

Wednesday
April 8, 1981

Federal Register

Highlights

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

- 21019 Children's Advertising** FTC proposes to terminate proceeding regarding television advertising directed toward children
- 21058 Grant Programs—Education** ED states date by which applicants must submit explanation why they should be designated as developing institutions under the Strengthening Developing Institutions Program
- 21140 Grant Programs—Housing** HUD/CPD provides current minimum standards of physical and economic distress for large cities and urban counties for the Urban Development Action Grant Program (Part II of this issue)
- 21063 Motor Vehicles** DOE advises the public of the availability of the 1981 Gas Mileage Guide. This booklet will provide prospective purchasers with fuel economies of various model vehicles certified as of 1-21-81, for sale in the U.S.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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

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

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- 21045 Business and Industry** Commerce/ITA releases decisions with respect to certain requests for expansion or deletion of steel trigger price product coverage
 - 21020 Securities** SEC proposes revision of financial requirements applicable to insurance companies
 - 20977 Investments** FRS list additions and deletions for over-the-counter (OTC) margin stocks
 - 20979 Used Lubricating Oil** FTC releases a partial suspension of the labeling requirements of the used oil rule and relevant orders
 - 21012 Radio** FCC relaxes and clarifies equipment identification rules
 - 21042 Television** FCC withdraws inquiry into possibility of using portions of the vertical blanking interval for TV test signals during international program broadcasts
 - 21133 Sunshine Act Meetings**
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Rules and Regulations

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

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221, and 224

(Regs. G, T, U and X)

List of OTC Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The List of OTC Margin Stocks is comprised of stocks traded over-the-counter (OTC) that have been determined by the Board of Governors of the Federal Reserve System to be subject to margin requirements under certain Federal Reserve regulations. The List is published from time to time by the Board as a guide for lenders subject to the regulations and the general public. This document sets forth additions to or deletions from the previously published List and will serve to give notice to the public about the changed status of certain stocks.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Jamie Lenoci, Financial Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2781.

SUPPLEMENTARY INFORMATION: Set forth below are stocks representing additions to or deletions from the Board's List of stocks traded over-the-counter on file at the Office of the Federal Register as of October 6, 1980. The List, as amended, includes those stocks that the Board of Governors has found meet the criteria specified by the Board and thus have the degree of national investor interest, the depth and breadth of market, the availability of information respecting the stock and its issuer to warrant incorporating such stocