA, to New Orleans, LA; and in Sub-No. 40F from

facilities at or near Chetopa, KS, and Waukesha, WI, to Labette County, KS, and Waukesha County, WI, respectively; (C) to expand its one-way authority to radial authority between the cities or counties named in (B) above, and, points in the US, in Sub-Nos. 20F, 21F, 23F, 24F, 29F, 30F, 37F, 39F, and 40F; and (D) remove the limitations against service to AK and HI on nation-wide grants of authority in its Sub-Nos. 23F, 29F and 37F.

MC 76036 (Sub-7)X, filed March 11, 1981. Applicant: CANADIAN FREIGHTWAYS EASTERN, LIMITED, 5425 Dixie Road, Mississauga, Ontario, Canada L4W 1E6. Representative: Peter C. Baird (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 6 certificate to: (1) remove all commodity exceptions in its general commodities authority except "Classes A and B explosives," in the regular and irregular route portions of its authority; (2) remove interlining restrictions and delete originating at and/or destined to named points restrictions in its irregular route authority, and; (3) authorize service to all intermediate points along a described regular route between international boundary points at Port Huron, MI and Detroit, MI.

MC 84213 (Sub-44)X, filed March 11, 1981. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue Extension (Colonie), Albany, New York 12205. Representative: Irving Klein, 371 Seventh Avenue, New York, New York 10001. Applicant seeks to remove restrictions in its Sub-No. 38F certificate to authorize service to all intermediate points between Philadelphia, PA, and Syracuse, NY; and between Trenton, NJ, and Binghamton, NY.

MC 99096 (Sub-4)X, filed March 13, 1981. Applicant: FILLIMORE FREIGHT LINES, INC., 14502 Liverpool Rd., P.O. Box 2048, East Liverpool, OH 43920. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) remove all exceptions from its general commodities authority except Classes A and B explosives; (2) replace facilities (a) in Hancock County, with Hancock County, WV; (b) at or near Toronto, OH with Jefferson County, OH; and (c) in Beaver County with Beaver County, PA; (3) expand East Liverpool to Columbiana County, OH; (4) remove the "ex-water" restriction; (5) remove the "commodities in bulk, in dump vehicles" restriction; and (6) eliminate the "originating at or destined to" restriction.

MC 107445 (Sub-40)X, filed March 9, 1981. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 W. Troy Ave., Indianapolis, IN 46225. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16F, 17F, 18F, 19F, 21F, 22F, 25F, 26F, 27F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, and 37F to (1) broaden the commodity descriptions from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in the lead; (b) iron and steel articles, and contractor's machinery, equipment, supplies and materials, environmental chambers and materials, equipment, and supplies used in the operation, maintenance and repair of environmental chambers, elevator and escalator parts, conveyors machinery, material handling equipment and pollution control devices to "metal products and machinery" in Sub-Nos. 3, 22, 28F, and 32F; (c) plastic pipe, plastic couplings, plastic fittings, plastic flanges, and adhesive cement to "rubber and plastic products" in Sub-No. 4; iron and steel articles, coated iron, fabricated steel, water tanks, aluminum articles, wire, cable and rods, and empty steel reels to "metal products" in Sub-Nos. 7, 8, 12, 16F, 18F, 21F, and 29F; material handling lifts, insulating machinery, cutting, creasing and material handling equipment, parts for machinery to "machinery" in Sub-Nos. 19F, 25F, 30F, 34F, and 36F; heat exchanges and equalizers for air, gas or liquid, machinery and equipment for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquid and parts, materials, equipment, and supplies used in the manufacture, distribution, installation, or operations to "electrical equipment, metal products and machinery" in Sub-No. 9; electrical and mechanical precipitators and parts thereof to "machinery, and those commodities, which because of size or weight require the use of special handling or equipment" in Sub-No. 10; roofing, siding, and material, equipment, and supplies used in the manufacture, distribution, and installation of roofing and siding to "building materials" in Sub-No. 11; machinery, iron and steel articles, prefabricated metal articles, nuclear fuel storage rocks and nuclear reactor handling equipment to "machinery, metal products, and nuclear reactor handling equipment" in Sub-No. 14; iron, steel, zinc, lead, and articles or products thereof, springs, and construction materials, supplies and equipment to "metal products, machinery, and building materials" in Sub-No. 15; electrical capacitors and equipment, circuit breakers and parts to "electrical equipment and machinery" in Sub-No. 26F; machinery, dynamometers, custom test equipment, and parts thereof to "machinery and electrical equipment" in Sub-No. 27F; compressors, mining machinery, and contractor's equipment and parts to "machinery, building materials, and metal products" in Sub-No. 31F; mobile cranes, fork lifts, tow trucks and parts and in driveaway service to "machinery, and transportation equipment" in Sub-No. 33F; photocuring reproduction systems, machinery and parts for machinery "instruments and photographic goods and machinery" in Sub-No. 35F; and conveyors and elevators, materials, equipment, and supplies and accessories used in the manufacture, distribution and installation to "machinery and building materials" in Sub-No. 37F; (2) remove the "except commodities in bulk" restriction in Sub-Nos. 3, 9, 11, 14, 15, 16F, 19F, and 25F; (3) eliminate the facilities limitations in Sub-Nos. 3, 4, 7, 8, 10, 12, 14, 15, 16F, 17F, 18F, 19F, 25F, 26F, 27F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, and 37F; (4) change city-wide to county-wide authority from Indiana Oaks to Kankakee County, IL in Sub-No. 3; Union Township to Licking County, OH in Sub-No. 4; Lackawanna to Erie County, NY in Sub-No. 7; Kingsbury to LaPorte County, IN in Sub-No. 8; Warren to Trumbull County, OH in Sub-Nos. 10 and 12; Elkhart to Elkhart County, IN in Sub-Nos. 11 and 15; Blue Island to Cook County, IL, Joliet to Will County, IL, Cicero to Hamilton County, IN, Ft. Wayne to Allen County, IN, Kokomo to Howard County, IN and Centerville to Appanoose County, IA in Sub-No. 15; Shelbyville to Shelby County, IN in Sub-No. 17F; Rock Falls and Sterling to Whiteside County, IL in Sub-No. 18F; Murfreesboro to Rutherford County, TN in Sub-No. 19F; Greensbury to Decatur County, IN in Sub-No. 25F; Bloomington to Monroe County, IN in Sub-Nos. 26F and 32F; Mooreville to Morgan County, IN in Sub-No. 27F; Marion to Grant County, IN in Sub-No. 29F; Mitchell to Lawrence County, IN in Sub-No. 30F; Orange to Orange County, CA, Atlanta to Fulton County, GA, Mundelein to Lake County, IL, and Wayne to Passaic County, NJ in Sub-No. 31F; Tiffin to Seneca County, Oh in Sub-Nos. 22F and 33F; and Muncie to Delaware County, IN in Sub-Nos. 30F and 37F; Indianapolis to Marion County, IN in Sub-Nos. 14, 16F, 28F, 34F, 35F, and 36F; Grand Rapids to Kent County, MI, Lansing to Ingham County, MI, Columbus to Franklin County, OH, and Toledo to Lucas

County, OH in Sub-No. 15; (5) broaden the territorial descriptions from existing one-way authority to radial authority between numerous combinations of specific origins and US points throughout the US for example (a) Kankakee County, IL and points in IN, MI, OH, WI, KY, MO, and IA in Sub-No. 3; (b) Licking County, OH and points in NY, PA, WV, KY, IN, MI, IL, MO, IA, WI, MN, and NJ (with certain exceptions) in Sub-No. 4; (c) Erie County, NY and points in IL, IN, OH, MI, and WI in Sub-No. 7; (d) LaPorte County, IN and points in IN, IL, MI, OH, KY, MO and IA in Sub-No. 8; (e) Trumbull County, OH and points in the US in Sub-No. 10; (f) Elkhart County, IN and points in the US in Sub-No. 11; (g) Trumbull County, OH and points in IL, IA, KY, MO, TN and WI in Sub-No. 12; (h) Cook and Will Counties, IL, Hamilton, Elkhart, Allen, and Howard Counties, IN, Appanoose County, IA, Kent and Ingham Counties, MI, Jackson, MS, Franklin and Lucas Counties, OH and points in the US in Sub-No. 15; Marion County, IN and points in the US in Sub-No. 16F; Shelby County, IN and points in the US in Sub-No. 17F; Whiteside County, IL and points in IN, OH, MI, MO, KY, TN and WV in Sub-No. 18F; Rutherford County, TN and points in IN, OH, PA, KY, IL and WV in Sub-No. 19F; and various other combinations in Sub-Nos. 22F, 25F, 26F, 32F, 35F, and 37F; and (6) remove the restrictions (a) "originating at and destined to" in Sub-Nos. 3, 9, 10, 11, 12, 14, 15, 17F, 35F and 37F; (b) against service to "AL and HI" in Sub-Nos. 9 and 15; "HI" in Sub-Nos. 10, 16F, 22F, 25F, 26F, 27F, 28F, 29F, 30F, 31F, 32F, 33F, 34F, 35F, 36F, and 37F; and "HI and IN" in Sub-Nos. 11, 14, and 17F.

MC 108341 (Sub-204)X, filed March 10, 1981. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts, P.O. Box 26125, Charlotte, NC 28213. Applicant seeks to remove restrictions in its Sub-Nos. 78, 95F, and 139F certificates to (a) broaden the commodity description to "machinery, and attachments, accessories, and parts for machinery" from motor graders, and attachments, accessories, and parts for motor graders in part (1) of Sub-No. 78; (b) broaden the commodity description to "machinery and materials, equipment, and supplies used in the manufacturer and distribution of machinery" from experimental and show display motor grader and incidental paraphernalia in part (3) of Sub-No. 78; (c) broaden the commodity description to "machinery, transportation equipment, metal products, and commodities which because of size or weight require the use of special handling or equipment" from railway track construction and track maintenance machinery and equipment in part (A)(1) of Sub-No. 95F; (d) broaden the commodity description to "machinery, transportation equipment, metal products, commodities which because of size or weight require the use of special handling or equipment and materials, equipment and supplies used in the manufacture and distribution of the aforesaid commodities" from railway track construction and track maintenance machinery and equipment in part (B) of Sub-No. 95F; (e) broaden the commodity description to "metal products" from iron and steel articles in Sub-No. 139F; (f) remove the restriction "against the transportation of commodities in bulk" in Sub-No. 95F; and (g) expand its one-way authority to radial authority to radial authority between points in the US in and east of ND, SD, NE, CO, and MN, and Lexington County, SC, and ports of entry on the international bounday line between the US and CD located in NY, in part (2) of Sub No. 78; and, between points in Lexington and Richland Counties, SC, and those points in the US in and east of MN, IA, MO, AR, and LA, in Sub-No. 139F.

MC 111231 (Sub-349)X, filed March 9, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 15, 30 and 35 certificates to broaden the commodity description in each by removing all restrictions in its general commodities authority "except classes A and B explosives," and (2) broaden the territories by removing limitations on service to specified or no intermediate points to authorize service at all intermediate points on its regular routes between points in KS, OK and TX, and remove limitations on service at Ponca City, OK, Winfield, KS, and U.S. junction Hwy 75 and OK Hwy 138 for joinder purposes only in Sub-Nos. 30 and 35, and at Wichita with service restricted against the transportation of traffic moving to or from points in the Kansas City, KS/MO commercial zone in Sub-No. 30.

MC 111299 (Sub-13)X, filed March 13, 1981. Applicant: KIRVAN TRUCK LINES, INC., Box 829, International Falls, MN 56649. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Willson Road, Edina, MN 55424. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 8, and 12 certificates to (1) broaden the commodity description: in the lead and Sub-No. 1, to "food and related products" from malt beverages; Sub-No. 8 to "building materials" from wallboard, building board, insulation board, and supplies and accessories; and, Sub-No. 12 to "pulp, paper and related products" from paper and paper products, and materials, equipment and supplies (except commodities in bulk), and (2) broaden the territorial descriptions by replacing specified cities with county-wide authority, and changing from one-way service to radial service: lead certificate, between Milwaukee, WI, and points in Koochiching County, MN (International Falls, MN); Sub-No. 1, between Milwaukee, WI, and points in Saint Louis County, MN (Hibbing and Virginia, MN); Sub-No. 8, between Koochiching County, MN (International Falls, MN), and points in WI; Sub-No. 12, between Koochiching County, MN (International Falls, MN), and points in MN and WI.

MC 112963 (Sub-90)X, filed March 9, 1981. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Representative: William P. Sullivan, 818 Connecticut Ave., N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 82F certificate to broaden its commodity description from commodities, in bulk, in tank vehicles (except nonpetrochemical petroleum products, tar, liquefied natural gas, liquefied petroleum gas, cement, limestone, limestone products, marble, and marble products, to "commodities in bulk".

MC 114284 (Sub-102)X, filed March 9, 1981. Applicant: FOX-SMYTHE TRANSPORTATION, CO., 1700 S. Portland P.O. Box 82307, Oklahoma City, OK 73148. Representative: M. W. Thompson (same as applicant). Applicant seeks to remove restrictions in its lead and Sub.-Nos. 13, 14, 18, 19, 20, 21, 23, 24, 26, 29, 30, 31, 33, 36, 37, 39, 40, 41, 42, 43, 44, 45, 51, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 72, 74, 76, 77F, 79F, 80F, 81F, 83F, 87F, 88F, 89F, 90F, 91F, 92F, 93F, 94F, 95F, and 97F certificates to (1) broaden the commodity description from (a) meats, dairy products, canned goods, pickles, peanuts, rice, canned fruits and vegetables, vinegar, grape juice, condensed milk, buttermilk, cream, sour cream, foodstuffs, chocolate and chocolate candies, to "food and related products" in lead and Sub.-Nos. 13, 14, 19, 20, 21, 23, 24, 26, 29, 30, 31, 33, 36, 37, 39, 40, 41, 42, 43, 44, 45, 51, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 72, 74, 76, 77, 79, 80, 81, 83, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 97, (b) petroleum products to "petroleum, natural gas and their

products" in Sub.-No. 18; (c) glassware, to "clay, concrete, glass, or stone products" in Sub-No. 33, (d) machinery, materials, supplies and equipment, incidental to, or used in the maintenance of facilities for the drilling of water wells to "machinery" in lead; (2) remove restrictions "to traffic originating at named origins and destined to named destinations", in Subs. 20, 21, 24, 26, 29, 30, 31, 36, 37, 39, 40, 41, 42, 44, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 74, 76, 79F, 80F, 81F, 83F, 87F, 88F, 89F, 90F, 92F, 94F and 95F; (3) remove "except in bulk, in tank vehicle restrictions" and commodity restrictions such as "except hides" in Sub.-Nos. 18, 20, 21, 23, 24, 29, 30, 31, 33, 36, 37, 39, 42, 43, 44, 51, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 72, 74, 76, 77, 79, 80, 81, 83, 87, 88, 89, 90, 91, 92, 93, 94, and 97; (4) broaden the territorial authority by substituting a city or county for origin or destination or specified plantsite or facility. MC-114284 El Paso, TX to El Paso County, TX, Las Vegas, NV to Clark County, NV, Crane, MO to Stone County, MO, Sherman, TX to Grayson County, TX, from Fayetteville, AR to Washington County, AR, from Corbin, TX, to Jones County, TX, from Abilene, TX, to Taylor County, TX, from Stevensville, TX, to Earth County, TX, from Coleman, TX, to Coleman County, TX, from Brownsville, TX, to Cameron County, TX, from Bentonville, AR, to Benton County, AR, from Bowie, TX, to Montague County, TX. Sub. 13 from Fremont, NE to Dodge County, NE. Sub. 19 from Fremont, NE to Dodge County, NE. Sub. 20 from Cherokee, IA to Cherokee County, IA. Sub. 21 from Garden City, KS to Finney County, KS. Sub. 23 from Little Rock, AR to Pulaski County, AR. Sub. 24 from Phelps City, MO to Atchison County, MO. Sub. 26 from Schuyler, NE to Colfax County, NE. Sub. 29 from Fremont, NE to Dodge County, NE. Sub. 30 from Guymon, OK to Texas County, OK. Sub. 31 from Wichita, KS to Sedgwick County, KS. Sub. 33 from Wichita, KS to Sedgwick County, KS and from Terral, OK to Jefferson County, OK, from Sand Springs, OK to Tulsa County, OK, from Shreveport, LA to Caddo County, LA, from Little Rock, AR to Pulaski County, AR, from Ottawa, KS to Franklin County, KS, and from Enid, OK to Garfield County, OK. Sub. 36 from Friona, TX to Parmer County, TX. Sub. 37 from Wichita, KS to Sedgwick County, KS. Sub. 39 from Liberal, KS to Seward County, KS. Sub. 40 from Hereford, TX to Deaf Smith County, TX. Sub. 41 from Fremont, NE to Dodge County, NE. Sub. 42 from Fremont, NE to Dodge City, NE. Sub. 43 from Plainview, TX to Hale County, TX. Sub. 54 from Marshall, MO to Saline County, MO. Sub. 55 from Carroll, Kenison and Iowa Falls, IA to Carroll, Crawford and Hardin Counties, IA. Sub. 58 from Amarillo, TX to Potter County, TX. Sub. 59 from Cherokee, IA to Cherokee County, IA. Sub. 62 from Amarillo, TX to Potter County, TX. Sub. 63 from Cactus, TX to Moore County, TX. Sub. 65 from Wichita, KS to Sedgwick County, KS. Sub. 66 from Crete, NE to Saline County, NE. Sub. 67 from Sherman, TX to Grayson County, TX. Sub. 74 from Friona, TX to Parmer County, TX, and from Plainview, TX to Hale County, TX. Sub. 76 from Fremont, NE to Dodge County, NE. Sub. 77F from Sioux Falls, SD to Minnehaha County, SD. Sub. 79F from Dodge City, KS to Ford County, KS. Sub. 87F from East St. Louis, IL to Saint Clair County, IL. Sub. 88F from Cedar Rapids, IA to Linn County, IA. Sub. 89F from Cedar Rapids, Cherokee, and Des Moines, IA to Linn, Cherokee and Polk Counties, IA, and from Albert Lea, MN to Freeborn County, MN. Sub. 90F from Marshall, MO to Saline County, MO. Sub. 91F from Menomonie, Cameron, Vesper, Wisconsin Rapids and Eau Claire, WI to Dunn, Barron, Wood and Eau Claire Counties, WI. Sub. 94F from Tolleson, AZ to Maricopa County, AZ. Sub. 95F from Austin, MN, Fremont, NE, and Ottumwa and Fort Dodge, IA, to Mower County, MN, Dodge County, NE, Wapello and Webster Counties, IA, and (5) broaden the one-way authority to radial authority in certificates MC-114284 and Subs. 13, 18, 19, 20, 21, 23, 24, 26, 29, 30, 31, 33, 36, 37, 39, 40, 41, 42, 43, 44, 45, 51, 52, 54, 55, 58, 59, 62, 63, 65, 66, 67, 72, 74, 76, 77F, 79F, 80F, 81F, 83F, 87F, 88F, 89F, 90F, 91F, 92F, 93F, 94F, and 97F, between the counties named above and named points throughout the U.S.

MC 115917 (Sub-40)X, filed March 5, 1981. Applicant: UNDERWOOD & WELD COMPANY, INC., P.O. Box 247, Crossnore, NC 28616. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 24, 25, 26, 28, 29, 30, 32, 34F, and 36F certificates to (1) broaden its commodity descriptions (a) in Sub-Nos. 3, 5, 6, 10, 17, 20, 24, 25, and 32, from mica dry and wet, ground mica, iron ore, in bulk and in bags, clay, clay by-products, and clay waste materials, feldspar, in bags, olivine, in bags, bulk, and in dump vehicles and silica sand, to "chemicals and related products, ores, and minerals, and clay, concrete, glass or stone products," (b) in Sub-No. 4, from fish meal, in bulk, and in bags, soybean millfeed and soybean meal, pulverized oats and barley, cookie meal, wheat and corn flakes, corn and wheat kibbles, and corn granules, alfalfa meal, meat scrap, bone meal, corn gluten iced and corn gluten meal, and linseed meal, to "food and related products, and farm products," (c) in Sub-No. 11, from new furniture, rubber tires and tubes, rims and wheels therefor, and materials used in advertising and sales promotion, to "furniture and fixtures, rubber and plastic products, and transportation equipment," (d) in Sub-Nos. 9, 12, 13, 14, 16, 18, 19, 26, 28, 29, 30, 34F, and 36F, from salt and salt products, ground pepper, in packages, in mixed shipments with salt and salt products, salt mixtures, animal and poultry mineral feed mixtures, mixed in shipments with salt products, and materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery and institutional supply industries, when shipped in mixed loads with salt and salt products, to "food and related products, chemicals and related products, and such commodities as are used in the agricultural water treatment, food processing, wholesale grocery and institutional supply industries"; (2) replace its cities and/or plantsite facilities with county-wide authority (a) in the lead certificate Joilet, IL, with Will County, IL, and Lockland, OH, with Hamilton County, IL, (b) in Sub-No. 4, Wildwood and Kearny, NJ, with Cape May and Hudson Counties, NJ, Reedville, White Stone, and Norfolk, VA, with Northcumberland, Lancaster, and Norfolk Counties, VA, Moss Point, MS, with Jackson County, MS, Portland, ME, with Cumberland County, ME, Decatur, Danville, Champaign, and Granite City, IL, with Macon, Vermilion, Champaign, and Madison Counties, IL, Bellevue and Hoytville, OH, with Huron and Wood Counties, OH, Augusta, GA, with Richmond County, GA, Chattanooga, TN, with Hamilton County, TN, Colby, Menomonie, LaCrosse, Phillips, and Avery, WI, with Clark, Dunn, LaCrosse, Price, and Polk Counties, WI, Brunswick, MO, with Chariton County, MO, Topeka, KS, with Shawnee County, KS, Schuyler, NE, with Colfax County, NE, and Cedar Rapids, IA, with Linn County, IA, (c) in Sub-No. 9, Winnfield, Avery Island, Jefferson Island, and Weeks, LA, with Winn, Iberia, and St. Mary Parishes, LA, (d) in Sub-No. 11, Lenoir, Taylorsville, Newton, Conover, Marion, Lincolnton, and Salisbury, NC, with Caldwell, Alexander, Catawba, McDowell, Lincoln, and Rowan Counties, NC, (e) in Sub-No. 13, Weeks, LA, with Iberia Parish, LA, (f) in Sub-Nos. 18 and 19, named facilities at Weeks Island, and

Jefferson Island, LA, with Iberia Parish, (g) in Sub-No. 20, named facilities at or near Kings Mountain and Spruce Pine, NC, with Cleveland and Mitchell Counties, NC, (h) in Sub-No. 24, named facilities at or near Spruce Pine, NC, with Mitchell County, NC, (i) in Sub-No. 26, Akron and Rittman, OH, with Summit and Wayne Counties, OH, and Port Huron and St. Clair, MI, with St. Clair, MI, (j) in Sub-No. 28, Watkins Glen, NY, with Schuyler County, NY, (k) in Sub-No. 29, named facilities at or near Silver Springs, NY, with Wyoming County, NY, (l) in Sub-No. 30, named facilities at or near Baldwin and Anse La Butte, LA, with Baldwin and Anse La Butte, LA, and (m) in Sub-No. 34F, Asheville, NC, with Buncombe County, NC, and Glade Spring, VA, with Washington County, VA, (3) change its one-way authority to radial authority, (a) between the above named counties and specified cities, counties, and States throughout the U.S., and (b) between specified counties and points in the U.S., in Sub-Nos. 11, part (2), 20, part (1), 25, parts (1) and (3), and 32; (4) remove the AK and HI exceptions in Sub-Nos. 11, 20, 25, and 32, and (5) eliminate the restrictions (a) in Sub-No. 16, prohibiting transportation of traffic having an immediately prior movement by rail, and against transportation of salt from points in 3 specified counties in TN, and points in NC.

MC 116048 (Sub-27)X, filed March 12, 1981. Applicant: JAMES ELWOOD QUINN, INC., P.O. Box 236, Beulaville, NC 28518. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 2, 22, 23, and 25F certificates to (1) replace specified commodities such as bananas, frozen french fried potatoes, frozen potatoes, potatoes flakes, frozen fruit juice, canned fruit, canned fruit sections, fruit salads, etc., with "food and related products" in Sub-Nos. 2, 23, and 25; (2) replacing reconditioned steel drums with "metal products," in Sub-No. 2; (3) replacing window glass with "clay, concrete, glass or stone products" in Sub-No. 22; (4) removing plantsite restrictions in Sub-No. 22; (5) replacing specified cities with county authority, Ashville, Hickory and Gastonia, NC, with Buncombe, Catawba and Gaston Counties, NC; Charleston, SC with Charleston County, SC; Johnson City, TN with Washington County, TN; Columbia, SC with Richland County, SC; Morganton and Hickory, NC with Catawba and Burke Counties, NC; Danville, IL with Vermilion County, IL; Greer and Johnston, SC with Greenville and Edgefield Counties, SC; Hampshire, IL with Kane County, IL; Spartanburg, Laurens and St. Matthews, SC with Spartanburg, Laurens and Calhoun Counties, SC; Presque Isle, ME with Aroostook County, ME in Sub-No. 2; and, Clarksburg, WV with Harrison County WV in Sub-No. 22 remove originating at restrictions in Sub-Nos. 2, and 22; (7) replacing one-way with radial authority in Sub-Nos. 2, 22, 23 and 25F between points in Eastern and Southern States, (8) remove commodity restrictions in Sub-Nos. 2, and 25.

MC 116519 (Sub-97)X, filed March 12, 1981. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Representative: Jeremy Kahn, 1511 K Street NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 76F certificate to (1) broaden the commodity description from packaged chemicals, packaged chemical compounds, and packaged plastic materials to "chemicals and related products, and rubber and plastic products"; (2) remove the exceptions of service to AK and HI; and (3) delete the restriction limiting transportation to traffic moving in foreign commerce.

MC 116915 (Sub-144)X, filed March 5, 1981. Applicant: ECK MILLER TRANSPORTATION CORP., Route #1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. Applicant seeks to remove restrictions in its Sub-Nos. 5, 6, 7, 12, 28, 30, 33, 34, 37, 38, 39, 40, 41, 44, 48F, 51F, 53F, 56F, 59F, 60F, 63F, 65F, 66F, 67F, 68F, 69F, 70F, 71F, 74F, 79F, 81F, 83F, 86F, 87F, 89F, 90F, 95F, 99F, 104R, 105F, 106F, 107F, 108F, 109F, 114F, 118F, 124F, and 125F, certificates to: (1) broaden the commodity descriptions: from aluminum and aluminum products, iron and steel articles, scrap non-ferrous metals, aluminum ingots, zinc, pipe, copper articles, welded steel tubing cables, iron and steel forgings, structural and fabricated steel, and wire products to "metal products" in all of the authorities; (2) remove all restrictions against transportation of bulk commodities and/or commodities in dump vehicles in Sub-Nos. 30, 33, 37, 38, 39, 44, 48, 51, 63, 67, 68, 69, 70, 71, 74, 87, 99, 105, 106, 107, 109, 114, and 118; (3) replace one-way authority with radial in Sub-Nos. 5, 7, 12, 28, 33, 39, 40, 41, 48, 51, 53, 59, 65, 66, 67, 68, 71, 79, 81 and 90 between the counties below and points throughout the U.S.; (4) replace named facilities with city-wide or county-wide authority, as follows: Hancock County, KY in Sub 5; Hancock County (Hawesville), KY, in Sub 6; Hancock County, KY, in Sub 7; Hancock County (Lewisport), KY, in Sub 12; LaPorte County (Kingsbury), IN, in Sub 28; Brazoria County (Alvin), TX, in Sub 33; Loudon County (Lenoir City), TN, in Sub 34; Oswego County (Oswego), NY, Trumbull County (Warren), OH, and Marion County (Fairmont), WV, in Sub 37; Colbert County (Listerhill and Sheffield), AL, in Sub 38; Cook County (Blue Island), IL, and Chicago, IL, Hamilton County (Cicero), Elkhart County (Elkhart), Allen County (Fort Wayne) and Howard County (Kokomo), IN, Appanoose County (Centerville), IA, Kent County (Grand Rapids) and Ingham County (Lansing), MI, Hinds County (Jackson), MS, Columbus and Toledo, OH, in Sub 39; Tuscaloosa County (Holt), AL, in Sub 40; Giles County (Pulaski), TN, in Sub 41; Franklin County (Russellville), AL, in Sub 44; Rutherford County (Laverne), TN, in Sub 48; Montgomery County, TN, in Sub 51; Madison County, KY, in Sub 53; Hamblen County (Morristown), TN, in Sub 56; Georgetown County (Georgetown), SC, in Sub 59; Jefferson County (Bessemer), AL, and Chattanooga, TN, in Sub 60; Jefferson County (Steubenville, Mingo Junction, and Yorkville), Belmont County (Martins Ferry) and Mahoning County (Canfield), OH, Washington County (Allenport) and Westmoreland County (Monessen), PA, Marshall County (Benwood), Ohio County (Wheeling), Brooke County (Beech Bottom) and Ohio County (Follansbee), WV, in Sub 63; Allegheny and Beaver Counties, PA, in Sub 65; Etowah County (Gadsden), AL, in Sub 66; Frederick County (Buckeystown), MD; New Madrid County, MO, Columbia County (Magnolia), AR, and Rockwall County (Rockwall), TX; Jackson County (Scottsboro), AL, Lancaster County (Lancaster), PA, Columbia County (Magnolia), AR, and Rockwall County (Rockwall), TX; Hancock and Webster Counties, KY, Columbia County (Magnolia), AR, Lancaster County, PA and Rockwall County, TX; Columbia County (Magnolia), AR, Chalmette, LA, Humphreys County (New Johnsonville) and Madison County (Jackson), TN; Hancock County (Hawesville), KY, Columbia County (Magnolia), AR, and Rockwell County (Rockwell), TX, in Sub 67; Hancock County (Lewisport), KY, in Sub 68; Jackson County (Scottsboro), AL, in Sub 69; Madison County (Alton), IL, in Sub 70; Georgetown County (Andrews), SC, in Sub 71; Atlanta (East Point), GA, and Houston, TX, in Sub 74; Porter County (Burns Harbor), IN, in Sub 79; Huntington, WV, in Sub 81, Fulton County (Atlanta) and Bartow County (Cartersville), GA, in Sub 83; Blount County (Alcoa), TN, in Sub 86; Cullman

County (Cullman), AL, and Milwaukee, WI, in Sub 87; Franklin County (Union), MO, in Sub 89; Birmingham, AL, in Sub 90; Porter County (Portage), IN, in Sub 95; Hillsborough County (Tampa), FL, in Sub 99; Pope County (Russellville), AR, in Sub 104; Rockwall County (Rockwall), TX, in Sub 105; Calhoun County (Anniston), AL, in Sub 106; Montgomery County (Crawfordsville), IN, in Sub 107; Butler County, OH, in Sub 108; Hancock County (Lewisport), KY, in Sub 109; Bureau County (Depue), IL, and Carbon County (Palmerton), PA, in Sub 114; Berkeley County, SC, in Sub 118; Cleveland, OH, in Sub 124; (5) remove restrictions limiting transportation to traffic originating at or destined to named facilities in Sub-Nos. 28, 34, 38, 39, 40, 48, 51, 60, 63, 65, 66, 68, 69, 70, 74, 83, 89, and 99; and (6) remove the restriction against service to AL and HI in grants of authority to serve points in the U.S.

MC 117344 (Sub-293)X, filed March 9, 1981. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-No. 35 Certificate to broaden its various specified commodity descriptions such as petroleum products, liquid core compound, coal tar and coal tar products, enamels, lacquers, paints, resins, varnishes, liquid glue, hydrochloric acid, sulfuric acid, silicate of soda, coal spray oil, rosin sizing, acids and chemicals, aluminum sulfate, liquid plastics, soap and synthetic latices, most of which are limited to movement in bulk, to "commodities in bulk" and in Paragraph (30) to broaden "Catalyst, in drums" to "commodities, in drums". It also seeks to remove the equipment restrictions "in tank trucks" and "in tank vehicles". In addition, it seeks to broaden specific point or plantsite facilities to county-wide authority as follows: in Paragraphs 2, 4, and 7 Maysville, KY to Mason County, KY. Leach, KY to Boyd County, KY and Covington, KY to Kenton County, KY; in Paragraphs 11, 15, 17, 18, 22, 28, and 30 Addyston, OH to Hamilton County, OH; in Paragraphs 3, 12, 19, 21, 24, 25, 27, 35, 37, 38 and 39 Cincinnati, OH to Dearborn County, IN, Boone, Campbell and Kenton Counties, KY and Butler, Clermont, Hamilton and Warren Counties, OH (all counties which include a portion of the commercial zone of the authorized point); in Paragraph 26 Xenia, OH to Greene County, OH; in Paragraph 31 Hamilton and Middletown, OH to Butler County, OH; in Paragraphs 14, 32, and 34 Dayton, OH to Clark, Greene, Miami, Montgomery and Preble Counties, OH (all counties which include a portion of the commercial zone of the authorized point); in Paragraphs 23 and 33 Columbus, OH to Delware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH (all counties which include a portion of the commercial zone of the authorized point) and in Paragraph 36 Milwaukee, WI to Milwaukee County, WI. It also seeks to remove the following restrictions: in Paragraph (26) restriction against service to Shideler, IN; and in Paragraph (33) restriction against service on resins to Kingsport and Elizabethton, TN.

MC 117765 (Sub-313)X, filed March 9, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, Oklahoma City, OK 73147. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73147. Applicant seeks to Remove Restrictions in Sub-Nos. 45, 49, 59, 62, 73, 81, 82, 97, 114, 132, 133, 137, 142, 149, 161, 182, 188, 194, 202, 217, 226, 229, 249, 266, 284, 293, 295, 296 and 297 certificates by: (1) broadening the commodity descriptions from beverages, non-alcoholic; canned foods; beverages, carbonated and non-carbonated; preserved foodstuffs, non-frozen foodstuffs; nonfrozen preserved foodstuffs, to *"food and related products"*, in Sub-Nos. 45, 49, 59, 62, 73, 81, 82, 97, 114, 132, 133, 142, 149, 161, 182, 188, 194, 202, 217, 226, 229, 249, 266, 284, 293, 295, 296, 297 (2) replace specified plantsites and cities with county-wide authority in the following: Sub-45 and 59; Muskogee, OK, with Muskogee County, OK; Sub-49; Ottumwa, IA with Wapello County, IA; Sub-62; Clyman and Watertown, WI, with Dodge and Jefferson Counties, WI; Sub-73; Ottumwa, IA with Wapello County, IA; Sub-81; Denver, CO with Denver County, CO; Sub-82: Owatonna, MN with Steele County, MN; Galesville and New Richmond, WI with Trempealean and St. Croix County, WI; Sub-97; Muskogee, OK with Muskogee County, OK; Sub-114; Owatonna, MN with Steele County, MN; Sub-132 Stigler and Westville, OK with Haskell and Adair Counties, OK, Muskogee, OK, with Muskogee County, OK; Sub-133; Ottumwa, IA with Wapello County, IA sub-137; Durant, Franksville and Lodi, WI with Pepin, Racine and Columbia Counties, WI; Sub-142; Arlington, and the Plainview, MN with Sibley and Wabasha Counties, MN; Ortonville, MN, with Big Stone County, MN; Sub-149; Owatonna, MN with Steele County, MN; Manitowoc, WI with Manitowoc County, WI; Fall River, and Mondovi, WI to Columbia and Buffalo Counties, WI; Sub-161; Cedar Rapids and Wall Lake, IA to Linn and Sac Counties, IA; Sub-182; Lindale, TX to Smith County, TX; Sub-188; Lawrence, KS, with Douglas County, KS, Sub-194; Cedar Rapids and Wall Lake, IA with Linn and Sac Counties, IA; Sub-202; Cambria and Markesan, WI, with Columbia and Green Lake Counties, WI; Antigo, Clintonville and Theresa, WI, with Langlade, Waupaca and Dodge Counties, WI; Sub-217; Grimes, Reinbeck, Storm Lake, IA with Polk, Grundy and Buena Vista Counties, IA; Sub-226; Autin, MN, with Mower County, MN; Sub-229; Cecila and Ville Platte, LA, with St. Martin and Evangeline Parishes, LA; Muskogee, OK, to Muskogee County, OK; Augusta, and Shiocton, WI to Eau Claire and Outagamie Counties, WI; Sub-249; Ackley, IA, with Hardin County, IA; Sub-266; Greenville, MS, with Washington County, MS; Sub-284; Hazelwood, MO, with St. Louis County, MO; Plainview, MN, with Wabasha County, MN; Sub-293; from Cokato and Fairbault, MN to Wright and Rice Counties, MN; from Durand and Mondovi, WI to Pepin and Buffalo Counties, WI; Sub-295; from Olivia, MN to Renville County, MN; Sub-296; from Haskell, OK with Muskogee County, OK; Sub-297; from Van Buren, AR with Crawford County, AR. (3) remove restrictions limiting service to the transportation of traffic originating at and/or destined to named origins in Sub-Nos. 49, 62, 81, 82, 97, 132, 161, 182, 188, 194, 202, 217, 226, 229, 249; (4) authorize radial service in lieu of existing one-way authority between the above counties and named states; (5) remove the commodity exceptions in Sub-Nos. 45, 49, 59, 73, 82, 97, 114, 132, 133, 142, 149, 161, 182, 188, 194, 202, 217, 226, 229, 249, 266, 284, 293, 295, 296, 297.

MC 123375 (Sub-24)X, filed March 9, 1981. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland Co., Murrysville, PA 15668. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 11F, 14F, 16F, 18F, and 21F certificates to (A) broaden the commodity descriptions: from (1) boilers, boiler parts, economizers, water walls, headers, stokers, power house installation materials, steel and steel products, machinery, contractors' tools and equipment, office equipment, and architects' supplies to "commodities which by reason of size or weight require the use of special equipment, machinery, and metal articles"; and from contractors' equipment and

supplies, non-ferrous castings, bronze and bronze products, metal in bulk, machinery, lumber and lumber patterns, mill equipment and building and construction materials, supplies and equipment, to "building and construction materials, supplies and equipment; commodities which by reason of size or weight require the use of special equipment; metal articles, machinery, lumber and lumber products", in its lead; (2) from such commodities, as contractors' equipment, heavy and bulky articles, machinery and machine parts, and articles, requiring specialized handling and rigging, to "commodities which by reason of size or weight require the use of special equipment; contractors' equipment; machinery and machine parts"; from roofing and building materials, metals, and asphalt, (except liquids, in bulk, in tank vehicles), to "roofing and building materials and metal articles"; from general commodities, except Classes A and B explosives, and household goods as defined by the Commission, to "general commodities, except Classes A and B explosives"; and from contractors' equipment, machinery, and machine parts and articles requiring specialized handling or rigging because of size or weight, to "contractors' materials, equipment and supplies; machinery and machine parts; and commodities which by reasons of size or weight require the use of special equipment", in Sub-No. 1; (3) from iron and steel articles to: "metal products" in Sub-Nos. 14F, 18F, and 21F; and (4) remove the exceptions of gypsum in part (1)(b) in Sub-No. 11F and commodities in bulk in part (1)(a) and (b) in Sub-Nos. 11F and 16F; (B) broaden the territorial scope by (a) replacing one-way authority with radial as follows: between points in Middlesex County (Perth Amboy), NJ, and points in WV, in Sub-No. 16F; between points in Hancock County (Weirton), WV, and Jefferson County (Steubenville), OH, and points in DE, MD, NY, and PA, in Sub-No. 18F; and between points in Middlesex County (Perth Amboy), NJ, and points in OH, MI, IN, IL, NY, and KY, in Sub-No. 21F; and (b) replacing named facility limitations with county wide authority as follows: Hudson County (North Bergen), NJ, Orange, Rockland and Green Counties (Otisville, Haverstraw and Catskill), NY, in Sub-No. 1; Erie and Westchester Counties (Akron and Buchanon), NY; Caroline County (Milford), VA, Bucks County (Quakertown), PA, and New Castle County (Wilmington), DE, in Sub-No. 11; and Hancock County (Weirton),. WV, and Jefferson County (Steubenville), OH, in Sub-Nos. 14F and 21F.

MC 123993 (Sub-94)X, filed March 2, 1981. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768. Applicant seeks to remove restrictions from its Sub-Nos. 37, 46, 49, 51, 55, 58, 61, 64, 66, 73, 76, 77, 79, 81, 82, and 83 permits to (1) broaden the commodity description from paper and paper products and materials equipment and supplies in Sub-Nos. 61F, 66F, 56F, 49, 82F, 81F, 46, 73F, 76F, 79F, and part of 77F from commodities used by, manufactured by or distributed by manufacturers or processors of paper and paper products in Sub-No. 84F, from pulpboard, in rolls in Sub-No. 37, from pulpboard in 83F, from groundwood and wrapping paper in part of 64F, from woodpulp in rolls in 51 and from paper and paper articles in part of 58F, and fiberboard cans and metal can ends and materials, supplies and equipment in Sub-No. 55F to "pulp, paper, and related products"; from plastics, plastic products and chemicals in part of 58F and polyethylene film in part of 77F to "rubber and plastic products and chemicals and related products," from newsprint in part of 64F to "printed matter;" and (2) broaden the territorial description in all subs to between points in the U.S. under continuing contract(s) with named shipper(s).

MC 136123 (Sub-21)X, filed March 12, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as above). Applicant seeks to remove restrictions in its Sub-No. 3 permit to broaden its territorial descriptions to between points in the U.S., under continuing contract(s) with a named shipper.

MC 138387 (Sub-4)X, filed March 12, 1981. Applicant: FOOSE TRANSPORT, INC., P.O. Box 566, Mahwah, NJ 07430. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 2, and 3 permits (1) by eliminating the restriction "except commodities in bulk" from the commodity descriptions and (2) by broadening the territorial descriptions to "between points in the U.S. under continuing contract(s) with named shippers.

MC 138438 (Sub-107)X, filed March 17, 1981. Applicant: D. M. BOWMAN, INC., Route No. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Avenue, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 81F certificate to (A) broaden the commodity description from portable and fabricated iron and steel storage buildings and cabinets, to "metal products" in part (1) of the certificate; (B) expand the origin territory from Hagerstown, MD to points in Washington County, MD; and (3) remove the "except AK and HI" restriction.

MC 138844 (Sub-17)X, filed March 2, 1981. Applicant: TRANSGAS, INC., 95 East Merrimack Street, Lowell, MA 01853. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. Applicant seeks to remove restrictions in ist Sub-Nos. 1, 14F and 16F to, its Sub-No. 1, broaden the commodity description from liquefied natural gas to "petroleum, natural gas, and their products"; and remove the HI exception from the existing non radial authority between points in the U.S. With the expansion of the commodity description Sub-Nos. 14F and 16F, which authorize liquid ethylene, will be subsumed in Sub-No. 1.

MC 139083 (Sub-14)X, filed February 9, 1981 previously noticed in the **Federal Register** of February 25, 1981, as No. MC–22254 (Sub-No. 84)X, republished as corrected this issue. Applicant: BUILDING SYSTEMS TRANSPORTATION, INC., P.O. Box 142, Washington Courthouse, OH 43160. Representative: Marshall Kragen, 1919 Pennsylvania Avenue NW., Suite 300, Washington, D.C. 20006. Applicant seeks to remove restrictions in Sub-No. MC–22254 (Sub-No. 4) purchased in MC–F–14514 (1) by broadening the commodity description from uncrated, assembled and unassembled prefabricated buildings and parts thereof to "rubber and plastic products, pulp, paper and paper products, lumber and wood products, metal products, and clay, concrete, glass or stone products"; (2) broaden the territory from points and places within 200 miles of Chicago, IL, to points and places within 200 miles of Cook County, IL. The purpose of this republication is to reflect the redocketing No. MC–22254 (Sub-No. 4) under purchaser's docket number, the granting of the expand commodity description, and the substitution of Cook County for Chicago, IL.

MC 139822 (Sub-7)X, filed March 12, 1981. Applicant: FOOD CARRIER, INC., P.O. Box 2287, Savannah, GA 31402. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F and 5F certificates, to (1) broaden the commodity descriptions to "food and related products" from

foodstuffs, in the lead and Sub-No. 5F and from malt beverages, in Sub-No. 4F, (2) remove the in bulk, in tank vehicle and in vehicles equipped with mechanical refrigeration restrictions, (3) broaden and the territorial authority to substitute counties for specified facilities: Chatham County, GA, in the lead; Dougherty County, GA (for Albany, GA), in Sub-No. 4F and Dade County, FL (for Miami, FL) in Sub-No. 5F, and (4) authorize radial authority in place of one-way authority in Sub-Nos. 4F and 5F.

MC 142059 (Sub-166)X, filed March 10, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 16, 34F, 41F, 47F, 54F, 64F, 79F, 91F, 94F, 95F, 96F, 109F, 112F, 122F, 123F, 124F, 126F, 132F, 136F and 139F certificates to broaden its commodity descriptions to (1) "clay, concrete, glass, or stone products, chemicals and related products, rubber and plastic products and petroleum products" from (A) concrete curing compounds and paving joints and (B) materials, supplies and equipment used in the manufacture of articles in (A) in Sub. 34F; (2) "rubber and plastic products" from expanded plastic products in Sub. 41F, and from plastic pipe and accessories in Sub. 112F; (3) "farm products, ores and minerals and clay, concrete, glass and stone products" from plant media mix, vermiculite, vermiculite products and perlite in Sub. 47F; (4) "transportation equipment" from freight bodies in Sub. 54F; (5) "nonmetallic minerals and clay, concrete, glass or stone products" from sand and sand additives in Sub. 64F; (6) "machinery", from lehrs and parts in Sub. 79F, and from pollution control devices in Sub. 94F; (7) "building materials, chemicals and related products, clay, concrete, glass or stone products, coal and coal products, instruments and photographic goods, lumber and wood products, machinery, metals, ores and minerals, petroleum, natural gas and their products, pulp, paper and related products, rubber and plastic products and transportation equipment" from contractors equipment in Sub. 91F and contractors equipment, materials and supplies in Sub. 109F; (8) "metal products, machinery, rubber and plastic products, clay, concrete, glass or stone products" from pipe, fittings, valves, hydrants and accessories in Sub. 95F; (9) "machinery, metal products, and clay, concrete, glass or stone products" from ovens, furnaces, washers, conveyors and parts in Sub. 95F; (10) "chemicals and related products" from dry fertilizer in Sub. 122F, and from cleaning compounds in Sub. 136F; (11) "lumber or wood products", from pallets and materials, equipment and supplies used in the manufacture and distribution of pallets in Sub. 123F; (12) "metal products, machinery, and clay, concrete, glass or stone products from (A) steel storage tanks, pollution control equipment, duct work and parts thereof and (B) materials, equipment and supplies used in the manufacture and distribution of articles in (A) in Sub. 124F; (13) "metal products, furniture and fixtures, and clay, concrete, glass or stone products" from heating equipment, stoves, fireplaces and incinerators and parts thereof in Sub. 126F, and from fireplace accessories and materials, equipment and supplies used in the manufacture and distribution of fireplace accessories, in Sub. 132F and (14) "waste or scrap materials not identified by industry producing" from nonferrous metal scrap in Sub. 139F. Applicant seeks to replace specified plantsites and/or cities with countywide or citywide authority as follows: in Sub. 34F, Oregon, IL with Ogle County, IL; in Sub. 41F, Magnolia, AR, with Columbia County, AR, Pevely, MO, with Jefferson County, MO and Channahon, IL with Will County, IL; in Sub. 47F, DeKalb, IL with DeKalb County, IL; in Sub. 64F, Oregon, IL, with Ogle County, IL; in Sub. 79F, Uniontown, PA with Fayette County, PA; in Sub. 91F, Atlasburg, PA with Washington County, PA; in Sub. 94F, Joliet, IL, with Will County, IL; in Sub. 94F, Donora, PA with Washington County, PA; in Sub. 96F, Franklin, WI with Waukesha County, WI; in Sub. 109F, Ontario, CA with San Bernardino County, CA, Herculaneum, MO with Jefferson County, MO; in Sub. 126F, Athens, AL with Limestone County, AL, Huntsville, AL with Madison County, AL, and Americus, GA with Sumter County, GA; in Sub. 132F, Decatur, AL with Morgan County, AL; and, in Sub. 136F, New Eagle, PA with Washington County, PA. Applicant seeks to replace one-way authority with radial authority in Sub. Nos. 16, 41F, 47F, 54F, 64F, 79F, 91F, 94F, 95F, 96F, 112F, 122F, 123F, 124F, 126F, 132F, and 136F. Applicant also seeks to eliminate all restrictions against service "in bulk", to AK and HI, and delete all plantsite, exwater and "originating at and destined to" restrictions in Sub-Nos. 16, 34, 41, 47, 54, 64, 79, 91, 94, 95, 96, 109, 123, 124, 126, 132, 136, and 139.

MC 142452 (Sub-7)X, filed March 10, 1981. Applicant: RIMAR TRANSPORT, INC., 850 Curie Road, North Brunswick, NJ 08902. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its lead and Sub 5F permits, to (1) broaden the commodity descriptions from expanded plastic foam insulating materials, to "chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, and metal products," and (2) broaden the territorial descriptions to between points in the U.S. under a continuing contract(s) with a named shipper.

MC 142586 (Sub-1)X, filed March 12, 1981. Applicant: JIMCO, INC., 1221 Faydur Court, P.O. Box 100941, Nashville, TN 37210. Representative: Jack L. Murphree (same as above). Applicant seeks to remove restrictions from its lead certificate to remove all exceptions except classes A and B explosives from its general commodities authority; and to remove a restriction limiting service to the transportation of traffic having a prior or subsequent movement by rail in its authority between named counties in AL, AR, GA, IL, IN, KY, MS, MO, VA, and TN.

MC 145054 (Sub-42)X, filed March 2, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3F, 6F, 10, 21F, 23F, 28F, 34F, 35F, 36F, 37F, 38F, and 40F certificates to (1) broaden the commodity descriptions to (A) "leather and leather products and rubber and plastic products" from (a) trunks and traveling bags, materials and supplies, in the lead certificate; (B) "food and related products" from (a) meat, meat products, meat by-products, and articles distributed by meat packinghouses and foodstuffs in mixed loads with the named commodities, in Sub-No. 23F, (b) canned fruits and juices, in Sub-No. 28F, (c) canned and preserved foodstuffs, in Sub-No. 34F, (d) salad dressings, sour cream and whipped cream, in Sub-No. 35F, and (e) juices, in Sub-No. 38F; and (c) "transportation equipment" from automobile tires, in Sub-No. 40F (2) remove the "in bulk" commodities exception, in the lead certificate and Sub-Nos. 3F, 6F and 23F; (3) eliminate the exceptions of (a) frozen foods, in Sub-No. 3F, (b) in tank vehicles, in Sub-No. 6F, and (c) hides, in Sub-No. 23F; (4) remove the restriction limiting service to the transportation of specified commodities (a) in bags, in Sub-No. 21F, and (b) in packages, in Sub-Nos. 36F and 37F; (5) remove the facilities limitations

at named points in the lead and Sub-Nos. 3F, 6F, 10, 23F and 34F; (7) broaden the territorial descriptions from named points to counties or cities and authorize radial authority in place of one-way service, as follows: between (a) Pima and Santa Cruz Counties, AZ (for Tucson and Nogales, AZ), and Denver, CO, in the lead certificate; (b) Kansas City, MO, and points in CO, in Sub-No. 3F; (c) Los Angeles County, CA (for Wilmington, CA), and points in CO, in Sub-No. 6F; (d) Dallas and Grayson Counties, TX (for Dallas and Denison, TX), and Denver, CO, in Sub-No. 10; (e) Kern County, CA (for Taft and McKittrick, CA), and points in CO and UT, in Sub-No. 21F; (f) Cass County, IL (for Beardstown, IL), and Scott and Dallas Counties, IA (for Davenport and Perry, IA), and points in CA and Denver, CO, in Sub-No. 23F; (g) Hidalgo County, TX (for Weslaco, TX), and points in CO, in Sub-No. 28F; (h) Doniphan County, KS (for Elwood, KS), and Buchanan County, MO (for St. Joseph, MO), and points in CO, in Sub-No. 34F; (i) Los Angeles County, CA (for City of Industry, CA), and points in CO, in Sub-No. 35F; (j) Los Angeles County, CA (for Wilmington, CA), and points in WY, in Sub-No. 36F; (k) St. Louis County, MO (for Maryland Heights, MO), and Los Angeles County, CA (for Vernon, CA), and points in CO, in Sub-No. 37F; (l) Orange County, CA (for Anaheim, CA), and Denver, CO, in Sub-No. 38F; and (m) Los Angeles County, CA and points in Denver, CO (for Denver County, CO) in Sub-No. 40F.

MC 145701 (Sub-17)X, filed March 4, 1981. Applicant: D.C. TRANSPORT, INC., 916 S. Riverside Avenue, St. Clair, MI 48079. Representative: James J. Sheehan, (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 5F, 6F, 8F, 9F, 11F, 12F, 13F, certificates to (1) broaden the commodity descriptions from (a) salt and salt products, to "chemicals and related products, food and related products, and ores and minerals", in lead and Sub-No. 2; (b) fabrics, textiles, and urethane foam, laminations to "textile mill products and rubber and plastic products" in Sub-No. 1; (c) paper and paper products to "pulp, paper and related products" in Sub-No. 5; (d) plastic articles, chemicals, swimming pool compounds, padding (except upholstery), foam fabrics (except commodities in bulk), to "clay, concrete, glass or stone products; leather or leather products; machinery; miscellaneous products of manufacturing; pulp, paper and related products; rubber and plastic products; textile mill products"; in Part (1) of Sub-No. 6; (e) padding, insulation, carpeting, fabrics, sound deadening materials, plastics, to "chemicals and related products; clay, concrete, glass or stone products; lumber and wood products; metal products; petroleum, natural gas and their products; plup, paper and related products; rubber and plastic products; textile mill products; in Part (1) of Sub-No. 9; (f) aggregates, alloys, chemicals, coal, gravel, limestone, minerals, ores, pumice, sand, slag products, sodium sulphate, talc and vermicultite to "chemicals and related products; clay, concrete, glass or stone products; coal and coal products, metal products; and ores and minerals" in Sub-No. 11; (g) fabrics, textiles, and urethane foam, materials, equipment, and supplies used in their manufacture of motor vehicle interiors, and motor vechicle interiors and components of motor vehicle interiors to "textile mill products, rubber and plastic products, waste or scrap materials not identified by industry producing, metal products" in Sub-No. 12; (h) pumice, aggregates, cement or aggregate blocks, slag, stone, sand, gravel, and cement, materials, equipment, and supplies used in the manufacture, storage, and distribution and fabrics, textiles, urethane foam, and laminations of to "clay, concrete, glass, or stone products, textile mill products, rubber and plastic products, ores and minerals" in Sub-No. 13; (2) remove plantside restrictions and/or expand cities to county-wide authority: Saint Clair County for Saint Clair, MI, and Summit County for Akron, OH, in lead; Mecklenburg, Guilford and Duplin Counties for Cornelius, Greensboro and Wallace, NC; Norfolk County for Stoughton, MA, and Saint Clair County for Port Huron, MI, in Sub-No. 1; Clark County for Jeffersonville, IN, in Sub-No. 8; Saint Clair for Port Huron, MI, in Sub-No. 12; Rutherford County for Lyndhurst, NJ; Norfolk County for Stoughton, MA, and Genesee County for Flint, MI, in Sub-No. 13; (3) remove the exceptions of service to AK and HI in Sub-Nos. 2, 5, 6, 9, 12; (4) remove restrictions limiting service (a) to the transportation of traffic originating at and/or destined to named points in Sub-No. 8; (b) to the transportation of traffic originating at named facilities at Marine City, MI and destined to Marion, IN, St. Louis, MO; Belvidere, IL, and points in OH in Sub-No. 9F; and (c) against the transportation of traffic originating at Baltimore, MD, and points in its commercial zone, points in NM, and those points in TX on and west of U.S. Hwy 83; (5) delete restrictions prohibiting the transportation of commodities in bulk, in tank in lead and Sub-Nos. 2, 5, 6, 8; and (6) authorize radial service in lieu of existing one-way authority between the counties named above and points throughout the U.S. in lead and Sub-Nos. 1, 11, and 12.

MC 146443 (Sub-1)X, filed March 13, 1981. Applicant: SCARLET & GRAY CORP., P.O. Box 424, Dayton, OH 45409. Representative: A. Charles Tell, Suite 1800, 100 E. Broad St., Columbus, Oh 43215. Applicant seeks to remove restrictions from its lead permit to broaden the commodity description from iron and steel articles to "metal products"; and to expand its territorial description to between points in the U.S. under continuing contracts(s) with named shippers.

MC 147077 (Sub-8)X, filed March 12, 1981. Applicant: Q. T. TUGGLE, d.b.a. CALIFORNIA WESTERN, 3325 Linden Ave., Long Beach, CA 90807. Representative: Milton W. Flack, Suite 900, 8383 Wilshire Blvd., Beverly Hills, CA 90211. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 3F, 4F and 6F permits to (1) broaden the commodity description: Sub-Nos. 2F and 4F to "machinery and equipment" from graphic arts machinery, equipment and materials; Sub-No. 3F to "such commodities as are dealt in by manufacturers and distributors of solar energy systems" from solar hot water heaters, collectors, storage systems, and mounting frames for solar heaters and collectors; Sub-No. 6F to "metal products" from steel pipe, and fittings when transported in mixed loads with steel pipe, and (2) broaden the territorial description in all four permits to authorize service between points in the U.S., under continuing contract(s) with named shippers.

MC 147360 (Sub-3)X, filed March 13, 1981. Applicant: ROCHESTER CHEESE EXPRESS, INC., 4219 N. Frontage Road, Rochester, MN 55901. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Applicant seeks to remove restrictions from its Sub-No. 2F permit to (a) broaden the commodity description from cheese to "food and related products"; and (b) expand the territorial scope to "between points in the U.S." under continuing contract(s) with named shippers.

MC 147873 (Sub-3)X, filed March 10, 1981. Applicant: G. BAKER EXPRESS, INC., Suite 402, 1250 Executive Place, Geneva, IL 60134. Representative: Joel H. Steiner, 39 South La Salle St., Chicago, IL 60603. Applicant seeks to remove restrictions in its lead and Sub-No. 2F permits to broaden the territorial description in both permits to authorize service between points in the U.S.,

under continuing contract(s) with named shippers.

MC 147902 (Sub-2)X, filed March 13, 1981. Applicant: N–W INVESTMENTS, INC., P.O. Box 25387, Houston, TX 77005. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks removal of restrictions in its lead certificate to remove a restriction limiting service to traffic having a prior or subsequent movement by water on its general commodities authority between various TX and LA commercial zones.

MC 149024 (Sub-2)X, filed March 11, 1981. Applicant: JOHNSTON INTERMODAL TRANSPORT, INC., 850 Jersey Avenue, Jersey City, NJ 07302. Representative: Ira S. Lipsius, 255 West 34th Street, New York, NY 10122. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description by removing the "commodities in bulk" restriction, and (2) remove the restriction against traffic moving on bills of lading of a freight forwarders on its general commodities authority between points 15 states.

MC 150793 (Sub-2)X, filed March 9, 1981. Applicant: MARINE TRANSPORT SERVICE, INC., P.O. Box 3589, Portland, OR 97208. Representative: Roger Weidner, 6825 S.W. Macadam, Portland, OR 97208. Applicant seeks to remove restrictions in its Sub-No. If permit to broaden the territorial description by removing the restriction limiting service only to traffic having a prior or subsequent movement by water, and to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 152823 (Sub-3)X, filed March 10, 1981. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Applicant seeks to remove restrictions in its certificate No. 133590 Sub-No. 27F certificate which authorizes service over irregular routes, transporting alcoholic beverages, malt beverages, wines, and drink mixes (except in bulk), between points in CT, MA, MD, NJ and NY, and points in the U.S., to eliminate the in bulk exception from the commodity description.

[FR Doc. 81-9016 Filed 3-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45days 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 requirments which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–087

Decided March 17, 1981.

By the Commission, Review Board No. 1, Members, Parker, Chandler, and Taylor.

MC 153121 (Sub-1), filed February 2, 1981. Applicant: CALIFORNIA WESTERN EXPRESS, INC., 1315 D N.E. 134th, Vancouver, WA 98665. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *bananas*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in CA, AR, NM, NE, OR, WA, ID, MT, WY, VT, CO, ND, SD, KS, OK, TX, MN, WI, IA, MO, AZ, LA, IL and ID.

Volume No. OP2–048

Decided March 17, 1981.

By the Commission Review Board No. 1, Members Chandler and Taylor.

MC 2392 (Sub-139) (correction), filed January 19, 1981, published in the **Federal Register**, issue of February 24, 1981, and republished, as corrected, this issue. Applicant: WHEELER TRANSPORT SERVICE, INC., P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Edward J. Kiley, 1730 M St., NW., Washington, DC 20036 (202) 296–2900. Transporting *chemicals and related products* between Memphis, TN, and points in NE and IA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correct the territorial description.

MC 72243 (Sub-72), filed January 16, 1981. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Rd., S.E., P.O.B. 350, Warren, OH 44482. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228–8575. *(1) Commodities which, because of size or weight, require the use of special equipment, and (2) self-propelled vehicles*, between points in AL, AR, LA, KY, MS, TN, on the one hand, and, on the other, WY, CO, SD, NE, MN, KS, and MO.

Note.—Applicant now participates in heavy hauling service between the states requested. The purpose of the application is to (1) eliminate gateways and interlines and (2) to remove a territorial restriction.

MC 121372 (Sub-11), filed January 21, 1981. Applicant: EXPRESS TRANSPORT CO., 1217 Dalton St., Cincinnati, OH 45203. Representative: Michael Spurlock,

275 E. State St., Columbus, OH 43215. I. Irregular routes: Transporting *general commodities* (except classes A and B explosives), between Cincinnati, OH, on the one hand, and, on the other, points in OH. II. Regular routes: Transporting *metal products* (a) between Cincinnati, OH and Clarksville, OH: from Cincinnati, OH over U.S. Hwy 22 to junction OH Hwy 350, then over OH Hwy 350 to Clarksville, OH, and return over the same route, and (b) between Cincinnati, OH and Middletown, OH: from Cincinnati over Interstate Hwy 75 to junction OH Hwy 122, then over OH Hwy 122 to Middletown, OH, and return over the same route. Applicant indicates intention to tack authority in Parts I and II with otherwise authorized operations. Condition: At applicant's request, the issuance of this certificate is subject to prior or coincidental cancellation of applicant's certificate of Registration, in MC 121372 Sub 1.

MC 134922 (Sub-341), filed February 6, 1981. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Diane Price (same as applicant), (505) 758–0777. Transporting (1) *such commodities* as are dealt in or used by breweries, between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA, MS and AR; (2) *machinery*, between the facilities of Black & Decker, at points in the U.S., on the one hand, and, on the other, points in the U.S.; (3) *pulp, paper and related products*, between the facilities of Thilmany Pulp and Paper Co., at points in the U.S., on the one hand, and, on the other, points in the U.S.; (4)(a) *pulp, paper and related products*, (b) *lumber and wood products*, (c) *chemicals and related products*, and (d) *rubber and plastic products*, (i) between the facilities of Crown Zellerbach at points in CA and OR, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK and TX, (ii) between the facilities of Crown Zellerbach at points in CA and OR, on the one hand, and, on the other, points in CA and OR, and (iii) between the facilities of Crown Zellerbach at points in the U.S. in and east of MN, IA, MO, KS, OK and TX, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK and TX, (5) *food and related products* (a) between the facilities of Hills Bros. Coffee, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. and (b) between the facilities of Vogel's, Inc., at or near Little Rock, AR, on the one hand, and, on the other, points in the U.S., (6) *general commodities* (except classes A and B explosives), (a) between the facilities of American Hoechst, at points in the U.S., on the one hand, and, on the other, points in the U.S., (b) between the facilities of Joseph Schlitz Brewing Company, at points in the U.S., on the one hand, and, on the other, points in the U.S., (c) between the facilities of Lehn & Fink Products Group, Division of Sterling Drug, Inc., at points in the U.S., (d) between the facilities of International Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S., (e) between the facilities of E. I. du Pont de Nemours & Company, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S., and (f) between the facilities of Trans-Am Shippers Co-operative Association, Inc., and its members in Chicago, IL, at points in the U.S., and, on the other, points in the U.S.

MC 150103 (Sub-12), filed January 26, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 116 West Washington St., Jefferson, WI 53549. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *lumber and wood products*, and *chemicals and related products*, between points in the U.S., under a continuing contract(s) with American Excelsior Co., of Arlington, TX.

MC 151142 (Sub-2), filed January 5, 1981. Applicant: H & H TRANSPORTATION, INC., 1425 East Main St., Newark, OH 43055. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215, (614) 228–8575. Transporting *containers and container ends* between those points in the U.S. in and east of MN, IA, MO, AR and LA.

MC 153643, filed January 16, 1981. Applicant: JIM C. TAYLOR, JR., d.b.a. TAYLOR TRUCK & RIGGING, P.O. Box 235, Coffeyville, KS 67337. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414 722–2848. Transporting (1) *machinery*, (2) *Mercer commodities*, and (3) *such commodities* as are dealt in or used by foundries, between points in Montgomery County, KS, on the one hand, and, on the other, points in OK.

Volume No. OP4–070

Decided March 18, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 134806 (Sub-71), filed January 21, 1981, previously noticed in the **Federal Register** of February 20, 1981. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, D.C. 20014. Transporting *textile products, notions, and holiday decorations*, between points in the U.S., under continuing contract(s) with Wm. E. Wright Co., of West Warren, PA, and Molnlyoke, Inc., of Fresno, CA.

Note.—The prior notice incorrectly showed West Warren, PA as Warren, PA.

[FR Doc. 81–9011 Filed 3–24–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later beomes 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 motof contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY–2–017

Decided March 13, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler and Taylor.

MC 143652 (Sub-1), filed February 27, 1981. Applicant: RESOURCE RECOVERY CORPORATION, 5501 Airport Way South, Seattle, WA 98108. Representative: George Kargianis, 2120 Pacific Bldg., Seattle, WA 98104, (206) 624–5370. Transporting *hazardous and chemical wastes,* between points in WA, on the one hand, and, on the other, points in WA, OR, ID, and CA. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary.

MC 147003 (Sub-138), filed March 6, 1981. Applicant: RAWHIDE CARRIERS, INC., P.O. Box 1171, Grand Island, NE 68802. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. Transporting *meat, meat products, and articles distributed by meat packinghouses,* (1) between points in Osborne County, KS, on the one hand, and, on the other, Los Angeles, Lodi, and Fresno, CA, York, NE, and St. Joseph, MO, and (2) between York County, NE, on the one hand, and, on the other, points in CA, WA, and OR.

MC 149563 (Sub-6), filed March 6, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *metal products and rubber and plastic products,* between points in Harris and Wichita County, TX, Tulsa County, OK, Barton County, KS and Chilton County, AL, on the one hand, and, on the other, points in the U.S.

MC 154523, filed March 5, 1981. Applicant: MAC'S TRANSPORT, INC., 20352 U.S. 6, Milford, IN 46542. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516, (219) 293–3597. Transporting *trailers designed to be drawn by passenger automobiles, portable buildings, buildings in sections,* between points in the U.S., under continuing contract(s) with Fairmont Homes, Inc., of Nappanee, IN.

MC 154533, filed February 19, 1981. Applicant: LOWELL TULLIS, d.b.a. TULLIS TRUCKING, 136 S. Main St., Mechanicsburg, OH 43004. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. Transporting *chemicals and related products,* between points in IN and OH.

Volume No. OPY2–018

Decided: March 17, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 16682 (Sub-100), filed March 10, 1981. Applicant: MURAL TRANSPORT, INC., P.O. Box 1785, North Brunswick, NJ 08902. Representative: W. C. Mitchell, 370 Lexington Ave., New York, NY 10017, (212) 532–5100. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of all outstanding certificates issued in No. MC–16682, at applicant's written request.

MC 16903 (Sub-86), filed March 10, 1981. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *lumber and wood products,* between points in Dubois County, IN, on the one hand, and, on the other, points in the U.S.

MC 28142 (Sub-7), filed March 9, 1981. Applicant: SHANAHAN'S EXPRESS, INC., 2201 Garry Rd., Cinnaminson, NJ 08077. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW, Washington, DC 20005, 202–783–7900. Transporting *general commodities* (except classes A and B explosives), between points in NJ and DE, on the one hand, and, on the other, points in Lehigh, Northampton, Daulphin, Lancaster, Berks, Lebanon, and York Counties, PA.

MC 52473 (Sub-15), filed March 10, 1981. Applicant: BEHNKE, INC., 77 South Monroe St., Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517–489–5724. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Interbake Foods, Inc., of Richmond, VA.

MC 112822 (Sub-488), filed March 10, 1981. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant), (918) 225–0365. Transporting *machinery,* between Chicago, IL and Joplin, MO.

MC 124692 (Sub-363), filed March 9, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4748, Missoula, MT 59801. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *lumber and wood products,* between points in Pike County, IN, on the one hand, and, on the other, points in the U.S.

MC 125433 (Sub-464), filed March 9, 1981. Applicant: F–B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant), (801) 973–4242. Transporting *clay, concrete, glass or stone products,* between points in the U.S.

MC 140563 (Sub-54), filed March 9, 1981. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paper and paper products, photocopying equipment and supplies, advertising specialties, key holders, wallets, card cases, desk accessories, clocks and film products, between the facilities of Saxon Industries, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146782 (Sub-45), filed March 9, 1981. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201, (615) 244–2926. Transporting *clay, concrete, glass or stone products,* between points in Wilkinson County, GA, 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 148152 (Sub-1), filed March 9, 1981. Applicant: K & H TRUCKING,

INC., 3301 So. Lamar St., Dallas, TX 75215. Representative: Ed Payne (same address as applicant), 214–421–7161. Transporting *chemicals and related products*, between points in Fulton County, GA and Polk County, FL, on the one hand, and, on the other, points in AL, GA, LA, MS, NC, SC, TN, and TX.

MC 148422 (Sub-3), filed March 9, 1981. Applicant: TWOWAY SUPPLY, INC., P.O. Box 347, Pond Creek, OK 73766. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, 405–262–1322. Transporting *metal products*, between Longview, TX, on the one hand, and, on the other, points in KS and OK.

MC 153633 (Sub-2), filed March 9, 1981. Applicant: FREIGHT ASSEMBLY DISTRIBUTION, INC., 740 24th St., Detroit, MI 48216. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941–5313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Panasonic Company, of Secaucus, NJ, Division of Matsushita Electric Corporation of America.

MC 154653, filed March 9, 1981. Applicant: TRI-GAS PROPANE, INC., P.O. Box 465, Federalsburg, MD 21632. Representative: Lee D. McMahan (same address as applicant), (301) 754–8184. Transporting *petroleum, natural gas and their products*, between points in NY, PA, DE, and NJ, on the one hand, and, on the other, points in MD, DE, and VA. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of natural gas, it shall be limited to a period expiring 5 years from its date of issuance.

Volume No. OPY–3018

Decided: March 16, 1981.

By the Commission Review Board No. 1, Members Carleton, Fisher, and Williams.

MC 2304 (Sub-46), filed March 3, 1981. Applicant: THE KAPLAN TRUCKING CO., a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614)–228–1541. Transporting *food and related products*, between points in Hancock County, OH, on the one hand, and, on the other, points in CT, DE, IA, KY, ME, MI, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, WI and DC.

MC 29555 (Sub-200), filed March 5, 1981. Applicant: BRIGGS TRANSPORTATION CO., N–400 Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Winston W. Hurd (same address as applicant), (612) 645–2741. Transporting *general commodities* (except classes A and B explosives), serving points in WI and MN, as off-route points in connection with the presently authorized regular-route operations of applicant.

Note.—Applicant intends to interline and tack this authority with its existing regular-route authority.

MC 107295 (Sub-1021), filed March 6, 1981. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928–2141. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. W. Grainger, Inc., of Chicago, IL.

MC 111625 (Sub-25), filed March 4, 1981. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Binghamton, NY 13902. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *general commodities* (except classes A and B explosives), between points in MA, CT, RI, NY, and PA.

MC 123915 (Sub-2), filed Feburary 20, 1981. Applicant: BELLEFONTE CHARTER BUS SERVICE, INC., Benner Pike, Bellefonte, PA 16823. Representative: John R. Miller, Jr., Esquire, North Allegheny St., Bellefonte, PA 16823, (814) 355–5474. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Centre, Union, Snyder, Northumberland, Juniata, Lycoming, Clinton, Clearfield, Huntingdon, and Mifflin County, PA, and extending to points in the U.S.

MC 126574 (Sub-12), filed March 3, 1981. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., 3818 Patterson St., Greensboro, NC 27407. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except classes A and B explosives), between points in NC, SC and VA.

MC 129124 (Sub-33), filed March 6, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108, (717) 232–8000. Transporting *coal and coal products*, between points in PA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, RI, and VT.

MC 129355 (Sub-3), filed March 5, 1981. Applicant: GILMORE ENTERPRISES, INC., P.O. Box 2438, Fort Walton Beach, FL 32549. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005, (202) 347–3987. Transporting *household goods*, between points in Okaloosa, Escambia, and Bay Counties, FL, on the one hand, and, on the other, points in the U.S.

MC 139934 (Sub-7), filed March 3, 1981. Applicant: ALL SOUTHERN TRUCKING, INC., Post Office Box 2698, Tampa, FL 33601. Representative: Robert R. Solomon (same address as applicant), (813)–248–6846. Transporting *general commodities* (except classes A nd B explosives), between points in AL, AR, DE, FL, GA, KY, LA, MD, MS, NC, NJ, NY, SC, TX, VA and WV.

MC 144118 (Sub-1), filed March 5, 1981. Applicant: COMPUTER TRANSPORT OF OHIO, INC., 3699 Interchange Rd., Columbus, OH 42301. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Avenue NW., Washington, DC 20036, (202) 659–5157. Transporting (1) *duplicating machines*, (2) *computers*, (3) *typewriters*, and (4) *instruments and photographic goods*, between points in OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, PA, VA, and WV.

MC 145794 (Sub-4), filed February 27, 1981. Applicant: ARD'S TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: Martin S. Driggers, P.O. Box 1439, Hartsville, SC 29550, (803) 332–5151. Transporting *metal and metal products*, between points in SC, NC, VA, GA, WV, MD, DE, NJ, PA, NY, FL, AL, TN, KY, OH, IN, MO, MS, LA, TX, AR, OK, KS, IL, CT, RI, MA, WI, MI, MN, ND, SD, NE, IA, NH, VT, ME, and DC.

MC 147205 (Sub-2), filed March 3, 1981. Applicant: RUSSELL E. BASTIAN, d.b.a. POB 1143, Aurora, UT 84620. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111, (801)–531–1300. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Swanson Building Materials, Inc., of Murray, UT.

MC 148155 (Sub-2), filed March 3, 1981. Applicant: TRANS COASTAL CORPORATION, P.O. Box 116W, Winslow, ME. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101, (207)–773–5651. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S.

MC 152115, filed March 9, 1981. Applicant: G. K. DISTRIBUTING CO., 13101 E. Rosecrans Blvd., Santa Fe Springs, CA 90670. Representative: George Kuiphof, (same address as applicant), (213) 921–3030. Transporting *furniture and fixtures*, between points in

Los Angeles and Orange Counties, CA, on the one, hand, and, on the other, points in AZ and NV.

MC 152935 (Sub-1), filed March 6, 1981. Applicant: HILL-ROM COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: John P. Fonte, 1333 New Hampshire Ave., Suite 400, Washington, DC 20036, (202) 887–4000. Transporting *textile mill products* and *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Hydro-Dynamics, Inc., of Lake Havasu City, AZ.

MC 154484, filed March 2, 1981. Applicant: BARAKAT ASSOCIATES, LTD., a corporation, Altamont Boulevard, Frackville, PA 17931. Representative: David Gellert, P.O. Box 500, 300 South Centre St., Pottsville, PA 17901, (717) 622–0767. Transporting *coal and coal products* between points in Schuylkill County, PA, and points in MD, NC, VA, NY, NJ, MA, ME, CT, VT, RI, DE, NH, and DC.

MC 154584, filed March 9, 1981. Applicant: CENTRAL TICKET AND TRAVEL AGENCY, INC., 88 North Main St., Wilkes Barre, PA 18701. Representative: Ross Valenti (same address as applicant), (717) 826–1110. As a *broker* in Luzerne and Lackawanna Counties, PA, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in Luzerne and Lackawanna Counties, PA, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-9014 Filed 3-24-81 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirement 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. OP1–086

Decided March 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 154470, filed March 3, 1981. Applicant: TRUCK BROKERS, INC., 3709 Riverside, Bethany, OK 73008. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154551, filed March 6, 1981. Applicant: DARRELL J. SEKIN & COMPANY, INC., 154 World Trade Center, P.O. Box 58009, Dallas, TX 75258. Representative: Jeremiah J. Lucey (same address as applicant), (214) 744–5157. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–019

Decided March 17, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 146293 (Sub-80), filed March 9, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: R. M. Tettelbaum (same address as applicant), (404) 963–0291. 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 153082 (Sub-2), filed March 9, 1981. Applicant: TRANS CONTINENTAL TRANSPORT, INC., P.O. Box 7583, Boise, ID 83707. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111, 801–531–1306. 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 153592 (Sub-1), filed March 9, 1981. Applicant: CONTAINER CARRIERS, INC., 7123 Capitol, Houston, TX 77011. Representative: C. W. Ferebee, 720 N. Post Oak, Suite 230, Houston, TX 77024, 713–688–6110. 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* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154412, filed February 23, 1981. Applicant: NATIONAL AUTOMOTIVE & RUBBER MARKETING, INC., 13303 Hart, Huntington Woods, MI 48070. Representative: George Papadelis (same address as applicant), (313) 547–8414. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154503 filed February 27, 1981. Applicant: CARL L. HADERER, 18 Summit Ave., Montvale, NJ 07645. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, 201–575–7700. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154553, filed March 6, 1981. Applicant: PIRATE EXPRESS CORPORATION, Old Hwy. 99N, Box 28A, Glendale, OR 97442. Representative: David C. White, 2400 SW. Fourth Ave., Portland, OR 97201, (503) 226–6491. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 154642, filed March 9, 1981. Applicant: TRI-VENTURE CORP., 10310 N. Vancouver Way, Rm. 107, Portland, OR 97217. Representative: Michael D. Gilbert, 9460 S.W. Davies Rd., Beaverton, OR 97005, (503) 641–6160. As a *broker of general commodities* (except household goods) between points in the U.S.

Volume No. OPY4–031

Decided March 16, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher and Williams.

MC 297 (Sub-15), filed February 25, 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. Transporting *general commodities*, between Morton, WA, on the one hand, and, on the other, points in the U.S.

MC 154427, filed February 13, 1981. Applicant: STEPHEN PAUL BRAMEL and PEARL J. BRAMEL, d.b.a. PAUL BRAMEL TRUCKING COMPANY, 3100 Produce Row, Suite 2AA, Houston, TX 77023. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827–1407. To operate as a *broker of general commodities* (except household goods), between points in the U.S.

MC 154407, filed February 17, 1981. Applicant: EVERETT MALLORY, d.b.a. MALLORY FEED & SUPPLY, P.O. Box 512, Lexington, OK 73051. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034, (405) 348–7700. 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 154577, filed March 9, 1981. Applicant: METRO SERVICES, 9 Van Buren Circle, Stamford CT 06906. Representative: Kenneth Small (same address as applicant), (203) 329–1332. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–9013 Filed 3–24–81; 8:45 am]

BILLING CODE 7035–01–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 40.4]

Director, Office of Commodity Management; Redelegation of Authority Regarding Ocean Transportation Source

Pursuant to the authority delegated to me by Delegation of Authority No. 40 dated February 20, 1981 (46 FR 15237) from the AID Administrator, I hereby redelegate to the Director, Office of Commodity Management the following authorities with respect to ocean transportation flag eligibility requirements:

I. Selected Free World

Authority to waive, in accordance with the criteria prescribed by Supplement B of AID Handbook 1, requirements that ocean transportation services be on U.S. flag vessels in order to permit financing of ocean transportation on vessels under flag registry of the cooperating country or any country included in AID Geographic Code 941 (Selected Free World) with funds made available under the Foreign Assistance Act of 1961, as amended.

II. Free World

Authority to waive, in accordance with the criteria prescribed by Supplement B of AID Handbook 1, ocean transportation flag registry requirements in order to permit the financing of transportation on vessels under flag registry of any country included in AID Geographic Code 899 (Free World) or AID Geographic Code 935 (Special Free World) with funds made available under the Foreign Assistance Act of 1961, as amended; *Provided, however:* That all waivers approved pursuant to this paragraph II shall contain a certification by the approving official that "The interests of the U.S. are best served by permitting financing of transportation services on ocean vessels under flag registry of free world countries other than the cooperating country and countries included in Code 941."

III. General Provisions

(a) The authority herein redelegated to the Director, Office of Commodity Management may be exercised by duly authorized persons who are performing the functions of the Director in an "Acting" capacity and may be redelegated, *Provided, however,* that such authority shall not be redelegated for shipments for which the transportation costs exceed $25,000.

(b) The authorities herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

(c) Redelegation of Authority No. 40.4 dated June 7, 1978 (43 FR 25894, June 15, 1978) is hereby revoked. This revised redelegation shall not be construed to affect the validity of any waiver or redelegation granted by a properly authorized official prior to the effective date of this revised redelegation and any such waiver or redelegation shall continue in effect unless modified or revoked by an official to whom such authority has been redelegated by this order.

(d) I retain for myself concurrent authority to exercise any of the functions herein delegated.

(e) This redelegation of authority shall be effective immediately.

Dated: March 16, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81–8951 Filed 3–24–81; 8:45 am]

BILLING CODE 4710–02–M

Joint Research Committee of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92–463, Federal Advisory Committee Act, notice is hereby given of the thirty-eighth meeting of the Joint Research Committee (JRC) of the Board for International Food and Agricultural Development (BIFAD) on April 14 and 15, 1981.

The purpose of the meeting is to: receive and discuss reports from the Planning Entity on Integrated Crop Protection; the JRC Work Group on research needed for food production in Africa; the JRC Livestock Work Group on exploratory studies on research needed on hemotropic diseases, African swine fever and water buffalo; to receive and act on recommendations from the JRC Work Group on composition and role of boards, technical committees and external evaluation panels in Collaborative Research Support Programs (CRSPs); and to discuss JRC responsibilities vis-a-vis international agricultural research centers.

The meeting will convene from 1 p.m. to 4 p.m. on April 14, and 8:30 a.m. to noon on April 15. The meeting will be held in Room 1205, New State Department Building, 22nd and C Streets, N.W., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Mr. William F. Johnson, BIFAD Support Staff is the designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Department of State, Washington, D.C. 20523 or telephone him at (202) 632-7935.

Dated: March 18, 1981.

William F. Johnson,

A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 81-9054 Filed 3-24-81; 8:45 am]

BILLING CODE 471-02-M

INTERNATIONAL TRADE COMMISSION

[332-124]

Investigation; Study of Floating Exchange Rates and U.S. Competitiveness

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332-124 for the purpose of analyzing the effects of changes in the value of the dollar, vis-a-vis other currencies, on the international competitiveness of U.S. industries.

In conducting the investigation, the Commission will consider factors that determine the U.S. exchange rate and the effects of the exchange rate on U.S. trade. The study will consider such things as the business cycle, inflation, monetary and fiscal policies, and the pricing behavior of importers.

EFFECTIVE DATE: February 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Tempalski, Research Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202-523-1515).

WRITTEN SUBMISSIONS: Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than July 31, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: March 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-9074 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in this investigation at 9:00 a.m. on March 30, 1981, in Room 201, 1010 Wisconsin Ave., NW., Washington, D.C.

Notice is also given that the hearing in this proceeding will commence immediately following the prehearing conference.

The Secretary shall publish this notice in the **Federal Register.**

Issued: March 13, 1981.

Janet D. Saxon,

Administrative Law Judge.

[FR Doc. 81-9075 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-76]

Certain Food Slicers and Components Thereof; Termination of Crest Industries Corp. as Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Termination of Crest Industries Corp. as a party respondent in the above-captioned investigation.

SUMMARY: Having determined that this matter is properly before the Commission and having reviewed the record in this investigation, the Commission on March 20, 1981, terminated Crest Industries Corp. as a party respondent in Investigation No. 337-TA-76.

SUPPLEMENTARY INFORMATION: This investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) concerns alleged infringement of U.S. Letters Patent 3,766,817 by respondents E. Mishan & Sons, Albert E. Price, Inc., Crest Industries Corp., and Taiwan Timing Trading Co. The Commission instituted the investigation on December 4, 1979, and published notice thereof in the **Federal Register** of December 21, 1979 (44 FR 75733). On August 1, 1980, complainant Prodyne Enterprises, Inc. entered into a licensing agreement with respondent Crest Industries Corp. The Commission published notice that it was considering terminating Crest as a respondent in the above-captioned investigation in the **Federal Register** of January 14, 1981, (46 FR 3391) along with the text of the licensing agreement, and requested comments from certain Government agencies pursuant to 19 CFR 210.14(a)(2). No comments were received from the public or the parties. No government agency objected to terminating the investigation as to Crest on the basis of the licensing agreement.

Any party wishing to petition for reconsideration of the Commission's action must do so within fourteen (14) days of service of the Commission Action and Order. Such petitions must be in accord with § 210.56 of the Commission's Rules of Practice and Procedure (19 CFR 210.56).

Copies of the Commission Action and Order in this matter and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S.

International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0143.

By order of the Commission.

Issued: March 20, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-9078 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-68 (Final)]

Leather Wearing Apparel From Uruguay; Change in Hearing Date

AGENCY: United States International Trade Commission.

ACTION: Change in date of public hearing.

SUMMARY: The date of the public hearing to be held in connection with Commission investigation No. 701–TA–68 (Final), Leather Wearing Apparel from Uruguay, is changed from March 18, 1981, to March 26, 1981. The hearing will begin at 10 a.m., e.s.t., in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C.

EFFECTIVE DATE: March 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Patrick Magrath, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0283.

SUPPLEMENTARY INFORMATION: On February 27, 1981, the U.S. Department of Commerce and the Government of Uruguay signed an agreement regarding this investigation in which the Government of Uruguay agreed to eliminate completely the amount of the net subsidy found by Commerce to exist with respect to leather wearing apparel exported directly or indirectly to the United States. Accordingly, the countervailing duty investigations underway at Commerce and at the Commission will be suspended, pursuant to section 704(f)(1) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(1)). On March 11, 1981, however, the Government of Uruguay requested that the investigations be continued pursuant to section 704(g)(1) of the Act (19 U.S.C. 1671c(g)(1)). The Commission has delayed its public hearing until March 26, 1981 to permit **Federal Register** publication of an anticipated continuation of the investigation by appropriate Department of Commerce notice.

By order of the Commission.

Issued: March 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-9077 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-30 (Final)]

Unrefined Montan Wax From East Germany; Investigation and Hearing

AGENCY: United States International Trade Commission.

ACTION: Institution of final antidumping investigation.

SUMMARY: As a result of an affirmative preliminary determination by the United States Department of Commerce that there is a reasonable basis to believe or suspect that exports of unrefined montan wax from East Germany are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–30 (Final) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unrefined montan wax is classifiable in item 494.20 of the Tariff Schedules of the United States. This investigation will be conducted according to the provisions of Part 207, Subpart C, of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457).

EFFECTIVE DATE: March 4, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Case, Office of Investigations, U.S. International Trade Commission, Room 350, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0339.

SUPPLEMENTARY INFORMATION: On October 23, 1980, the Commission unanimously determined, on the basis of the information developed during the course of Investigation No. 731–TA–30 (Preliminary), that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of unrefined montan wax from East Germany, which were alledgedly being sold in the United States at LTFV. As a result of the Commission's affirmative preliminary determination, the Department of Commerce continued its investigation into the question of LTFV sales. Unless the investigation is extended, the final LTFV determination will be made by the Department of Commerce on or before May 18, 1981.

Written Submissions

Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and nineteen (19) true copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, on or before June 4, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of fact will be available to all interested parties on May 20, 1981.

Public Hearing

The Commission will hold a public hearing in connection with this investigation on June 8, 1981, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10 a.m., e.d.t. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.) on May 18, 1981. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10 a.m., e.d.t., on May 21, 1981, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before June 4, 1981.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. The Commission will not receive prepared testimony for the public hearing, as would otherwise be provided for by rule 201.12(d). All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing statements in accordance

with rule 207.22. Post-hearing briefs will also be accepted within a time specified at the hearing.

For further information concerning the conduct the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, 44 FR 76458).

By order of the Commission.

Issued: March 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-8078 Filed 3-24-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants at Northern States Power Company Plant in St. Paul, Minnesota

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed substitute consent decree in *United States* v. *Northern States Power Company*, Civil Action No. 3-80-539, has been lodged with the District Court for the District of Minnesota. Since lodging the original decree on September 25, 1980, Northern States has decided to sell the Third Street facility in question to Saint Paul District Heating Development Company, Inc. (District Heating), which will completely eliminate the emission of air pollutants from the plant by ceasing to burn coal. The plant will be used as a distribution point for a hot water and steam heating system, and not as a generating plant. Northern States will make a non-refundable grant of $500,000 to District Heating for this purpose. If for any reason Northern States or District Heating decide to shutdown the boilers by November 1, 1982 as an alternative means of compliance, Northern States is required to post a $626,170 performance bond to insure shutdown.

The period of time during which the Department of Justice will receive written comments on this modified consent decree is shortened from 30 days to 14 days since the proposed decree represents no major change to the original decree. 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 *"United States* v. *Northern States Power Company,"* Ref. No. 90-5-2-1-335.

The proposed consent decree may be examined at the Office of the United States Attorney, United States Courthouse, Minneapolis, Minnesota, 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, Department of Justice, Room 1254, Tenth Street and Pennsylvania Avenue NW., 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, Department of Justice. In order to cover the reproduction costs, all requests for copies must be accompanied by a check or money order made out for $1.30 to the Treasurer of the United States.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-8955 Filed 3-24-81; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Racial Tension in Prison; Competitive Research Grant Solicitation

The National Institute of Justice announces a competitive research grant solicitation for proposals to study the methods for alleviating racial tension in prisons. The overall goal is to identify promising administrative strategies to improve prison race relations.

The solicitation requests submission of proposals which will then be considered by a peer review panel. In order to be considered, proposals must be postmarked to the National Institute no later than April 30, 1981. This announcement envisions one grant award with funding up to a total of $125,000.00 and an expected duration of 18 months.

Additional information and copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, Research on Causes and Control of Racial Tension in Prison, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: March 16, 1981.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-8947 Filed 3-24-81; 8:45 am]

BILLING CODE 4410-18-M

Stranger-to-Stranger Crime; Victim Response; Research Solicitation

The National Institute of Justice is planning to fund a study of the effects of various kinds of victim response in stranger to stranger violent crimes. Existing National Crime Survey data are required to be used. The objective is to examine victim reponses in various kinds of violent, stranger to stranger crimes.

The award may be a grant or cooperative agreement not to exceed 24 months or $150,000. Proposals are due at the National Institute of Justice postmarked not later than May 7, 1981.

To receive a copy of the solicitation, send a self-addressed mailing label to: Research on Victim Response and Its Effects in Stranger to Stranger Violence, National Criminal Justice Reference Service, P.O. Box 6000, Rockville, Maryland 20850. Do not telephone requesting the solicitation; telephone requests are not accepted by NCJRS or by the National Institute.

Dated: February 20, 1981.

Approved:

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-8948 Filed 3-24-81; 8:45 am]

BILLING CODE 4410-18-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Color Television Receivers From Republic of Korea; Amendment of Tariff Schedules of United States (19 U.S.C. 1202)

Proclamation No. 4769 of June 30, 1980, extended the temporary quantitative limitations on color television receivers and certain subassemblies thereof, the products of the Republic of Korea and Taiwan. The proclamation was issued pursuant to the President's decision to extend orderly marketing agreements with the Republic of Korea and the Coordinating Council for North American Affairs.

Pursuant to Proclamation No. 4769, in which the President authorized the United States Trade Representative to make any changes to the Tariff Schedules of the United States (TSUS) which might be necessary to carry out the agreements, the following conforming technical change is necessary and shall be effective March 25, 1981.

Accordingly, subpart A, part 2 of the Appendix to the TSUS is amended by deleting "923.72" wherever that item

number still appears and substituting "923.77" in lieu thereof.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-8953 Filed 3-24-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

Gulf Energy Corp., Suspension of Trading.

March 18, 1981.

It appears to the Commission that the market for Gulf Energy Corporation's ("GEC") stock is being distorted by a lack of adequate and acurate information available to the public concerning the status of GEC's oil and gas interests in Cheyenne County, Nebraska. These interests have been featured prominently in certain of GEC's public statements and market reports. Drilling information provided to the Commission indicates that the Company has not publicly reported that tests on the three wells drilled subsequent to the initial well have been dry or marginal. Corporate insiders have sold over 840,000 shares of GEC stock during the past year and have filed Form 144's indicating an intention to sell or sales of almost two million shares. Therefore, the Commission is of the opinion that the public interest and the protection of investors requires a summary suspension of trading in the securities of GEC.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in GEC on a national securities exchange or otherwise is suspended, for the period from 1:30 p.m. on March 18, 1981 through midnight on March 27, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8952 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc., Applictions for Unlisted Trading Privileges and of Opportunity for Hearing

March 12, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursutant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Commodore Intl. Limited, Common Stock, $1 Par Value (File No. 7-5879)

Richardson-Vicks, Inc., Common Stock, $1.25 Par Value (File No. 7-5880)

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 April 2, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring the 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 Regulations, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8963 Filed 3-24-81; 8:45]

BILLING CODE 8010-01-M

Philadephia Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

March 12, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Shearson Loeb Roades, Inc., Common Stock, $.10 Par Value (File No. 7-5878)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 2, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-8964 Filed 3-24-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 04/04-5203]

First Alabama Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of First Alabama Capital Corporation, 3201 Dauphin Street, Suite B, Mobile, Alabama 36606, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and Address, Title and Relationship and Percent of Ownership

David C. DeLaney, 2431 River Forest Road, Mobile, Alabama 36605—President, (General Manager) and Director; 0

Dessa Ava Phillips, 573 Stuart Street, Daphne, Alabama 36526—Secretary; 0

Chris C. DeLaney, Rt. 4, Box 180, Spanish Fort, Alabama 36527—Vice President, Treasurer and Director; 0

Bryan C. DeLaney, 514 General Maury Drive, Spanish Fort, Alabama 36527—Director; 0

Michael C. DeLaney, Rt. 4, Box 180, Spanish Fort, Alabama 36527—Director; 0

Robin C. DeLaney, 1055-A Church Street, Mobile, Alabama 36604—Director; 0

First SBIC of Alabama, 3201 Dauphin Street, Suite B, Mobile, Alabama 36606—Parent Company; 100

It will begin operations with $500,000 of private capital derived from the sale of 10,000 shares to First SBIC of Alabama.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of

performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's considerations of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before April 9, 1981, submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Mobile, Alabama.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8981 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 04/04-5190]

Ideal Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Ideal Capital Corporation, 85 Grand Canal Drive, #104, Miami, Florida 33144, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and Address, Title and Relationship and Percent of Ownership

Rafael Elortegui, 9350 Balada, Coral Gables, FL 33156—Chairman, President; 100

Joaquin Membiela, 8907 S.W. 12th Street, Miami, FL 33174—Secretary Treasurer; 0

Francisco Jose Hernandez, 9600 S.W. 93rd Avenue, Miami, FL 33176—Director; 0

It will begin operations with $500,000 of private capital derived from the sale of 1,000 shares to Rafael Elortegui.

The applicant will conduct its operations in the Miami area.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Notice is hereby given that any person may on or before April 9, 1981 submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Miami, Florida.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8982 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 05/05-0155]

Pathfinder Venture Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Pathfinder Venture Capital Corporation, 7300 Metro Blvd., Suite 585, Minneapolis, Minnesota 55435, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and Address, Title and Relationship and percent of Ownership

Andrew J. Greenshields, 7300 Metro Blvd., Suite 585, Minneapolis, Minnesota 55434—President, Director; 0.351 through attribution

Norman Dann, 7300 Metro Blvd., Suite 585, Minneapolis, Minnesota 55435—Vice President, Treasurer and Director; 0.351 through attribution

Gary A. Stoltz, 7300 Metro Blvd., Suite 585, Minneapolis, Minnesota 55435—Vice President, Secretary, and Director; 0.351 through attribution

Pathfinder Venture, Capital Fund, 5001 W. 80th St., Suite 800, Minneapolis, Minnesota 55437—Parent Company; 100

Pathfinder Venture Capital Fund, a Limited Partnership, was formed September 24, 1980, under the Minnesota Uniform Limited Partnership Act for the purpose of providing venture capital to corporations, partnerships, and joint ventures, and assisting in the development of the business of those enterprises.

The limited partner investors are large corporations, pension funds, trust companies, and individual investors all investing in excess of $500,000 each. The investors are not affiliated with the general partners and are involved in the partnership entirely for investment purposes and not for resale.

The Applicant will begin operations with a capitalization of $3.0 million and will be a source of equity capital and long-term loan funds for qualified small business concerns whose needs might not be met by traditional funding sources.

Matters involved in SBA's considerations of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before April 9, 1981 submit written comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Minneapolis, Minnesota.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8983 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 04/04-0205]

Planters Agricorp, Inc.; Application for License To Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)), under the name of Planters Agricorp, Inc. 67 Madison Avenue, Memphis, Tennessee 38103, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended, (the Act), (15 U.S.C. 661 et seq.), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Name and Address Title and Relationship and percent of Ownership

Parnell S. Lewis, 199 Cherokee Drive, Memphis, TN—President and Director; 0
James C. Shelley, 249 Ailene Drive, Collierville, TN 38017—Exec. Vice President and Director; 0
Aubrey T. Earnheart, Jr., 1913 Danville, Memphis, TN 38117—Vice president, Secretary and Director; 0
Charles W. Wilson, 6411 Dimwood Cove, Memphis, TN 38134—Treasurer; 0
Francis J. Cranciola, Jr., Director; 7239 Cedar Lane Drive, Germantown, TN 38138—Director; 0
Deborah N. Pittman, 36 St. Andrews Fairway, Memphis, TN 3811—Director; 0
James A. Barker, 2510 Friars Place, Cardova, TN 38018—Director; 0
Union Planters National, Bank of Memphis, Union Planters Bank Bldg., 67 Madison Avenue, Memphis, TN 38103—Parent Company; 100

The applicant will begin operations with $1,500,000 of private capital derived from the sale of 1,000 shares to Union Planters National Bank of Memphis.

The applicant will conduct its operations in the States of Tennessee, Mississippi and Arkansas.

Matters involved in SBA's considerations of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may on or before April 9, 1981. Submit writen comments on the proposed company to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416

A copy of this Notice shall be published in a newspaper of general circulation in Memphis, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 17, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-8984 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

Region I Advisory Council; Public Meeting

The U.S. Small Business Administration Region I Advisory Council, located in the geographical area of Montpelier, Vermont, will hold a public meeting at 10:00 a.m., on Wednesday, April 29, 1981, at the Tavern Motor Inn, State Street, Montpelier, Vermont, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call David C. Emery, District Director, U.S. Small Business Administration, Federal Building, 87 State Street, P.O. Box 605, Montpelier, Vermont 05602-(802) 229-0538.

Dated: March 20, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-9059 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council; Change in Time and Place of Public Meeting

The U.S. Small Business Administration Region VI Advisory Council, located in the geographic ares of Albuquerque, New Mexico, will hold a public meeting at 9:30 a.m., instead of 10:30 a.m. as perviously advertised, to 3:00 p.m., on Thursday, April 9, 1981, at the Holiday Inn, instead of the Rodeway Inn as perviously advertised, Carlsbad, New Mexico, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call E. Maine Shafer, District Director, U.S. Small Business Administration, 5000 Marble NE, Albuquerque, New Mexico (505) 766-3574.

Dated: March 20, 1981.

Robert P. O'Malley,

Director, Office of Advisory Councils.

[FR Doc. 81-9060 Filed 3-24-81; 8:45]

BILLING CODE 8025-01-M

Small Business Investment Company Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulation governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the **Federal Register** the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State usury ceilings, and to its forfeiture and penalty provisions.

Effective April 1, 1981, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 12.975% per annum.

Dated: March 20, 1981.

Peter F. McNeish;

Deputy Associate Administrator for Investment.

[FR Doc. 81-9058 Filed 3-24-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations.

ACTION: Notice to Heads of Government Departments and Agencies.

SUMMARY: This notice, applicable only to Governmental concerns, provides the percentage rate based on the current value of funds to the Treasury for use in Federal billing, collection, and

disbursement operations pursuant to cash management regulations contained in the Treasury Fiscal Requirements Manual (I TFRM 6–8000). The percentage rate applicable to these operations is *17.74%*.

DATES: The rate will be in effect for the period beginning on April 1, 1981 and ending on June 30, 1981.

FOR FURTHER INFORMATION CONTACT: Agency inquiries should be addressed to the Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, Washington, D.C. 20226 (Telephone: 202/566–8251).

SUPPLEMENTARY INFORMATION: Revisions to I TFRM 6–8000, "Cash Management," in June 1980, provided for the fine-tuning of billing, collection, and disbursement guidelines applicable to Government department and agency operations. A major procedural change established the current value of funds rate, which reflects the short-term value of funds to the Treasury, to be utilized for (1) assessing charges for late payments to the Government, and (2) determining cost effective prompt payment discounts. This rate, updated quarterly, is based on rates set for purposes of Pub. L. 95–147, 91 Stat. 1227. In addition, the requirement that interest should be charged on delinquent debts and debts being paid in installments in accordance with I TFRM 6–8000 is contained with the Federal Claims Collection Standards (4 CFR 102.11).

Dated: March 20, 1981.

W. E. Douglas,

Commissioner.

[FR Doc. 81–9033 Filed 3–24–81; 8:45 am]

BILLING CODE 4810–35–M

Office of the Secretary

[Department Circular Public Debt Series No. 10–81]

Treasury Notes of April 15, 1988, Series D–1988; Invitation for Tenders

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 $2,750,000,000 of United States securities, designated Treasury Notes of April 15, 1988, Series D–1988 (CUSIP No. 912827 LT 7). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated April 6, 1981, and will bear interest from that date, payable on a semiannual basis on October 15, 1981, and each subsequent 6 months on April 15 and October 15 until the principal becomes payable. They will mature April 15, 1988, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issed in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, March 31, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, March 30, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1 for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent

required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a 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 98.250. 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 institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Monday, April 6, 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 generel 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, April 3, 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 betwen 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 compleded 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 for 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 indentifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are Authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-8958 Filed 3-24-81; 8:45 am]

BILLING CODE 4810-40-M

[Department Circular—Public Debt Series—No. 7-81]

Treasury Notes Series P-1983; Interest Rates

March 19, 1981.

The Secretary announced on March 18, 1981, that the interest rate on the notes designated Series P-1983, described in Department Circular—Public Debt Series—No. 7-81, dated March 12, 1981, will be 12⅝ percent.

Interest on the notes will be payable at the rate of 12⅝ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-8959 Filed 3-24-81; 8:45 am]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Veterans Administration Wage Committee; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Veterans Administration Wage Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning March 7, 1981 through March 7, 1983.

Dated: March 18, 1981.

Rufus H. Wilson,

Acting Administrator.

[FR Doc. 81-8967 Filed 3-24-81; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, February—qualified health maintenance organization

SUMMARY: This notice sets forth the name, address, service area, and date of qualification of an entity determined by the Secretary to be a qualified health maintenance organization (HMO).

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

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register.** The following entity has been determined to be a qualified HMO under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e-9(d)):

Qualified Health Maintenance Organization

Name, Address, Service Area, and Date of Qualification

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

1. Health First, (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 6445 Poplar Avenue, Memphis, Tennessee 38119. Service area: Shelby County, Tennessee. Date of qualification: February 1, 1981. (Preoperationally qualified—January 26, 1981.)

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 5:00 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: March 17, 1981.

Howard R. Veit,

Director, Office of Health Maintenance Organizations.

[FR Doc. 81-8946 Filed 3-23-81; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; Noncompliance Determination

AGENCY: Public Health Service, HHS.

ACTION: Notice, Continued Regulation of Health Maintenance Organizations: Determination of Noncompliance and Revocation of Federal Qualification.

SUMMARY: On December 3, 1980, the Office of Health Maintenance Organizations (OHMO) determined that Monumental Health Plan, Inc. (MHP), 2300 Garrison Boulevard, Baltimore, Maryland 21216, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, and (3) comply with the National Data Reporting Requirements. On February 20, 1981, the Director of OHMO notified MHP that he was revoking MHP's Federal qualification. Accordingly, MHP is no longer a federally qualified HMO.

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

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (the Act) (42 U.S.C. 300e-11(b)(1)), if the Secretary makes a determination under section 1312(a) that a qualified HMO is not organized or operated in the manner prescribed by section 1301(c), then the HMO shall be (1) notified in writing of the determination and (2) directed to initiate corrective action to bring it into compliance with the assurances it provided to the Secretary under section 1310(d)(1). The notice of December 3, 1980, gave MHP an opportunity to initiate corrective action to bring it into compliance with the assurances that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, (3) comply with the National Data Reporting Requirements. The basis for the revocation of Federal qualification was OHMO's determination that MHP had not carried out and would not carry out the corrective action necessary to return to compliance. The revocation of qualification was to become effective five working days after MHP received the February 20 letter; however, on February 26, 1981, the U.S. District Court for the District of Maryland issued an order temporarily restraining the effectiveness of the revocation. *Monumental Health Plan, Inc. v. U.S. Department of Health and Human Services,* Civil Action No. J81-387. That order expired by its own terms on March 8, 1981. The District Court is presently conducting evidentiary proceedings relative to the Director's decision and will issue a final decision in this case in the near future. The revocation of MHP's qualification is effective now, and will remain so unless the District Court orders otherwise.

The effect of the revocation of MHP's Federal qualification is as follows: (1) MHP may not seek inclusion in employees' health benefits plans under section 1310 of the Act; (2) with respect to employers including MHP in the health benefits plan offered their employees, MHP is not a qualified HMO for purposes of section 1310 of the Act; (3) the inclusion of MHP in an employees' health benefits plan will be disregarded for purposes of determining whether, and to what extent, the employer is subject to 42 CFR Part 110, Subpart H, and will not constitute

compliance with the requirements of that subpart; and (4) MHP is not a qualified HMO for purposes of the financial assistance programs under 42 CFR Part 110.

Section 1312(b)(1) of the Act requires that a notice of the determination of noncompliance and of the revocation of Federal qualification of an HMO be published in the **Federal Register.**

Dated: March 23, 1981.

Howard R. Veit,

Director, Office of Health Maintenance Organization.

[FR Doc. 81-9264 Filed 3-24-81; 11:48 am]

BILLING CODE 4110-85-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 57
Wednesday, March 25, 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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COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, April 3, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–474–81 Filed 3–23–81; 2:35 pm]

BILLING CODE 6351–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Cancellation of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the closed meeting of the Corporation's Board of Directors scheduled for 11:30 a.m. on Monday, March 23, 1981, has been cancelled. No earlier notice of the cancellation of the meeting was practicable.

Dated: March 20, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–476–81 Filed 3–23–81; 3:24 pm]

BILLING CODE 6714–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Cancellation of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that the open meeting of the Corporation's Board of Directors scheduled for 11:00 a.m. on Monday, March 23, 1981, has been cancelled. No earlier notice of the cancellation of the meeting was practicable.

Dated: March 20, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–477–81 Filed 3–23–81; 3:24 pm]

BILLING CODE 6714–01–M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, March 30, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of The First National Bank of Lapeer, Lapeer, Michigan, and Imlay City State Bank, Imlay City, Michigan.

Memorandum and Resolution re: Proposed Amendments to the Financial Institutions Regulatory and Interest Rate Control Act of 1978.

Memorandum and Resolution re: Uniform Interagency Community Reinvestment Act (CRA) Rating System.

Memorandum and Resolution re: Banco Credito y Ahorro Ponceno (In Liquidation), Ponce, Puerto Rico—Extension of Settlement Period.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans, and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 23, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–478–81 Filed 3–23–81; 3:27 pm]

BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, March 30, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Westside Bank, a proposed new bank, to be located at 60 West 10th Street, Tracy, California.

The Bank of the Delta, a proposed new bank, to be located at 410 Highway #82 East, Indianola, Mississippi.

Webster County Bank, a proposed new bank, to be located at 225 North Clay Street, Marshfield, Missouri.

Application for Federal deposit insurance, consent to establish a branch, and consent to exercise limited trust powers:

Security Trust Company, a proposed new bank, to be located at 321 Bush Street, San Francisco, California, for Federal deposit insurance, for consent to establish a branch at 624 South Grand Avenue, Los Angeles, California, and for consent to exercise limited trust powers.

Request for modification of a condition imposed in granting consent to establish a branch:

Progressive Bank and Trust Company, Houma, Louisiana, for modification of a condition imposed in granting consent to establish a branch at 2734 West Main Street, Houma, Louisiana.

Application for consent to merge and establish branches:
Colonial Bank, Waterbury, Connecticut, for consent to merge under its charter and title with The Bank of Trumbull, Trumbull, Connecticut, and for consent to establish the three offices of The Bank of Trumbull as branches of the resultant bank.
Request for relief from reimbursement for violations of Regulation Z:
Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).
Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks:
Names of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).
Requests for exemptions pursuant to Part 348 of the Corporation's rules and regulations entitled "Management Official Interlocks":
City and County Bank of Anderson County, Lake City, Tennessee, for an exemption pursuant to section 348.6(a)(2).
Texas Commerce Bank-Tanglewood, Houston, Texas, and The Western Saving Fund Society of Philadelphia, Haverford, Pennsylvania, for exemptions pursuant to section 348.4(b)(5).
Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:
Case No. 44,698-SR—Bank of Lake Helen, Lake Helen, Fla.
Case No. 44,707-SR—American Bank & Trust Company, New York, N.Y.
Case No. 44,708-L—Franklin National Bank, New York, N.Y.
Case No. 44,713-L—The Mission State Bank & Trust Company, Mission, Kans.
Case No. 44,722-L—The Drovers' National Bank of Chicago, Chicago, Ill.
Case No. 44,725-NR—United States National Bank, San Diego, Calif.
Memorandum and resolution re: United States National Bank, San Diego, Calif.
Memorandum and resolution re: Surety Bank and Trust Company, Wakefield, Mass.
Memorandum and resolution re: Northeast Bank of Houston, Houston, Tex.
Memorandum and resolution re: Centennial Bank, Philadelphia, Pa.
Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:
Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(6), (c)(8), and (c)(9)(A)(ii)).
Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:
Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).
Reports of committees and officers:
Report of the Director, Office of Corporate Audits:
Audit Report re: First National Bank of Carrington, Carrington, North Dakota.
Reports of the Director, Division of Liquidation:
Memorandum re: Reports Required Under Delegated Authority Releases of Collateral for Fair Market Value.
Memorandum re: Reports Required Under Delegated Authority Expenditures.
Memorandum re: Reports Required Under Delegated Authority Foreclosure Bids.

The meeting will be held in the Board Room on the Sixth Floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: March 23, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-479-81 Filed 3-23-81; 3:27 pm]

BILLING CODE 6714-01-M

6

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 20, 1981, 46 FR 17949.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:00 a.m., March 26, 1981.

CHANGES IN THE MEETING: The time of the meeting is changed from 9:00 a.m. to 11:00 a.m. on Thursday, March 26, 1981.

Addition of the following items to the closed session:

2. Docket No. 80-45—Agreement No. 10386, as Amended, and 10382, as Amended, Cargo Revenue Pooling/Equal Access Agreements in the United States/Argentine Trades—Foreign Discovery Matters.

3. Discussion of Interstate Commerce Commission Ex Parte 230 (Sub. 5).

[S-480-81 Filed 3-23-81; 3:44 pm]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM: Board of Governors.

TIME AND DATE: 10:00 a.m., Monday, March 30, 1981.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-471-81 Filed 3-20-81; 4:39 pm]

BILLING CODE 6210-01-M

8

METRIC BOARD: Executive Committee Meeting.

TIME AND DATE: 10:00 a.m., Tuesday, April 14, 1981.

PLACE: 1600 Wilson Blvd., Suite 400, Arlington, Va.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Formulation of FY 83 and subsequent year budgets.

CONTACT PERSON FOR MORE INFORMATION: Malcolm E. O'Hagan, Executive Director, (703) 235–1738.

Louis F. Polk,

Chairman.

[S-475-81 Filed 3-23-81; 3:06 pm]

BILLING CODE 6820-94-M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Week of March 23, 1981.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Wednesday, March 25, 10:00 a.m.

1. Discussion of Policy, Planning and Program Guidance for FY 1983–87 (public meeting).

Thursday, March 26, 10:00 a.m.

1. Briefing on Nuclear Data Link (approximately 1½ hrs., public meeting).

2. Affirmation/Discussion Session (public meeting).

Affirmation and/or discussion and vote: a. Proposed Denial of Motions To Suspend NRC's Enforcement of 40 CFR 190 Uranium Mills.

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,

Office of the Secretary.

March 18, 1981.

[S-473-81 Filed 3-23-81; 2:03 pm]

BILLING CODE 7590-01-M

10

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of March 23, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Wednesday, March 25, 1981, at 10:00 a.m., followed by a closed meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Commissioner Evans, as duty officer, determined to hold the aforesaid meeting in closed session.

The subject matter of the open meeting scheduled for Wednesday, March 25, 1981, at 10:00 a.m., will be:

Consideration of whether to adopt, on an interim basis, three forms for use by companies seeking to be regulated as business development companies under the Investment Company Act of 1940 and Consideration of whether to authorize the publication of the views of the Division of Investment Management on the adaptation of existing registration statement forms for use by such companies. For further information, please contact Dianne E. O'Donnell at (202) 272–2116.

The subject matter of the closed meeting scheduled for Wednesday, March 25, 1981, following the 10:00 a.m. open meeting, will be: Settlement of administrative proceeding of an enforcement nature.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272–2178.

March 20, 1981.

[S-470-81 Filed 3-20-81; 4:31 pm]

BILLING CODE 8010-01-M

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: [To be published].

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, March 20, 1981.

CHANGES IN THE MEETING: Additional item.

The following additional item will be considered at an open meeting scheduled for Wednesday, March 25, 1981, at 10:00 a.m.:

Consideration of whether to issue orders extending the registrations of thirteen temporarily registered clearing agencies until March 31, 1982. For further information, please contact JoAnn Carpenter at (202) 272–2902.

Commissioner Friedman, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Nancy Wojtas at (202) 272–2178.

March 23, 1981.

[S-481-81 Filed 3-23-81; 3:46 pm]

BILLING CODE 8010-01-M

12

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION.

TIME AND DATE: 10 a.m., Monday, April 13, 1981.

PLACE: Board Room, 712 Jackson Place N.W., Washington, D.C. 20006.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Call meeting to order. Check quorum.
2. Adoption of proposed agenda.
3. Approval of minutes of September 8, 1980 meeting.
4. Report of Chairman.
5. Report of Executive Secretary.
6. Discussion of Awards Ceremony.
7. New Business.
8. Set date for next meeting in September, 1981.

Portions closed to the public:

1. Selection of Truman Scholars for 1981–82.

CONTACT PERSON FOR MORE INFORMATION: Malcolm C. McCormack, Executive Secretary, telephone, 202–395–4831.

Malcolm C. McCormack,

Executive Secretary.

[S-472-81 Filed 3-23-81; 10:43 am]

BILLING CODE 9500-01-M

federal register

Wednesday
March 25, 1981

Part II

Department of the Interior

Fish and Wildlife Service

Migratory Bird Hunting; Proposed 1981-82 Migratory Game Bird Hunting Regulations

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Proposed 1981–82 Migratory Game Bird Hunting Regulations (Preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Service proposes to establish hunting seasons, daily bag and possession limits, and shooting hours for designated groups or species of migratory game birds in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands during 1981–82. The Service annually prescribes migratory bird hunting regulations. The effect of these hunting regulations is to continue providing hunting opportunity, a popular form of outdoor recreation, to the public and to aid Federal and State governments in the management of migratory game birds.

DATES: The comment period for proposed regulations frameworks for Alaska, Puerto Rico, and the Virgin Islands will end on June 19, 1981; for early season proposals on July 13, 1981; and for late season proposals on August 24.

Public Hearings: on Early Season Regulations—June 19, 1981, at 9 a.m.; on Late Season Regulations—August 4, 1981, at 9 a.m.

ADDRESSES: Comments and requests to testify may be mailed to Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Both public hearings will be held in the Auditorium, Interior Department Building, 18th and C Streets, NW., Washington, D.C. Comments received may be inspected from 8 a.m. to 4 p.m. at the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (AC 202–254–3207).

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service proposes to establish hunting seasons, bag and possession limits, and shooting hours for migratory game birds during 1981–82 under §§ 20.101 through 20.107 of subpart K of 50 CFR Part 20.

"Migratory game birds" are those migratory birds so designated in conventions between the United States and several foreign nations for the protection and management of these birds. During the 1981–82 hunting season, regulations are proposed for certain designated members of the avian families *Anatidae* (ducks, geese, brant and swans); *Columbidae* (doves and pigeons); *Gruidae* (cranes); *Rallidae* (rails, coots, and gallinules); and *Scolopacidae* (woodcock and snipe). These proposals are described under Proposed 1981–82 Migratory Game Bird Hunting Regulations (Preliminary) in this document.

Notice of Intention To Establish Open Seasons

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons, daily bag and possession limits, and shooting hours for certain designated groups or species of migratory game birds for 1981–82 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

Factors Affecting Regulations Process

This is the first in a series of proposed and final rulemaking documents for migratory bird hunting regulations. Proposed season frameworks, shooting hours, and daily bag and possession limits are set forth for various groups of migratory game birds for which these regulations ordinarily do not vary significantly from year to year.

The proposals set forth here and the schedule by which more detailed proposals for these and other species will be developed are dependent upon a number of factors. Among these are the times when various annual population, habitat, and harvest surveys are conducted and results are available for analysis; times of migration and other biological considerations; and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for consideration in the development of regulations. For these reasons, the overall regulations process for hunting seasons and limits is divided into the following segments: (1) regulations for migratory game birds in Alaska, Puerto Rico, the Virgin Islands, and Hawaii; (2) seasons in the remainder of the United States opening prior to October 1 (early seasons); and (3) seasons opening in the remainder of the United States on or about October 1 (late seasons). Regulations development for each of the three categories will follow similar but independent schedules. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in supplemental proposed rulemakings to be published in the **Federal Register**. Also, additional supplemental proposals will be published for public comment in the **Federal Register** as population, habitat, harvest, and other information becomes available.

Because of the late dates when certain of these data become available, it is anticipated that comment periods on some proposals will necessarily be abbreviated. Special circumstances that limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on one hand, to establish final rules at a time early enough in the summer to allow State agencies to adjust their licensing and regulatory mechanisms and, on the other hand, the lack before late July of current data on the status of most waterfowl.

Publication of Regulatory Documents

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the **Federal Register** in accordance with the Administrative Procedure Act. The publicaton of these documents is divided into three phases, as follows:

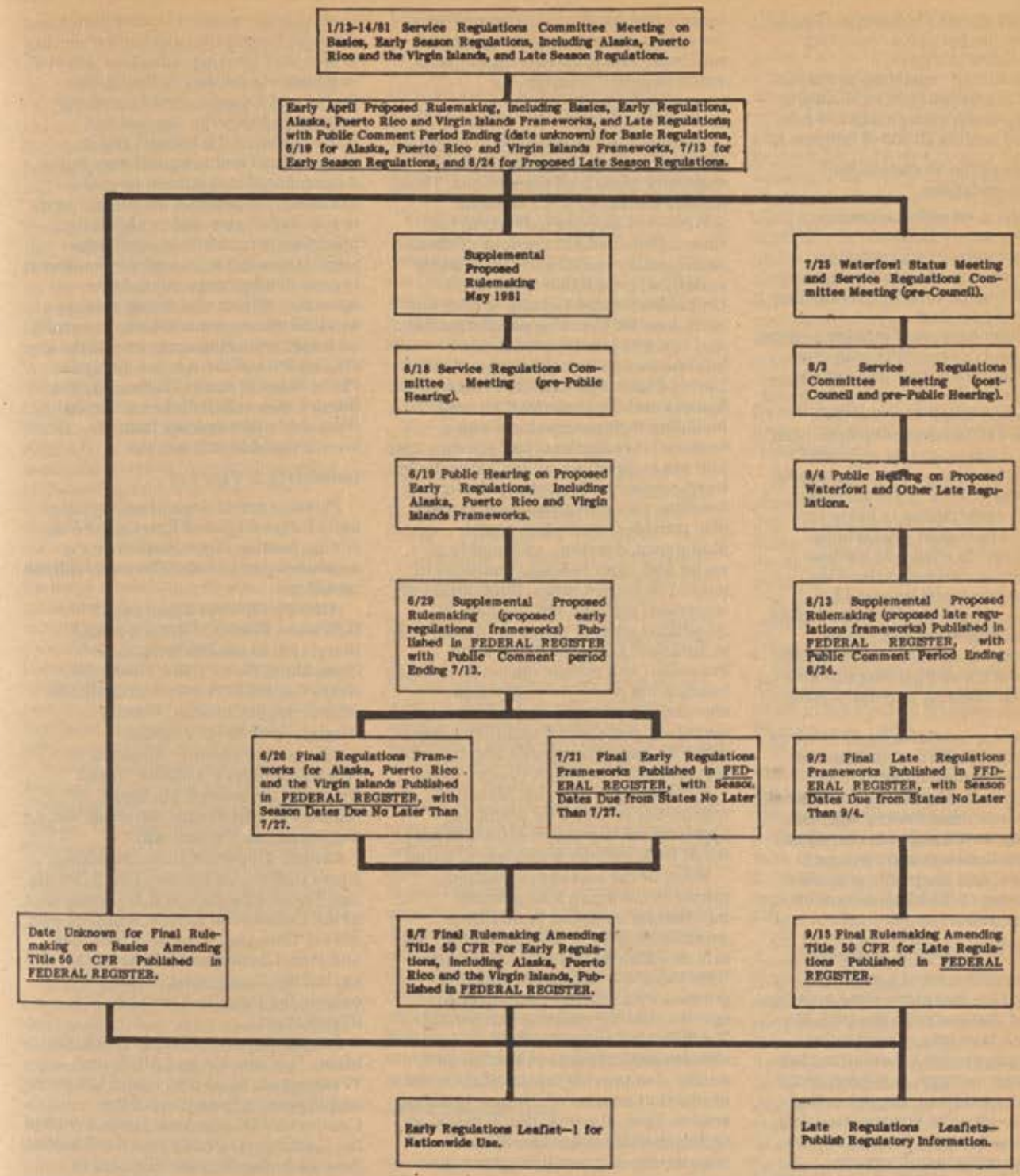
1. Proposed rulemakings—proposals to amend Subpart K (and other subparts when necessary) of 50 CFR Part 20, including supplementary proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemakings—frameworks. Final migratory game bird regulations framework which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

3. Final rulemakings—season selections. Amendments to the various specific sections of Subpart K (and other subparts when necessary) of 50 CFR Part 20 based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

Major steps in the 1981–82 regulatory cycle relating to public hearings and **Federal Register** notifications are illustrated in the accompanying diagram.

BILLING CODE 4310-55-M



1981 SCHEDULE OF REGULATIONS MEETINGS

AND

PUBLICATIONS IN THE FEDERAL REGISTER

BILLING CODE 4310-55-C

All dates shown for frameworks and seasons in the Service's regulatory documents are inclusive.

Non-toxic shot regulatory proposals and final regulations are published separately under section 20.21 of subpart C and section 20.108 of Subpart K.

Objectives of the Migratory Bird Hunting Regulations

The objectives of these annual regulations are as follows:

(1) To provide an opportunity to harvest a portion of certain migratory game bird populations by establishing legal hunting seasons.

(2) To limit harvest of migratory game birds to levels compatible with their ability to maintain their populations.

(3) To avoid the taking of endangered or threatened species so that their continued existence is not jeopardized, and their conservation is enhanced.

(4) To limit taking of other protected species where there is a reasonable possibility that hunting is likely to adversely affect their populations.

(5) To provide equitable hunting opportunity in various parts of the country within limits imposed by abundance, migration, and distribution patterns of migratory game birds.

(6) To assist, at times and in specific locations, in preventing depredations on agricultural crops by migratory game birds.

The management of mirgratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other Federal agencies, State conservation agencies, national and regional conservation groups, universities, and the public provide much support to the achievement of these objectives.

Data Used in Regulatory Decisions

The establishment of hunting regulations for migratory game birds in the United States during the 1981–82 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will also be given to accumulated data and trends. The main sources of data result from operational surveys conducted by the U.S. Fish and Wildlife Service in cooperation with the Canadian Wildlife Service, Direccion General de la Fauna Silvestre of Mexico, State and Provincial wildlife agencies, and others. The Service will also consider technical information provided by consultants of the four waterfowl flyway councils. The information from these sources will be analyzed by the U.S. Fish and Wildlife Service with an opportunity for the public to review and provide comments on management rationales and proposed regulations, either in public hearings, by correspondence, or other communications.

Various surveys are used to ascertain the status, condition, and trends of migratory game bird populations. These include annual surveys of major waterfowl wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the United States and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including their geographical and temporal distributions, and species, age, and sex composition of the harvest; and band recovery information. Waterfowl breeding pair and production surveys also provide information on the abundance, duration, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State, Provincial and private agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, information on harvests and regulations is useful for predicting approximate harvest levels which may result from various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species, and the greatest numbers of North American geese. Field observations of geese in the fall and winter also provide information on the production success of the past breeding season. Special population surveys are undertaken for many identifiable populations of geese throughout the year.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mourning doves. Information from past years and the current year is used to establish population trends. The woodcock singing-ground survey is conducted throughout the breeding range of the species in the eastern United States and Canada. Insight into production success is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska. The Service also solicits information on these and other species from knowledgeable individuals.

Definitions of Flyways

Flyways are biological-ecological units frequently used for reference in setting hunting regulations on many migratory game birds. These are defined as follows:

Atlantic Flyway: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; Colorado and Wyoming east of the Continental Divide; Montana east of Hill, Chouteau, Cascade, Meagher and Park Counties; and New Mexico east of the Continental Divide but outside the Jicarilla Apache Indian Reservation.

Pacific Flyway: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof. Flights of most migratory game birds breeding or produced in Alaska are more strongly oriented to this flyway than to the other flyways.

Hearings

Two public hearings pertaining to migratory bird hunting regulations being

considered for the 1981–82 hunting seasons are scheduled. Both meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 19 a public hearing for reviewing proposed hunting regulations for species for which early seasons (opening prior to October 1) are set will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, on C Street, between 18th and 19th Streets, NW., Washington, D.C. This hearing is scheduled primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe. Proposed hunting regulations will be discussed for these species plus regulations for sandhill cranes in some States; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; mourning doves in Hawaii; September teal seasons; and special sea duck seasons in the Atlantic Flyway. On August 4 a public hearing for reviewing the status of other waterfowl and consideration of proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated will be held at 9 o'clock in the Auditorium of the Department of the Interior Building, address above. These deliberations will pertain to seasons commencing October 1 or later. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone AC 202–254–3207. Those wishing to make statements should file copies of them with the Director before or during each hearing.

Public Comments Solicited

Based on the results of current migratory game bird studies and having due consideration of all data and views submitted by interested parties, the amendments resulting from these proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common snipe, coots, cranes, and waterfowl; coots, cranes, common snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or recommendations regarding the proposed amendments.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals. Interested persons are invited to participate in this rulemaking by submitting written comments as follows:

For comments on Proposed 1981–82 Migratory Game Bird Hunting Regulations (preliminary) write to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received on the proposed annual regulations will be available for public inspection during normal business hours at the Service's office in Room 525–B, Matomic Building, 1717 H Street, NW., Washington, D.C. The Service will acknowledge but may not respond in detail to each comment. Specific comment periods will be established for each of the three series of proposed rulemakings. Experience has shown that in some cases public comments were received after the close of an established comment period but before a supplemental rulemaking on the same regulatory topic appeared in the **Federal Register**, thus opening a new comment period. In order to alleviate this confusion, all relevant comments will be accepted through the closing date of the last comment period opened on the particular proposal under consideration. As in the past, the Service will summarize all comments received during the comment period and respond to them.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

Endangered Species Act Consideration

Prior to finalization of the 1981–82 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973, and as amended, (16 U.S.C. 1531–1543; hereinafter the Act) to insure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with conservation programs for those species. Consultations under section 7 of this Act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

Determinations of Significance, Major Rules, and Regulatory Flexibility Act Consideration

A new law, regulations, and an executive order now supplement and provide additional procedures to be followed by Federal agencies in developing new regulations. These include:

Regulatory Flexibility Act (Public Law 96–354), which became effective on January 1, 1981;

Interim Regulations Implementing the Regulatory Flexibility Act (at 45 FR 95376 in the **Federal Register** dated December 24, 1980);

Executive Order 12291 of February 17, 1981 (at 46 FR 13193 in the **Federal Register** dated February 19, 1981), which also revoked Executive Order 12044.

The Service's actions in complying with these requirements in developing its initial migratory bird hunting regulations for the 1981–82 season follow in chronological order.

On January 15, 1981, the Assistant Secretary determined that the Service's rules establishing annual hunting regulations are significant and that no regulatory analysis is required under E.O. 12044. However, the rules were determined to have a substantial impact on small entities, as defined in the Regulatory Flexibility Act, and a regulatory flexibility analysis as described under 5 U.S.C. 601–612 would be prepared. The Assistant Secretary further granted the Service a partial exemption from the Departmental procedures implementing E.O. 12044 and 5 U.S.C. 601–612 for developing significant rules and those with substantial effect on small entities.

Additional requirements regarding the promulgation of new rules are contained in Executive Order 12291, dated February 17, 1981, which revoked E.O. 12044. E.O. 12291 specifies that different

procedures be followed for developing rules determined to be "major." One criterion for determining that a rule is "major" is that it have an annual effect on the economy of $100 million or more. Available data indicate that annual expenditures related to migratory bird hunting exceed this amount, and provide economic benefits in excess of one billion dollars. Thus, the Service considers its annual hunting regulations as "major" rules under E.O. 12291, and subject to the new requirements.

Need for Regulatory Analyses. The Office of Management and Budget (OMB) has indicated to the Service special procedures it should follow in developing its regulatory analyses. Among these is a recommendation that the analyses required by the Regulatory Flexibility Act and Executive Order 12291 be consolidated. The information to be included in the Regulatory Impact Analysis is described in Section 3(d)(1–5) of E.O. 12291, while the contents of the small entity flexibility analysis requirements of the Regulatory Flexibility Act are found in Section 14.9 of the Interim Rules. Section 14.3(f)(ii)(B) of the Interim Regulations provides that an Agency may include a summary statement of its regulatory flexibility analysis with its proposed rule in the **Federal Register.**

Pursuant to Executive Order 12291, a regulatory analysis must describe the potential benefits and costs of the rule, including those not quantifiable in monetary terms, and identify those persons likely to receive the benefits or bear the costs. The description is to identify the net benefits of the rule, alternative approaches that could substantially achieve the same regulatory goal at lower cost, and include a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted. Small entities are also to be considered, with an estimate of affected small entities provided, together with a description of the projected information collection, recordkeeping and other compliance requirements of the rule. An estimate of the classes of small entities subject to the requirements and their compliance burdens, are to be included. Again, a description must be made by significant alternatives to the rule which would accomplish the stated objectives of applicable statutes and minimize any significant economic effect of the rule on small entities.

Discussions with OMB resulted in agreement to provide available data on the above points at the time of this proposed rulemaking. Further economic and small entity data will be developed by the Service and provided in a final regulatory analysis before issuing final rulemakings for the 1981 season later this year. Discussions with OMB indicate that, in a manner consistent with section 3 of the Migratory Bird Treaty Act, this analysis will be focused on determining the economic effects of varying season lengths (number of hunting days) and bag limits. The final regulatory analysis will describe the additional information which must be gathered to improve the economic analysis prior to issuing regulations for next year's (1982) season.

The Service's preliminary regulatory impact analysis provides data on the effects of setting open seasons and bag limits for migratory bird hunting. Data available to the Service indicate that migratory bird hunting is a major form of recreation which is of importance to many segments of the economy. The *1975 National Survey of Hunting, Fishing and Wildlife-Associated Recreation* states that 8.8 million hunters participated in 87.7 million days of migratory bird hunting in the United States in 1975. Their expenditures totaled $949 million, which after adjustment by the Consumer Price Index represents 1.45 billion 1981 dollars. Hunter expenditures were incurred for equipment and supplies; private transportation; food, drink, and refreshments; public transportation; lodging; and fees. These expenditures benefit a large number of individuals and businesses, many of which would be classed as "small businesses."

The initial analysis also outlines steps planned to review and gather additional information needed for the final analysis. In this respect, the Service solicits information and data which might be useful in its analysis. Such material should be sent to the Director (MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Copies of the Service's initial analysis may be obtained upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. The final regulatory analysis relating to the proposed 1981–82 regulations will be available in late June.

Authorship

The primary author of the proposed rules on annual hunting regulations is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief, AC 202–254–3207.

Proposed 1981–82 Migratory Game Bird Hunting Regulations (preliminary)

The following general frameworks and guidelines for hunting certain waterfowl, sandhill cranes, mourning doves, white-winged doves, Zenaida doves, scaly-naped pigeons, band-tailed pigeons, gallinules, rails, coots, common snipe and woodcock are proposed during the 1981–82 season. Changes or possible changes, when noted, are in comparison to 1980–81 final frameworks or regulations, and reflect the Service's position at this time. As noted earlier, public responses, additional data and information, and other considerations may lead to changes in the regulations being proposed at this time. In this respect, date changes of one or two days, because of the 1981–82 calendars causing dates to fall on different days of the week, are regarded as "no change." All mentioned dates are inclusive. The Service also wishes to alert the public to various recommentations it has received since the 1980–81 regulations were finalized, and prior to the initiation of this year's regulatory cycle.

Stablized Regulations for Duck Hunting. During the 1980–81 hunting season, the Service implemented a program of stabilized regulations (numbers of hunting days and limits) for ducks in the United States. On July 1, 1980, the Service advised in the **Federal Register** (at 45 FR 44546) that it planned to take this action in connection with an evaluation program to be conducted in cooperation with the Canadian Wildlife Service. A stabilized regulations program was initiated in Canada in the 1979–80 hunting season. The study was described at that time, and is repeated for informational purposes as follows:

> At the Public Hearing held on August 2, 1979, to review the proposed waterfowl and other late hunting season regulations, the Canadian Wildlife Service announced its intention to initiate a new waterfowl management program that had been developed cooperatively with the Provinces of Alberta, Manitoba, and Saskatchewan. A major element of this program is the stabilization of waterfowl hunting regulations for five years. The Service, in responding to the Canadian statement, noted that annual changes in hunting regulations constitute a source of difficulty in understanding the population dynamics of waterfowl, particularly the relationship between regulations and harvest rates. It also noted the advantages of the two nations jointly implementing a study of stabilized regulations.
>
> Duck bag limits and season lengths have not been markedly altered among years in the United States for some time. The objectives of this approach have been to hold hunting opportunity reasonably constant, but within a range that would not result in an

overharvest of any population, and to provide an opportunity to define more precisely the relationships between regulations and harvest.

During the past few months, the Service has been discussing a cooperative study with Canadian Wildlife Service aimed at investigating more thoroughly the impact of environmental variables on waterfowl populations. To this end, the Service proposes to initiate a program in which hunting regulations during the next five years in each of the Flyways would be maintained at the same general levels as during the 1979–80 hunting season. The focus of the program would be primarily on ducks, and on seasons and bag limits. Consideration will be given to special situations regarding particular species or other aspects of the regulations. An environmental assessment is in preparation in which the proposed program will be examined in more detail, and criteria to be used in guiding it will be defined. The assessment will be made available for public review as soon as possible. The Service proposes to conduct the program in cooperation with the State wildlife agencies and the Canadian Wildlife Service. The program will provide a unique opportunity to study the impact of hunting on North American waterfowl, and to initiate or redirect studies relating to other aspects of waterfowl population dynamics.

The assessment noted above was subsequently issued, and copies are available from the Office of Migratory Bird Management. The hunting regulations for the 1980–81 season incorporated the concept of regulations stability and represent the first year of a five-year study. The Service proposes to continue with the program of stabilized regulations during the 1981–82 hunting season.

It is therefore proposed to amend 50 CFR Part 20 as follows:

1. *Shooting hours.* (No change.) Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

Shooting hours were subjected to extensive review and discussion during the regulatory process for the 1977–78 hunting seasons. The Service undertook a study of information and data in its files and prepared an environmental assessment on shooting hours which was made available to the public in August 1977. The Director concluded, after study of this assessment, that the proposed shooting hours did not constitute a major impact upon the environment, and signed a negative declaration to the effect. Copies of the assessment are available and can be supplied upon request to the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

The Service adopts and incorporates by reference for purposes of this rulemaking the rationale for the proposed shooting hours set forth in the four past years' proposed and final regulations for migratory bird hunting. Because of the interest in the shooting hours issue, the Service has continued to gather and analyze additional data. Reports will be made available after analyses have been completed.

2. *Framework dates for ducks and geese in the continental United States.* (No change.) These frameworks are to be generally the same as during the 1980–81 season. From October 1, 1981, to January 20, 1982 for the Atlantic Flyway; from October 3, 1981, to January 20, 1982, for the Mississippi Flyway; and from October 3, 1981, through January 17, 1982, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway-September 15, 1981, through January 20, 1982.

(b) September teal season framework: September 1 through September 30, 1981, in specified areas to be identified in response to public comments.

(c) Special scaup season framework: October 1, 1981, through January 31, 1982, in specified areas to be identified in response to public comments.

(d) Experimental season frameworks: In Iowa, up to 7 days of the regular duck season may begin as early as September 19, 1981. In Mississippi, the waterfowl season framework may extend to January 31, 1982.

(e) Snow (including blue) and white-fronted geese: In Louisiana, between October 3, 1981, and February 14, 1982, in zones established for duck hunting seasons.

(f) Pacific Flyway brant season framework: Deferred pending additional information.

(g) Alaska waterfowl: September 1, 1981, through January 26, 1982.

3. *Black ducks.* (No change.) An environmental assessment of proposed hunting regulations for black ducks was issued by the Service in August 1976. Subsequently, a three-year cooperative research and management program was developed by the Service and States of the Atlantic and Mississippi Flyways. This was reported in the **Federal Register** dated March 10, 1977; 42 FR 13315, and for informational purposes is repeated as follows:

A research and management program for this species is presently being developed by the Service in cooperation with States in the Atlantic and Mississippi Flyways. The first phase of this program calls for a three-year intensified winter banding program in these Flyways. The winter banding program is under way now. During this period, restrictive black duck bag limits similar to those in effect in 1976 are to be retained. The winter banding program will be supplemented by pre-season banding of black ducks. In line with this effort, the Atlantic Flyway Council's Eastern Canada Cooperative Banding Program was renewed in 1976 for a 5-year period. Information from these banding programs, and from other sources, will be used to establish values for certain black duck population parameters. Future management programs will be evaluated by measuring the effect of such programs on black duck population parameters developed from the 1977–79 banding programs.

In order to assure achievement of banding objectives, the banding program was extended to include the 1980 winter and pre-season banding periods. Pending the analysis of data derived from the banding study, as well as from other sources, and the completion of a black duck management plan currently under development in a joint effort by the U.S. Fish and Wildlife Service, Canadian Wildlife Service, and the Atlantic Flyway Council, no changes in black duck hunting regulations are proposed.

4. *Wood ducks.* (No change.) In 1977 regulations for this species were changed to permit southeastern States the option of an early October hunting season during which no special bag and possession limits applied under conventional regulations; under point system regulations, the species was placed in the mid-point category. The criteria for such seasons were described in the **Federal Register** dated May 25, 1977 (42 FR 26669), and are summarized and updated for informational purposes:

The southeastern United States is defined as Virginia, Kentucky, Tennessee, Arkansas, and Louisiana and all States east thereof in the Atlantic and Mississippi Flyways. The Service proposes to again consider regulations aimed at additional wood duck harvest in the southeastern States only within the following guidelines:

(a) In 1981 States in the southeastern United States may split their regular duck hunting season in such a way that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15.

(b) During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway in 1981 shall apply to wood ducks, and under the point system, the point value for wood ducks shall be reduced from the high to the mid-point category. For other species of ducks daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations.

(c) In addition, the extra blue-winged teal option available to States in the Atlantic and Mississippi Flyways that select conventional regulations and do not have a September teal season may be applied during the period.

(d) This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

(e) This special provision for wood ducks shall be regarded as experimental, and subject to annual and final evaluations by participating States of population, harvest, banding, and other available information.

(f) The experiment shall be conducted for a specified time period to be agreed upon between the Service and participating States.

The Service proposes to retain this option for the 1981 season.

Although no changes are proposed in the wood duck frameworks at this time, the Service notes that some southeastern States have indicated the early October option does not adequately provide for early season wood duck harvest opportunity. Last year these States requested that other arrangements be considered, and have indicated that they wish to discuss this matter further during the 1981 regulatory process. The Service will consult with interested States, flyway councils, and others on this matter, and any new proposal which may be forthcoming will be published in the **Federal Register** for public comment.

5. *Sea ducks.* (No change.) A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is proposed during the period between September 15, 1981, and January 20, 1982, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open waters from any shore, island, and emergent vegetation in Delaware, Maryland, North Carolina, and Virginia. Such areas shall be described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Any State desiring its sea duck season to open in September must make its selection no later than July 27, 1981. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

6. *September teal season.* (No change.) An open season on all species of teal may be selected by Alabama, Arkansas, Colorado (Central Flyway portion), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion), Ohio, Oklahoma, Tennessee and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect nontarget species by July 27, 1981.

The Service has received a request from Florida that September teal hunting be permitted there during the 1981 season. No action is proposed at this time pending further evaluation.

7. *Extra blue-winged teal option.* (No change.) States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag of 2 and possession limit of 4 blue-winged teal for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck and possession limits.

8. *Special scaup season.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with a daily bag limit of 5 and possession limit of 10 scaup. This special season is subject to the following conditions:

1. The season must occur between October 1, 1981, and January 31, 1982.

2. The season must occur outside the open season for any other ducks except sea ducks.

3. The season is limited to areas mutually agreed upon between the State and the Service prior to September 1, 1981, and

4. These areas must be described and delineated in State hunting regulations.

5. In lieu of a special scaup only season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate subject to the same provisions that apply to special scaup seasons elsewhere.

9. *Extra scaup option.* (No change.) As an alternative to a special scaup season, States in the Atlantic, Missippi, and Central Flyways, except those selecting the point system, may select an extra daily bag of 2 and possession limit of 4 scaup during the regular duck hunting season, subject to conditions 3 and 4 listed for special scaup seasons. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

10. *Mergansers.* (No change.) States in the Atlantic and Mississippi Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The restriction on hooded mergansers of 1 daily and 2 in possession is continued in the Atlantic, Mississippi, and Central Flyways.

11. *Canvasback and redhead ducks.* (No change.) Except in designated portions of the Atlantic Flyway, no changes in hunting frameworks for canvasbacks are proposed at this time. No changes in the redhead frameworks are proposed at this time. Additional information on the population status and trends of thw two species, plus their production success this summer, will become available prior to the date that the frameworks for the 1981–82 season are finalized. The management rationales for canvasbacks and redheads were described in an environmental assessment issued in August 1976. As an outgrowth of the assessment, a number of area closures were established where full protection from hunting was given to the two species. In other areas, minimal harvests were allowed under the point system and conventional regulations. Area closures for redheads were judged unnecessary and were eliminated in 1980 because of the improved status of that species. The assessment also established short-term and long-term population objectives.

The Service conditionally proposes to implement this year a special, limited canvasback season directed primarily at the harvest of drakes on a trial basis in designated areas of the Atlantic Flyway. Conditions affecting the implementation of the trial season include population levels, habitat conditions, and production of canvasbacks during the 1981 breeding season. The proposal for such a season was first made in 1979 (see FR 9934, dated February 15, 1979). A modified proposal was considered in 1980 by the Service but not implemented because of poor canvasback production during the 1980 breeding season (at 45 FR 53983 dated August 13, 1980). The Atlantic Flyway Council was advised that implementation of the proposal would be deferred, pending a year of good production.

In order to facilitate public understanding of the proposal and response to it, the plan as formulated by the Atlantic Flyway Council and modified by the Service is provided below:

1. Duration of the experimental season: 3 years.

2. Season length: 11 days, to be taken during the last 11 days of each participating State's regular waterfowl season, and limited to the areas described below.

3. Bag limit: conventional—4 canvasbacks, only 1 of which may be a female; point system—male, 25 points; female, 100 points. The possession limits would be twice the daily bag limits.

4. Harvest guidelines: not to exceed 10 percent of the wintering population (3-year average) in each harvest area, and the 3-year average harvest shall not exceed 10 percent of the combined wintering population (3-year average) in the 5-State area. The latter condition makes allowance for annual deviations in excess of the guideline during the study period. Emphasis will be placed on the harvest of male canvasbacks.

5. Harvest areas:

a. New York—Lake Cayuga and the Upper Niagara River between the Peace Bridge at Buffalo, New York, and the Niagara Falls.

b. New Jersey—(1) east of the Garden State Parkway from Route 440, south to Route 36 (Raritan and Sandy Hook Bays, Navesink and Shrewsbury Rivers); (2) east of the Garden State Parkway from Route 88 south to Route 72 (Barnegat, Silver and Manahawkin Bays, Metedeconk and Toms Rivers).

c. Maryland—Anne Arundel, Calvert, St. Marys, Charles, and Prince Georges Counties; the Chesapeake Bay western shore and its tributaries to the first upstream bridge; and the Potomac River downstream from the Possum Point Power Plant (on Virginia side).

d. Virginia—In waters bordering on and tributary to the Potomac River below the Possum Point Power Plant, but in no case above any highway bridge across such tributaries; in the Rappahannock River upstream to Route 360; and in the Chesapeake Bay and its tributaries between the Potomac River and the Rappahannock River in Lancaster County, and in Northumberland County upstream to Routes 644 and 200. An east-west line from Stingray Point, Middlesex County, to the main channel of the bay constitutes the southern boundary of the canvasback harvest zone; the main channel forms the eastern boundary and the Maryland state line forms the northern boundary.

e. North Carolina—that portion of Pamlico Sound in Hyde County from Long Shoal River, west; Beaufort County, and Pamlico County from the Beaufort County line east to and including Jones Bay.

In the above proposal the remaining portions of areas in each of the five participating States presently closed to the taking of canvasbacks shall remain closed.

As an option, Maryland and Virginia may select a 6- (rather than 11-) day season that would apply to a larger portion of Chesapeake Bay and its tributaries than is designated above. The areas open for hunting will be selected and described in consultation with Maryland and Virginia.

Evaluation of the experimental season would be a cooperative State-Federal effort. The Service would require, as one condition of the proposed experimental season, that an adequate sampling frame of participants be developed by each State to permit the conduct of harvest surveys (questionnaries and waterfowl parts collections). Maryland, New Jersey, New York, and North Carolina would use a mandatory permit system; Virginia would use its blind registration system, plus a follow-up mailing to blind registrants to identify all participants in the experimental season. Each State would draw a random sample of hunters who would be provided harvest questionnaires and waterfowl parts collection envelopes by the State. The sampling procedure for each State would be determined later.

State and Federal officials would conduct hunter observations, bag checks and ground observations of waterfowl numbers, distribution, and behavior during the experimental canvasback season. In addition, aerial surveys would be made before, during, and following the experimental canvasback season to determine waterfowl species composition, numbers, and distribution; and to measure hunting pressure in the experimental season zones before, during, and following the experimental canvasback season. Aerial photographic surveys would be made on the Chesapeake Bay before and following the experimental canvasback season to measure, if possible, the effect of the harvest on the sex composition of the wintering canvasback population, and to assess changes in canvasback numbers and distribution more accurately than by visual estimates alone.

The analysis of hunter questionnaire, wing survey, and hunter observation data would be undertaken jointly by State and Federal biologists. The results of each experimental canvasback season would be provided in an annual report developed jointly by State and Federal personel.

The Service further proposes that the trial be limited to the Atlantic Flyway for a period of 3 years, and that results of the experiment be analyzed and made available for public review before considering similar trials elsewhere.

Wisconsin recommended that 3 canvasback closure areas (lakes of Poygan, Winneconne, and Butte des Morts in Winnebago and Waushara Counties) be abolished because of low canvasback use. Fall migrating canvasbacks have shifted their major migration route to the Mississippi River where other closure areas exist. The Service has this request under study.

12. *Zoning.* (Change.) States of the Atlantic and Mississippi Flyways may divide their States into zones for establishing different hunting seasons in accordance with criteria described in the **Federal Register** dated May 25, 1977; 42 FR 26671. States of the Central Flyway recently have requested that the zoning option be made available in that Flyway. The Service proposes to do so for the 1981–82 season. The criteria for zoning are as follows:

1. The establishment of any of these zones shall be considered experimental until the effects of the zoning are more clearly defined and understood.

2. The primary purpose of the zoning shall be to provide more equitable distribution of harvest opportunity for hunters throughout a State.

3. Proposed zones and season dates shall not substantially change the pattern of harvest distribution among the States within a flyway.

4. Zoning shall not detrimentally change the harvest distribution pattern among species or populations at either the State or Flyway level.

5. Each zoning proposal shall include a detailed evaluation plan describing how

changes in harvest will be measured, and what steps will be taken to compensate for any significant changes that might occur.

6. Each zoning proposal shall include an evaluation of anticipated changes due to zoning. If on the basis of this evaluation the Service and the State agree that no significant increase in harvest is likely, the zoning experiment may be conducted without a reduction in season length for each zone, pending further evaluation. If the evaluation indicates that a significant increase in harvest is likely, an appropriate reduction in season length compared to what would be permitted without zoning shall be made for each zone.

7. Where two or more adjoining States in a flyway may be involved simultaneously in zoning experiments, consideration shall be given to the possibility of consolidating zones.

Memoranda of Agreement have been signed between the Service and each State participating in the experimental zoning.

The Service recently received a zoning proposal from New Hampshire, and statements of interest from Colorado, Nebraska, Oklahoma, South Dakota, and Wyoming. With the approval of the respective Flyway Council of specific plans that meet the above criteria, the Service proposes to implement zoning studies in these States. Pennsylvania requested a modification in its zoning program whereby 4 zones, including a new Northwest Zone, would be used for establishing duck hunting regulations. The Service proposes to allow the modification with the understanding that a new 3-year study commence with the change, and other zoning requirements are fulfilled. Nebraska also has notified the Service that they are considering requests for other options such as a three-way split duck season or zoning. These options are not being proposed at this time by the Service.

13. *Goose and brant seasons.* The Canadian Wildlife Service, State conservation agencies, the four watrfowl flyway councils, and others traditionally provide population and harvest information useful in setting annual regulations for geese and brant. The midwinter survey, the past season's waterfowl harvest surveys, and satellite imagery and ground studies for May and June of 1981 will provide additional information later. The following proposed general regulations are subject to revision as additional information becomes available. No changes from 1980–81 regulations are proposed at this time.

Atlantic Flyway. Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations from the public. The following regulations are tentatively proposed:

Between October 1, 1981, and January 20, 1982, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits will be 3 and 6 geese, respectively. However, in the area comprised of Delaware, the Delmarva Peninsula portions of Maryland and Virginia, that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, and then east on U.S. Highway 22 to the New Jersey border, and that portion of New Jersey south of the Atlantic City Expressway from its juncture with Interstate 76 near Camden southeast to Atlantic City, the Canada goose season length will be 90 days with the closing framework date extended to January 31, 1982. The daily bag limit within this area may not exceed 4 birds with a possession limit of 8 birds. North Carolina and those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the October 1, 1981, to January 20, 1982, framework; the daily bag and possession limits will be 2 and 4 Canada geese, respectively. South Carolina may select a 50-day season on Canada geese within the October 1, 1981, to January 20, 1982, framework. The daily bag and possession limits will be 1 and 2 Canada geese, respectively. The season will be closed on Canada geese in Florida and Georgia.

Between October 1, 1981, and January 20, 1982, States in the Atlantic Flyway may select 70-day seasons on snow geese (including blue geese); the daily bag and possession limits may not exceed 4 and 8 geese, respectively.

No open season is proposed for Atlantic brant pending further information on population status. Because of a reduced population, there has been no Atlantic brant hunting season since the 1975–1976 season. In 1979 the Service advised that a closed season would continue until the population has recovered from losses sustained during the winters of 1976–77 and 1977–78 to starvation and freezing, and poor production during 1978. Data indicate that the population made a moderate response to improved habitat conditions in 1979 and 1980. Reopening the Atlantic brant hunting season will be determined based on at least three data sources: (1) population inventories in February or March along the Atlantic coast, and in the fall on migration and wintering areas; (2) an evaluation of conditions on the breeding grounds as determined by satellite imagery, and air and ground inspections; and (3) an evaluation of breeding ground production and the age structure of the population.

Environmental assessments made available to the public in 1975 articulate the management rationale being followed for Atlantic brant and greater snow geese.

Mississippi Flyway. Seasons and bag limits for Canada geese to be generally the same as last year, that is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and recommendations. Seasons and bag limits for specific populations of Canada geese and for snow geese (including blue geese) and with-fronted geese are to be determined later when more information is available.

Harvests of the Eastern Prairie and Mississippi Valley Canada goose populations in this flyway are controlled by quota allocations. Specific quotas will be established after population management objectives, recent population information, probable production, and expected fall flights have been taken into consideration. It is intended that the entire quota can be safely taken without detriment to the population and that such harvests are justifiable under the appropriate population objectives. Goose seasons in quota areas end when the quota has been achieved and the season terminated by emergency order under provision of § 20.26 of Title 50, or when the permissible number of hunting days has expired.

Central Flyway. Seasons and bag limits for Canada, white-fronted, Ross', and snow geese (including blue geese) are deferred pending additional information and recommendations. No significant changes from those in effect in 1980–81 are anticipated at this time.

South Dakota reported that 303,000 Canada geese belonging to the Western Prairie Population remained along the Missouri River after the hunting season closed. This population has grown rapidly in recent years. South Dakota requested that the Service consider raising the daily bag limit for these geese in certain South Dakota counties from 1 to 2 birds. The Service will consider the request as additional

information becomes available from this year's surveys.

Pacific Flyway. (Possible change.) Seasons and bag limits to be generally the same as last year, that is, not to exceed 93 days with overall goose bag limits not to exceed 6 daily and in possession. Specific season frameworks, season lengths, and daily bag limits for geese are deferred pending additional information and recommendations. Possible regulatory changes in the Pacific Flyway include modifications of areas and times of hunting of Canada geese to provide necessary protection for the endangered Aleutian Canada goose. No action will be taken pending assembly and study of population and other data, and completion of consultations under section 7 of the Endangered Species Act.

14. *Whistling swan.* (No change.) In Utah, Nevada, and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) the season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued to hunters by the appropriate State conservation agency on an equitable basis without charge.

15. *Sandhill cranes.* (No change.) Pending evaluation of harvest data from the 1980 season, to be available later, seasons for hunting sandhill cranes may be selected within specified areas in Colorado, New Mexico, Texas, Oklahoma, North Dakota, South Dakota, Montana, and Wyoming with no substantial change in dates from the 1980–81 seasons and with a daily bag limit of 3 and a possession limit of 6 sandhill cranes. The provision for the Federal sandhill crane hunting permit is continued.

16. *Coot bag limit.* (No change.) Within the regular duck season, States in the Atlantic, Mississippi, and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific Flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

17. *Gallinules.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1981, and January 20, 1982, of not more than 70 days. States may split gallinule seasons without penalty. The daily bag and possession limits may not exceed 15 and 30, respectively. States may select gallinule seasons at the time they select their waterfowl seasons. In this case, daily bag and possession limits will remain the same and the season length may not exceed that for waterfowl, or 70 days, whichever is the shorter period.

States in the Pacific Flyway must select their gallinule hunting seasons within the waterfowl seasons. A gallinule season selected by any State or portion thereof in the Pacific Flyway may be the same as but not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

18. *Rails.* (No change.) The States included herein may select seasons between September 1, 1981, and January 20, 1982, on clapper, king, sora, and Virginia rails as follows:

The season lengths for all species of rails may not exceed 70 days.

Clapper and king rails.

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

Sora and Virginia rails.

In addition to the prescribed limits for king and clapper rails, daily bag and possession limits not exceeding 25, singly or in the aggregate of sora and Virginia rails, may be selected in States in the Atlantic, Mississippi, and Central Flyways, and portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway. No hunting season is proposed for rails in the remainder of the Pacific Flyway.

19. *Common snipe.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1981, and February 29, 1982, not to exceed 107 days, except that in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons between September 1, 1981, and February 28, 1982, not exceeding 93 days may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado, and New Mexico.

All States in the Pacific Flyway except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyway States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three eastern flyways may defer selections of snipe seasons until the time they choose their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

20. *Woodcock.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1981, and February 28, 1982, of not more than 65 days, with daily and possession limits of 5 and 10, respectively. In Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Any State may split its woodcock season without penalty. New Jersey may select woodcock hunting seasons by north and south zones divided by State Highway 70. Seasons in each zone may not exceed 55 days.

21. *Band-tailed pigeons.* (No change.)

West Coast States (California, Oregon, and Washington). These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1981, and January 15, 1982. The daily bag and possession limits may not exceed 5 band-tailed pigeons.

California may zone by selecting hunting seasons of 30 consecutive days for each of the following two zones:

1. In the Counties of Alpine, Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corner States: (Arizona, Colorado, New Mexico, and Utah). These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1981. The daily bag and possession limits may not exceed 5 and 10, respectively. Each hunter must have

been issued and carry while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State wildlife agency, and such permit will be valid in that State only. The season shall be open only in the areas delineated by the respective States in their hunting regulations. New Mexico may divide its State into two zones along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highwy 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1981, and November 30, 1981, in the North Zone, and October 1, 1981, and November 30, 1981, in the South Zone, hunting seasons not to exceed 20 consecutive days in each zone may be selected.

22. *Mourning doves.* (No change.) Concern has been expressed by some organizations and individuals about the hunting of mourning doves in September.

Accordingly, the Service reviewed and analyzed available information and data on the subject and issued an environmental assessment in July 1977. It was concluded that hunting in September was not detrimental to overall mourning dove populations and that by not permitting September hunting, the opportunities for dove hunting would be curtailed in many areas. Field work in a cooperative Federal-State research program to obtain further information on this mater was completed in 1980 but the analysis of resulting data has not been completed. The results of this investigation will be used in future evaluations of September hunting of mourning doves.

The Service proposes the following regulations for this year.

Unless otherwise noted, the shooting hours are one-half hour before sunrise to sunset.

Between September 1, 1981, and January 15, 1982, except as noted, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

1. Shooting hours between 12 o'clock noon and sunset daily, or as an option, between one-half hour before sunrise to sunset daily.

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half or full days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama.—The South Zone is defined as that area lying south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia.—The North Zone is defined as that area lying north of U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean. The South Zone consists of the remainder of Georgia.

Louisiana.—The North Zone is defined as that area lying north of Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State Line. The South Zone consists of the remainder of Louisiana.

Mississippi.—The North Zone is defined as that area lying north of U.S. Highway 84. The South Zone consists of the remainder of Mississippi.

B. Within each zone, these States may select hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the south zones of these States may commence no earlier than September 20, 1981.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

1. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

2. Hunting seasons in all States of not more than 60 full days which may run consecutively or be split into not more than three periods.

3. Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1981, and January 22, 1982.

C. The South Zone may have a season of not more than 60 days between September 20, 1981, and January 22, 1982. In that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remaining days must be within the September 20, 1981–January 22, 1982, period.

Texas may select hunting seasons for each of three zones (to be designated), subject to the following conditions:

A. The hunting season may be split into not more than two periods, except in that portion of Texas where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves.

B. Each zone may have a season of not more than 60 days between September 1, 1981, and January 25, 1982.

4. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

1. Daily bag and possession limits not to exceed 10 and 20, respectively;

2. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods (except in Arizona option and portions of Nevada and California described below). In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

Arizona may select for designated white-winged dove management units seasons of 70 half days beginning or ending at noon with a daily bag limit of 12 doves in the aggregate, no more than 6 of which may be white-winged doves, and a possession limit twice the daily bag limit after the opening day.

Wyoming indicated that it would propose an experimental increase in the mourning dove bag limit in northern States which cannot avail themselves of the full hunting season length because of early dove migration southward in early September. No specific limit was proposed. The Service desires to know the specifics of the proposal, including means by which any relaxation could be evaluated, before taking a position on the proposal and offering it for public consideration.

23. *White-winged doves.* (No change.) Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1 and December 31, 1981, and daily bag limits as stipulated below.

Arizona may select a hunting season of not more than 29 consecutive days running concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves, excepting in those areas selected under the option for mourning dove season of 70 half days where limits on white-winged doves shall be no more than 6 a day with 12 in possession after the opening day.

California may select a hunting season for the counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the counties of Clark and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season, the length of which will be determined when information from State surveys is available, for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

24. *Migratory game bird seasons in Alaska.* (No change.) In 1977, by mutual agreement, the Service and the Alaska Department of Fish and Game initiated a study of stablized hunting regulations for the 5-year period, 1977 through 1981. Background information on this experiment was given in the **Federal Register** dated March 10, 1977; 42 FR 13317. Regulations proposed to be in effect during the 1981–82 season are as follows:

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1981–82

Between September 1, 1981, and January 26, 1982, Alaska may select seasons on waterfowl, snipe, and cranes, subject to the following limitations:

1. *Shooting hours:* One-half hour before sunrise to sunset daily.

2. *Season lengths:*

A. In the Pribilof and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant. In the Kodiak (state game management unit 8) area, an open season of 107 days for ducks, geese, and brant, and the season may be split without penalty.

B. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska, including Unimak Island, an open season of 107 consecutive days for ducks, geese, and brant.

D. An open season for snipe concurrent with the duck season.

E. An open season for sandhill cranes concurrent with the duck season.

3. *Bag and possession limits:*

A. Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

B. Geese—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. Brant—A daily bag limit of 4 and a possession limit of 8.

D. Common Snipe—A daily bag limit of 8 and a possession limit of 16.

E. Sandhill cranes—A daily bag limit of 2 and a possession limit of 4.

25. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.* (Minor change.)

Proposed Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1981–82

Doves and Pigeons. An open season of 60 days between September 1, 1981, and January 15, 1982, may be selected for hunting Zenaida, mourning and white-winged doves, and scaly-naped pigeons in Puerto Rico. Shooting hours may extend from one-half hour before sunrise until sunset daily. The daily bag and possession limit for doves of the species named herein is 10, singly or in the aggregate. The daily bag and possession limit for scaly-naped pigeons is 5. No open season is prescribed for pigeons on Mona Island in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover. No open season is prescribed for doves and pigeons in the municipality of Culebra and Desecheo Island. (The latter is a new restriction. Desecheo Island is included in a national wildlife refuge and inadvertently in past frameworks has not been shown as closed to hunting. The area has been closed under Commonwealth regulations.)

Special Closure for Protection of the Puerto Rican Parrot

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) all lands lying east of Route 186 (from the town of El Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

Special Closure for Protection of the Plain Pigeon

The hunting of doves and pigeons of any species is prohibited in all of Cidra Municipality and in portions of Aguas Buenas, Caguas, Cayey, and Comerio Municipalities as encompassed within the following boundary: Beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, west on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Puerto Rican Plain Pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the above locale in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe. A season of 55 consecutive days between December 1, 1981, and January 31, 1982, may be selected for hunting ducks, coots, common gallinules and common snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on the ruddy duck (*Oxyura jamaicensis*) and the Bahama pintail (*Anas bahamensis*), which are protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purple gallinules (*Porphyrula martinica*).

The limits for common snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed in the municipality of Culebra and Desecheo Island.

Proposed Framework for Selecting Open Season Dates For Hunting Migratory Birds in the Virgin Islands, 1981–82

Doves and pigeons. A season of 60 days between September 1, 1981, and January 15, 1982, may be selected for hunting Zenaida doves throughout the Virgin Islands, and scaly-naped pigeons on the island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

Local Names for Certain Birds

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

26. *Migratory game bird seasons for falconers.* (No change.)

Special Falconry Frameworks

Falconry is a permitted means of taking migratory game birds.

It is proposed that any State listed in 50 CFR 21.29(k) as meeting Federal falconry standards may select an extended season for taking migratory game birds in accordance with the following:

1. Seasons must fall within the regular season framework dates and, if offered, other special season framework dates for hunting.

2. Season lengths for all permitted methods of hunting within a given area may not exceed 107 days for any species.

3. Hunting hours shall not exceed 1/2 hour before sunrise to sunset.

4. Falconry daily bag and possession limits for all permitted migratory game birds shall not exceed 3 and 6 birds, respectively, singly or in the aggregate, during both regular hunting seasons and extended falconry seasons.

5. Each State selecting extended seasons shall report to the Service the results of the special falconry season by March 15, 1982.

6. Each State selecting the special season must inform the Service of the season dates and publish said regulations. General hunting regulations, including seasons, hours, and limits, apply to falconry in each State listed in 50 CFR 21.29(k) which does not select an extended falconry season.

27. *Hawaii mourning doves.* (No change.) The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. It is proposed that mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of part 20 of Title 50 CFR. Such a season must be within the constraints of applicable migratory bird treaties and annual regulatory frameworks. These constraints provide that the season must be within the period of September 1, 1981, and January 15, 1982, the length may not exceed 60 full days; the daily bag and possession limits may not exceed 10 and 20 doves, respectively. Other applicable Federal regulations relating to migratory game birds shall also apply.

28. *Other.*

Low Plains Proposal. Nebraska, Oklahoma, and South Dakota expressed continued interest in the Low Plains proposal for waterfowl seasons in the eastern part of the Central Flyway. This proposal was considered and discussed at length last year, and a decision was made not to implement it. The rationale was described in the **Federal Register** dated September 4, 1980 (at 45 FR 58542) as follows:

> The Low Plains proposal was briefly described in the **Federal Register** dated February 29, 1980 (at 45 FR 13642). The Service noted in the **Federal Register** dated July 1, 1980 (at 45 FR 44545) that the proposal was aimed primarily at increasing the harvest of mallards in the mid-continent area of the United States, an action felt to be inconsistent with present mallard population goals and harvest guidelines. It was further observed that a balanced program of reasonable mallard hunting opportunity among the four flyways, as developed over the past few years, existed and that further changes in hunting opportunity should be based on changes in the status of the populations involved. In the **Federal Register** dated August 13, 1980 (at 45 FR 53984), the Service noted that recently completed surveys of major production areas indicated that the numbers of breeding mallards had declined from 1979, and that deteriorating habitat conditions severely curtailed production to the extent that a reduced 1980 fall flight was anticipated. For these reasons, the Service recommended against adoption of the Low Plains proposal.

The Service does not propose to offer the Low Plains option in the Central Flyway at this time because of the reasons given in 1980.

Dated: March 5, 1981.

F. Eugene Hester,

Acting Deputy Director, U.S. Fish and Wildlife Service.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issued of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments On Proposed Rules For the Week of March 29 through April 4, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

12000 2–12–81 / Spearmint oil produced in the Far West; salable quantities and allotment percentages for 1981–82 marketing year; comments by 4–3–81

Commodity Credit Corporation—

9556 1–29–81 / Noncommercial risk assurance program (GSM–101); assuring against defaults caused by noncommercial risk occurrences; comments by 3–30–81

Farmers Home Administration—

8435 1–27–81 / Population limits for community facilities loan eligibility; comments by 3–30–81

9617 1–29–81 / Servicing and liquidation of Chattel Security; comments by 3–30–81

[Corrected at 46 FR 11666, 2–10–81]

Food and Nutrition Service—

8935 1–27–81 / Replacement of lost or stolen food stamp authorizations, and replacement of nondelivered, stolen or destroyed coupons; comments by 3–30–81

Food Safety and Quality Service—

14899 3–3–81 / Solicitation of information on proposed shelled peanuts standards; comments by 4–2–81

Rural Electrifcation Administration—

10498 2–3–81 / Adoption of the 1981 edition of the National Electrical Safety Code—ANSI C2; proposed revision of REA Bulletin 40–7; comments by 4–3–81

Soil Conservation Service—

9610 1–29–81 / Archeological and historical properties encountered in assistance programs; protection procedures; comments by 3–30–81

CIVIL AERONAUTICS BOARD

8561 1–27–81 / Oversales and denied boarding compensation; comments by 3–30–81

10164 2–2–81 / Pro rata and single entity charters; removal of restrictions on administration costs; comments by 3–30–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

13244 2–20–81 / Atlantic Billfishes Fishery Management Plan; comments by 3–30–81

Office of the Secretary—

8910 1–27–81 / Proposed amendment to the National Voluntary Laboratory Accreditation program procedures to include criteria for accrediting testing laboratories and to eliminate the need for criteria committees; comments by 3–30–81

Patent and Trademark Office—

9121 1–28–81 / Continuation-in-part application oath or declaration; additional requirements; comments by 3–31–81

COMMODITY FUTURES TRADING COMMISSION

9958 1–30–81 / Reparation proceedings; delegation of authority to Chief of Operations Section; comments by 3–31–81

13525 2–23–81 / Speculative position limits; comments by 4–1–81

[Originally published at 45 FR 79831, 12–2–80]

COMMUNITY SERVICES ADMINISTRATION

9661 1–29–81 / Grantee fiscal responsibility and auditing; comments by 3–30–81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

15131 3–4–81 / Premiums, finders fees, and the payment of interest; comments by 4–1–81

ENERGY DEPARTMENT

Conservation and Solar Energy Office—

8996 1–27–81 / Residential conservation service program; comments by 3–30–81

Economic Regulatory Administration—

15112 3–3–81 / Establishment of mechanism for entitlements adjustments for periods prior to decontrol of crude oil; comments by 4–2–81

Federal Energy Regulatory Commission—

15513 3–6–81 / Public utilities and licensees; application for authorization of the issuance of securities or assumption of liabilities; comments by 3–30–81

ENVIRONMENTAL PROTECTION AGENCY

14358 2–27–81 / Air pollution; beverage can surface coating industry, standards of performance; reopening of comment period; comments by 3–30–81 [*See also* 45 FR 78980, 11–26–80]

9124 1–28–81 / Air quality implementations; prevention of significant deterioration and emission offset; new source review requirements; comments by 3–30–81

8581 1–27–81 / Approval and promulgation of Implementation Plans; Ohio; comments by 3–30–81

14135 2–26–81 / Approval and Promulgation of Implementation Plans; Ohio; comments by 3–30–81

15181 3–4–81 / Chlorpyrifos, proposed tolerance; comments by 4–3–81

15182 3–4–81 / Ethephon, proposed tolerance; comments by 4–3–81

15893 3–10–81 / Motor vehicle pollution control, waiver of oxides of nitrogen emission standards; comments by 4–3–81

86732 12–31–80 / Noise emission standards for motorcycles and motorcycle exhaust system; additional testing requirement; comments by 3–31–81

10911 2–5–81 / Resource conservation and recovery; guidance on personnel training; selected interim status requirements; closure and post-closure; and financial requirements, availability of draft documents; comments by 3–31–81

8982 1–27–81 / Tampering enforcement regulations; comments by 3–30–81

15122 3–3–81 / Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; ethylene dibromide; comments by 4–2–81

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

9970 1–30–81 / Age discrimination; procedural regulations; comments by 3–31–81

FEDERAL COMMUNICATIONS COMMISSION

9133 1–28–81 / Common carrier services; AT&T; wideband circuits to communications companies and public; reply comments by 4–3–81

85125 12–24–80 / Direct broadcast satellites for the period following the 1983 Regional Administrative Radio Conference, development of regulatory policy (permanent regulatory issue); comments by 3–31–81

16104 3–11–81 / Interservice sharing of frequencies in the Private Land Mobile Service below 470 MHz; facilitation; comments by 4–3–81

15754 3–9–81 / Policies governing the ownership and operation of domestic satellite earth stations in the Bush Communities in Alaska; order extending time for reply comments to 4–2–81

9138 1–28–81 / Telephone company—cable television cross-ownership rules; exemption for rural areas; comments by 3–30–81

FEDERAL HOME LOAN BANK BOARD

15175 3–4–81 / Adjustable-rate mortgage instrument amendments; comments by 4–3–81

FEDERAL MARITIME COMMISSION

8599 1–27–81 / Exclusion of certain routine rate actions from reporting requirements; comments by 3–30–81

10178 2–2–81 / Exemption of certain agreements from the requirements of section 15, Shipping Act, 1916; comments by 4–3–81

GENERAL SERVICES ADMINISTRATION

77436 11–24–80 / Motor vehicles for disposal and release after sale, reporting of odometer information by Federal Agencies; comments by 4–1–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

15519 3–6–81 / Dental devices classification; comments period extended to 4–1–81

[*See also* 45 FR 85962, 12–30–80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

12214 2–13–81 / Bay checker spot butterfly; review of status; comments by 4–1–81

86512 12–31–80 / National Wildlife Refuge System; surface management of lands under U.S. mining laws; hardrock and placer mining; comments by 3–31–81

National Park Service—

85480 12–29–80 / Glacier Bay National Monument; protection of Humpback Whales; comments by 3–30–81

INTERSTATE COMMERCE COMMISSION

14365 2–27–81 / Intermodal transportation trailer on flatcar (TOFC) and container on flatcar (COFC); exemption for railroad affiliated and other motor carriers; comments by 3–30–81

14362 2–27–81 / Recordation of documents; rule revisions; comments by 3–30–81

LABOR DEPARTMENT

8890 1–27–81 / Procedure for determination of applicability of Section 8(f) of the Longshoremen's and Harbor Workers' Compensation Act and Special Fund assessments; comments by 3–30–81

Employment and Training Administration—

9008 1–27–81 / Comprehensive Employment and Training Act; regulations concerning complaints, investigations and sanctions; comments by 3–30–81

Employment Standards Administration—

8570 1–27–81 / Claims for benefits under Part C of Title IV of the Federal Mine Safety and Health Act; comments by 3–30–81

8854 1–27–81 / Procedures for handling of discrimination complaints under the Black Lung Benefits Act; comments by 3–30–81

Occupational Safety and Health Administration—

7402 1–23–81 / Identification, classification and regulation of potential occupational carcinogens; proposed amendments; comments by 3–31–81

Pension and Welfare Benefit Programs Office—

8571 1–27–81 / Definitions and coverage under the Employee Retirement Income Security Act of 1974; proposed regulations relating to supplemental payments; comments by 3–30–81

[*See also* 46 FR 11292, 2–6–81; corrected at 46 FR 12214, 2–13–81]

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

9669 1–29–81 / Federal Aquisition Regulation; disputes and appeals, draft; comments by 3–31–81

PENSION BENEFIT GUARANTY CORPORATION

9492 1-28-81 / Valuation of plan benefits in non-multiemployer plans (interim rule); comments by 3-30-81

PERSONNEL MANAGEMENT OFFICE

8529 1-27-81 / Personnel records; comments by 3-30-81

SECURITIES AND EXCHANGE COMMISSION

14749 3-2-81 / Net capital requirements for brokers and dealers; comments by 4-1-81

SELECTIVE SERVICE SYSTEM

6998 1-22-81 / Alternative service; proposed concept; comments by 3-31-81

TRANSPORTATION DEPARTMENT

Coast Guard—

11556 2-9-81 / Qualifications of persons in charge of oil transfer operations; comments by 4-1-81

Federal Aviation Administration—

80434 12-4-80 / Airworthiness standards: aircraft and products design and procedural standards for type certificates, type certificate amendments, and supplemental type certificates; comments by 3-31-81

Federal Highway Administration—

9642 1-29-81 / Construction and maintenance; general material requirements; comments by 3-30-81

National Highway Traffic Safety Administration—

10429 2-2-81 / Consumer information regulations; uniform tire quality grading; comments by 4-3-81

Office of the Secretary—

9603 1-29-81 / Aircraft air pollution standards, exemptions; delegation of authority to Federal Aviation Administrator of Environmental Protection Agency regulations; final rule; comments by 3-30-81

Research and Special Programs Administration—

8055 1-26-81 / Trailer-on-flatcar transportation of hazardous materials; comments by 4-2-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

9644 1-29-81 / Denatured alcohol and rum formulas; comments by 3-30-81

9969 1-30-81 / New specially denatured alcohol formula; comments by 3-31-81

Comptroller of the Currency—

9618 1-29-81 / Securities Exchange Act Disclosure rules; financial statements of national banks; falsification of accounting records, etc; comments by 3-30-81

Internal Revenue Service—

9965 1-30-81 / Income tax; consolidated return regulations; comments by 3-31-81

12502 2-17-81 / Reporting the generation skipping transfer tax; comments by 4-3-81

Comments On Proposed Rules for the Week of April 5 through April 11, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

17207 3-18-81 / Milk in the New York-New Jersey marketing area; recommended decision and opportunity to file written exceptions on proposed amendments to tentative marketing agreement and to order; comments by 4-7-81

Commodity Credit Corporation—

10746 2-4-81 / 1981 upland and extra long staple cotton loan program provisions; comments by 4-6-81

Farmers Home Administration—

11552 2-9-81 / Operating loan policies, procedures and authorizations; comments by 4-10-81

Food Safety and Quality Service—

1286 1-6-81 / Use of fumaric acid in meat and poultry products; comments by 4-6-81

Rural Electrification Administration—

11287 2-6-81 / Electric borrowers; contract modifications and alternative bidding provisions; "Construction Methods and Purchase of Materials and Equipment" (Bulletin 40-6); comments by 4-7-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

11557 2-9-81 / Nondiscrimination in Federally assisted programs; comments by 4-10-81

CIVIL AERONAUTICS BOARD

11827 2-11-81 / Uniform system of accounts and reports for certificated air carriers; reply comments period extended to 4-9-81

[*See also* 45 FR 85564, 12-24-81]

CONSUMER PRODUCT SAFETY COMMISSION

11188 2-5-81 / Urea-formaldehyde foam insulation; proposed ban; comments by 4-6-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

16914 3-16-81 / Ceiling prices; high-cost natural gas from tight formations; West Virginia; comments by 4-8-81

16903 3-16-81 / Electric utilities; hydropower projects; preliminary permit policies; comment period extended to 4-6-81

[Originally published at 46 FR 15512, 3-6-81]

14899 3-3-81 / Producer filing instructions; discontinuance of certain produce reports and related forms nos. 108 and 314-B; comments by 4-6-81

14751 3-2-81 / Water power projects; revisions to certain regulations governing applications for preliminary permit and license; comments by 4-6-81

Office of the Secretary—

15484 3-5-81 / Variable net profit share bidding system for outer continental shelf oil and gas lease sales, comments by 4-7-81

ENVIRONMENTAL PROTECTION AGENCY

15744, 15745 3-9-81 / Air quality control regions, criteria and control techniques; attainment status designations; Ohio; comments by 4-8-81

17790 3-20-81 / Air quality implementation plan; California; revision for San Diego Air Basin nonattainment area; comment period extended to 4-6-81

[*See also* 46 FR 10750, 2-4-81]

15824 3-5-81 / Availability of revision of Washington State Implementation Plan; comments by 4-6-81

11322 2-6-81 / Energy equivalency between diesel fuel and gasoline; comments by 4-7-81

15281 3-5-81 / Establishment of maximum permissible level for residues of diquat in potable water; comments by 4-6-81

13492 2-20-81 / Hazardous wastes; interim status standards for owners and operators of treatment, storage, and disposal facilities; liquid ignitable wastes in containers; comments by 4-10-81

15743 3-9-81 / Interstate pollution abatement; proceedings under Section 125 of the Clean Air Act; comments by 4-8-81

1435 2-26-81 / Iron and steel manufacturing point source category effluent limitations guidelines; pretreatment standards and new source performance standards; comments by 4-8-81

15285 3-5-81 / Proposed tolerances for diquat; comments by 4-6-81

1102 1-5-81 / Standards of performance for new stationary sources; metal coil surface coating; comments by 4-6-81

[Comment period extended at 46 FR 12023, 2-12-81]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

11285 2-6-81 / Collection of applicant data for affirmative action purposes; interim regulations; comments by 4-7-81

FEDERAL COMMUNICATIONS COMMISSION

9975 1-30-81 / FM broadcast station in Clinton and Bald Knob, Ark.; changes in table of assignments; reply comments by 4-6-81

8048 1-26-81 / Petition to reallocate VHF-TV Channel 9 from New York, N.Y. to a city within the city grade contour of Station WOR-TV; comments by 4-6-81

14358 2-27-81 / Radio services, special; multiple-address radio systems in the public land mobile radio service; private operational-fixed microwave service; and establishment of new frequency tolerance in the 952-960 mHz band; reply comment period extended to 4-6-81

[*See also* 46 FR 10768, 2-4-81]

15749 3-9-81 / Regulatory policies and procedures for the domestic public land mobile radio service; comments by 4-7-81

3575 1-15-81 / TV broadcast station in Santa Barbara, Calif., reply comments extended to 4-6-81

[*See also* 45 FR 28770, 4-30-80]

FEDERAL TRADE COMMISSION

10921 2-5-81 / Albertson's Inc., Boise, Idaho, operator of retail grocery stores; proposed consent agreement and analysis; comments by 4-7-81

GENERAL ACCOUNTING OFFICE

15884 3-10-81 / Personnel Appeals Board; procedures; comments by 4-10-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

81154 12-9-80 / Classification of hypophosphatemia and hyperphosphatemia drug products for over-the-counter human use; reply comments by 4-6-81

2456 1-9-81 / New animal drugs for use in animal feeds; definitions and general considerations; revised procedures; medicated feed applications; comments by 4-9-81

[Corrected at 46 FR 13237, 2-20-81]

INTERSTATE COMMERCE COMMISSION

13741 2-24-81 / Motor carriers; temporary authority and emergency temporary authority; comments by 4-10-81

LABOR DEPARTMENT

Employment Standards Administration—

4320 1-16-81 / Salary levels used to determine exemption of bona fide executive, administrative or professional employee from FLSA; comments by 4-6-81

[Corrected at 46 FR 11284, 2-6-81; effective date stayed at 46 FR 12206, 2-13-81]

Occupational Safety and Health Administration—

12213 2-13-81 / Occupational exposure to pesticides during manufacture and formulation; comments by 4-10-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

11324 2-6-81 / Federal acquisition regulations; contractor versus government performance; comments by 4-7-81

NUCLEAR REGULATORY COMMISSION

17216 3-18-81 / Rules of practice for domestic licensing proceedings; expediting the NRC hearing process; comments by 4-7-81

SMALL BUSINESS ADMINISTRATION

10501 2-3-81 / Challenges to certification of eligibility by interested companies pursuant to Section 8(d) of the Small Business Act; comments by 4-6-81

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

2132 1-8-81 / Federal Motor Vehicle Safety Standards; lamps, reflective devices, and associated equipment; comments by 4-10-81

2136 1-8-81 / Federal Motor Vehicle Safety Standards; rear underride protection; comments by 4-8-81

TREASURY DEPARTMENT

Internal Revenue Service—

10510 2-3-81 / Foreign bribes and international boycott; comments by 4-6-81

15892 3-10-81 / Income from trade shows; comments by 4-8-81

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

16285 3-12-81 / Gospel-Hump Advisory Committee, Grangeville, Idaho (open), 3-30-81

15304 3-5-81 / Lewis and Clark National Forest Grazing Advisory Board, Great Falls, Mont. (open), 4-1-81

14148 2-26-81 / Payette National Forest Grazing Advisory Board, Council, Idaho (open) 4-1-81

15304 3-5-81 / Prescott National Forest Grazing Advisory Board, Prescott, Ariz. (open), 4-3-81

Rural Electrification Administration—

14368 2-27-81 / Texland Electric Cooperative, Inc., Milano and Franklin, Tex. (open), 4-1 and 4-2-81 respectively

ARTS AND HUMANITIES, NATIONAL FOUNDATION

13864 2-24-81 / Humanities Panel, Washington, D.C. (closed), 3-30 and 3-31-81

17936 3-20-81 / Literature Panel, Washington, D.C. (partially open), 4-3 and 4-4-81

16995 3-16-81 / Media Arts Panel, Production (Individuals Section), Washington, D.C. (closed), 3-30 through 4-1-81

16761 3-13-81 / Visual Arts Panel, (Building Arts Section), Washington, D.C. (closed), 3-30 through 4-2-81

CIVIL RIGHTS COMMISSION

15760 3-9-81 / Maine Advisory Committee, Augusta, Maine (open), 4-2-81

15760 3-9-81 / New Mexico Advisory Committee, Grants, N. Mex. (open), 4-3 and 4-4-81

15760 3-9-81 / Ohio Advisory Committee, Cincinnati, Ohio (open), 4-4-81

16108 3-11-81 / Tennessee Advisory Committee, Nashville, Tenn. (open), 4-3-81

15525 3-6-81 / Vermont Advisory Committee, South Woodstock, Vt. (open), 4-3 and 4-4-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

16700 3-13-81 / Mid-Atlantic Fishery Management Council, Bluefish Subpanel, Philadelphia, Pa. (open), 4-3-81

11857 2-11-81 / Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee, Philadelphia, Pa. (open), 4-1-81

15763 3-9-81 / Western Pacific Fishery Management Council, Honolulu, Hawaii (partially closed), 3-31 and 4-1-81

DEFENSE DEPARTMENT

Air Force Department—

16291 3-12-81 / USAF Scientific Advisory Board Strategic Cross-Matrix Panel, Peterson AFB, Colo. (closed), 4-1 and 4-2-81

Army Department—

16291 3-12-81 / Army Science Board, Washington, D.C. (closed), 4-2 and 4-3-81

Office of the Secretary—

15908 3-10-81 / Defense Science Board Task Force on Mapping, Charting and Geodesy, Washington, D.C. (closed), 3-30 and 3-31-81

15908 3-10-81 / Defense Science Board Task Force on Review of M-X Environmental Impact Statement, Arlington, Va. (open), 3-30 and 3-31-81

13545 2-23-81 / Defense Systems Management College, Fort Belvoir, Va. (open), 4-2-81

7428 1-23-81 / Wage committee, Washington, D.C. (closed), 3-31-81

ENERGY DEPARTMENT

11574 2-9-81 / National Petroleum Council, Arctic Oil and Gas Resources Committee, Coordinating Subcommittee, Los Angeles, Calif. (open), 3-30 and 3-31-81

14759 3-2-81 / National Petroleum Council, Water Quality Task Group of the Committee on Environmental Conservation, San Antonio, Tex. (open), 4-2-81

Energy Research Office—

16311 3-12-81 / DOE/NSF Nuclear Science Advisory Committee, Washington, D.C. (open), 3-30 and 3-31-81

17249 3-18-81 / Energy Research Advisory Board, Biomass Panel, Washington, D.C. (open), 4-3-81

Western Area Power Administration—

14434 2-27-81 / Central Valley Project Proposed Centralia and Northwest Power rate adjustment, Sacramento, Calif. (open), 3-31-81

ENVIRONMENTAL PROTECTION AGENCY

77332, 77353 11-21-80 / Proposed environmental test standards and proposed good laboratory practice standards, Washington, D.C. (open), 3-31-81

[Rescheduled and relocated at 46 FR 89992 1-27-81]

FEDERAL COMMUNICATIONS COMMISSION

15772 3-9-81 / Radio Technical Commission for Marine Services, Boulder, Colo. (open), 3-31 and 4-1-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

17141 3-17-81 / Community Alcoholism Services Review Committee, Rockville, Md. (partially open), 4-1 through 4-6-81

Centers for Disease Control—

15576 3-6-81 / Worker Safety Hazards in Grain Elevators and Feed Mills, Morgantown, W. Va. (open), 4-1 and 4-2-81

Food and Drug Administration—

16727 3-13-81 / Arthritis Advisory Committee, Rockville, Md. (open), 4-2 and 4-3-81

16727 3-13-81 / Obstetrics Gynecology and Radiological Devices Panel, Radiology Device Section, Washington, D.C. (open), 4-2 and 4-3-81

11712 2-10-81 / Peripheral and Central Nervous System Drugs Advisory Committee, Rockville, Md. (open), 3-30-81

National Institutes of Health—

16944 3-16-81 / Bladder and Prostatic Cancer Review Committee, Prostatic Cancer Review Subcommittee, Buffalo, N.Y. (partially open), 4-2-81

14822 3-2-81 / Clinical Cancer Program Project and Cancer Center Support Review Committee (Cancer Program Project Subcommittee), Bethesda, Md. (partially open), 3-30 through 4-1-81

11716 2-10-81 / Clinical Trials Review Committee, Boston, Mass. (partially open), 3-29 through 3-31-81

13816 2-24-81 / General Research Support Review Committee, Biomedical Research Support Subcommittee, Bethesda, Md. (open), 3-30 and 3-31-81

INTERIOR DEPARTMENT

Land Management Bureau—

14194 2-26-81 / Butte District Grazing Advisory Board, Butte, Montana (open), 4-2-81

14071 2-25-81 / Dickinson District Advisory Council, Dickinson, N. Dak. (open), 4-2-81

16337 3-12-81 / Iditarod Trail Advisory Council, Anchorage, Alaska (open), 4-3-81

14196 2-26-81 / Montrose District Advisory Council, Montrose, Calif. (open), 3-30 and 3-31-81

15334 3-5-81 / Multiple Use Advisory Council, Moab, Utah, (open), 4-3-81

14974 3-3-81 / Regional Oil Shale Team, Denver, Colorado (open), 4-1-81

16136 3-11-81 / San Gorgonio Wind Leasing Program: Banning, Calif. (open), 4-2-81: Palm Springs, Calif. (open), 4-3-81

15581 3-6-81 / Sun Valley Planning Area, livestock grazing: environmental impact statement, Shoshone, Idaho (open), 4-2-81

National Park Service—

13389 2-20-81 / Golden Gate National Recreation Area Advisory Commission, Point Reyes Station, Calif. (open), 4-4-81

Office of the Secretary—

13589 2-23-81 / Oil Shale Environmental Advisory Panel, Denver, Colo. (open), 4-2 and 4-3-81

JUSTICE DEPARTMENT

Foreign Claims Settlement Commission—

15254 3-4-81 / Consideration of decisions involving claims, Washington, D.C. (open), 4-1-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

17172 3-17-81 / NASA Advisory Council, Washington, D.C. (open), 4-3-81

NATIONAL SCIENCE FOUNDATION

16762 3-13-81 / Ad hoc meeting of representatives of the scientific community and the NSF Director and staff: budget and organizational structure review, Washington, D.C. (open), 4-4-81

15014 3-3-81 / Alan T. Waterman Award Committee, Washington, D.C. (closed), 3-31-81

16763 3-13-81 / Physiology, Cellular and Molecular Biology Advisory Committee, Biological Instrumentation Subcommittee, Washington, D.C. (closed), 4-2 and 4-3-81

16763 3-13-81 / Social and Economic Advisory Committee, History and Philosophy of Science Subcommittee, Washington, D.C. (closed), 4-2 through 4-4-81

NUCLEAR REGULATORY COMMISSION

17318 3-18-81 / Reactor Safeguards Advisory Committee, Advance Reactors Subcommittee, Des Plaines, Ill. (open), 4-2 and 4-3-81

17318 3-18-81 / Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, Des Plaines, Ill. (open), 4-2 and 4-3-81

17685 3-19-81 / Reactor Safeguards Advisory Committee, La Salle County Station Subcommittee, Morris, Ill., (partially open), 4-3 and 4-4-81

SMALL BUSINESS ADMINISTRATION

17330 3-18-81 / Region I Advisory Council, Hartford, Conn. (open), 4-3-81

15401 3-5-81 / Region IV Advisory Council, Columbia, S.C. (open), 3-31-81

15017 3-3-81 / Region IV Advisory Council, Fayetteville, Tenn. (open), 4-1-81 and Jackson, Miss. (open), 4-2-81

14245 2-26-81 / Region IX Advisory Council, Honolulu, Hawaii (open), 3-31-81

15016 3-3-81 / Region IX Advisory Council, Las Vegas, Nevada (open), 3-31-81

STATE DEPARTMENT

16396 3-12-81 / Advisory Committee on International Investment, Technology and Development, Washington, D.C. (open), 3-30-81

16397 3-12-81 / Study Group 8 of the U.S. Organization for the International Radio Consultative Committee, Washington, D.C. (open), 4-2-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

14877 3-2-81 / Radio Technical Commission for Aeronautics Executive Committee, Washington, D.C. (open), 3-20-81

National Highway Traffic Safety Administration—

17003 3-16-81 / "Energy Efficient Commercial Vehicle Driving", Washington, D.C. (open), 3-31-81

17004 3-16-81 / "Improved Commercial Vehicle Conspicuity and Signalling Systems", Culver City, Calif. (open), 4-2-81

VETERANS ADMINISTRATION

16774 3-13-81 / Medical Research Service, Merit Review Boards: Immunology, Washington, D.C., 3-30 and 3-31-81; and Gastroenterology, Washington, D.C., 4-2-81 (both meetings partially open)

16174 3-11-81 / Wage Committee, Washington, D.C. (closed), 4-2-81

Next Week's Public Hearings

COMMERCE DEPARTMENT

International Trade Administration—

15525 3-6-81 / Antidumping finding on television receiving sets from Japan, Washington, D.C., 4-2-81

National Oceanic and Atmospheric Administration—

15306 3-5-81 / Florida coastal management program, draft environmental impact statement, Fort Lauderdale, Fla., 3-30-81; Tampa, Fla., 3-31-81; Tallahassee and Pensacola, Fla., 4-1-81; Daytona Beach, Fla., 4-2-81

DEFENSE DEPARTMENT

Air Force Department—

16708 3-13-81 / M-X Missile Program; deployment area selection and land withdrawal/acquisition; draft environmental impact statement; Las Vegas, Nev., 3-30-81; Cedar City, Utah, 3-31-81; Milford, Utah, 4-1-81; Delta, Utah, 4-2-81; Salt Lake City, Utah, 4-3-81; Ely, Nev., 4-4-81

ENVIRONMENTAL PROTECTION AGENCY

13735 2-24-81 / Consolidated permit application forms 1, 2b, and 2c, Washington, D.C., 3-30-81

INTERIOR DEPARTMENT

Office of the Secretary—

13589 2-23-81 / Oil shale lease; detailed development plan modification, Denver, Colo., 4-2-81

INTERNATIONAL TRADE COMMISSION

16158 3-11-81 / Airless paint spray pumps, Washington, D.C., 3-31-81

13050 2-19-81 / Study of the economic impact on the domestic jewelry industry of the subdivision of Item 740.10 of the tariff schedules of the United States for purposes of the generalized system of preferences, Providence, R.I., 3-30-81

TRANSPORTATION DEPARTMENT

Coast Guard—

11556 2-9-81 / Qualification of persons in charge of oil transfer operations, Washington, D.C., 4-1-81

11565 2-9-81 / Tankerman requirements, Washington, D.C., 4-1-81

TREASURY DEPARTMENT

Internal Revenue Service—

9965 1-30-81 / Investment credit for qualified rehabilitated buildings, Washington, D.C., 3-31-81

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 March 18, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

17239 3-18-81 / Commerce/MBDA—Consulting service program, Nassau-Suffolk (New York) SMSA; apply by 4-16-81

17240 3-18-81 / Commerce/MBDA—Consulting service program, New York region; apply by 4-9-81

17241 3-18-81 / Commerce/MBDA—Consulting service program, Norfolk/Virginia Beach/Portsmouth and Hampton/Newport News SMSA's, Virginia; apply by 4-17-81

17240 3-18-81 / Commerce/MBDA—Consulting service program, San Francisco region; apply by 4-23-81

17575 3-19-81 / Commerce/MBDA—Management and technical assistance project; apply by 4-21-81

17071 3-17-81 / Commerce/MBDA—Regional Construction Services Project; apply by 4-17-81

MEETINGS

17141 3-17-81 / HHS/ADAMHA—Community Alcoholism Services Review Committee, Rockville, Md. (partially open), 4-1 through 4-6-81

17141 3-17-81 / HHS/ADAMHA—Mental Health Small Grant Review Committee, Rockville, Md. (partially open), 4-6 through 4-9-81

17991 3-20-81 / HHS/NIH—Recombinant DNA Advisory Committee, Bethesda, Md. (partially open), 4-23 and 4-24-81 (if necessary)

17991 3-20-81 / HHS/NIH—Recombinant DNA Advisory Committee, Large Scale Review Working Group, Bethesda, Md. (open), 4-22-81

17936 3-20-81 / NFAH—Design Arts Panel, Washington, D.C. (open), 4-13 and 4-14-81

17936 3-20-81 / NFAH—Literature Panel, Washington, D.C. (partially open), 4-3 and 4-4-81

17173 3-23-81 / NSF—Steering Committee of the NSF Advisory Council, Washington, D.C. (open), 3-30-81

17173 3-23-81 / NSF—Task Group No. 16 of the NSF Advisory Council, Washington, D.C. (open), 3-27-81

OTHER ITEMS OF INTEREST

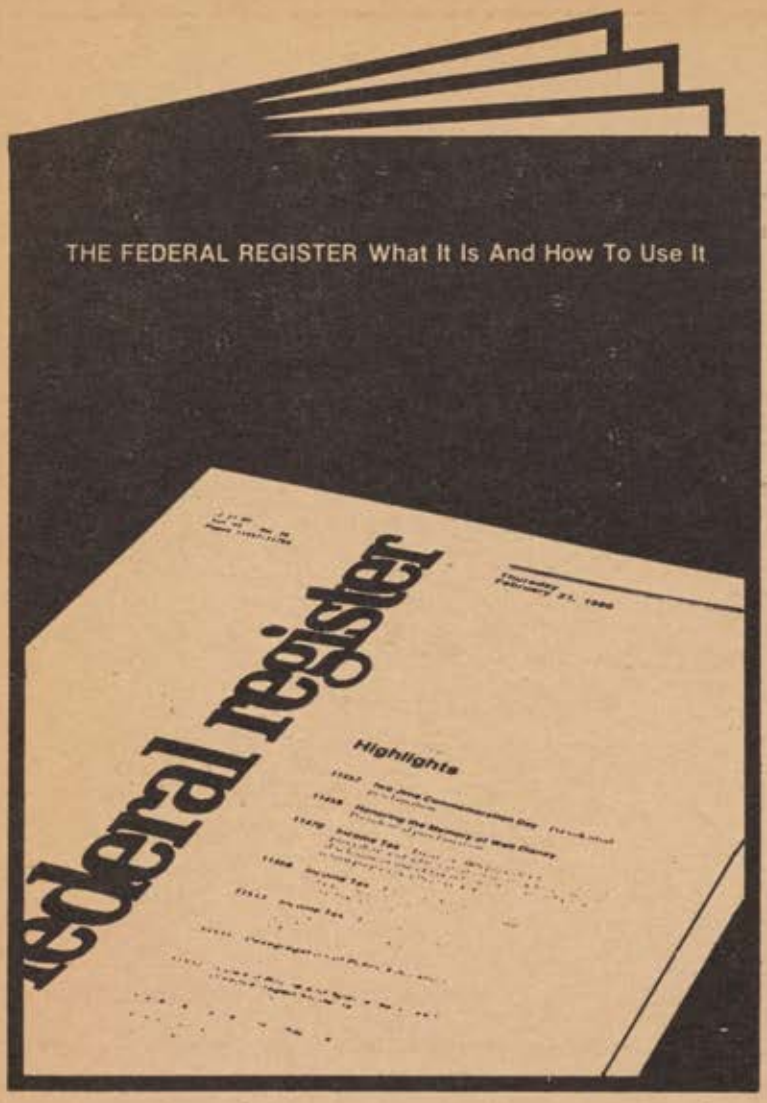
17574 3-17-81 / Commerce/MBDA—Construction Services Project; pre-application conference; 4-2-81

17876 3-20-81 / EPA—Minority and business enterprise policy, construction grants program; proposed policy revisions; comment period extended to 5-4-81

[*See also* 46 FR 5686, 1-19-81]

17994 3-20-81 / HHS/NIH—Recombinant DNA Research; proposed actions under guidelines

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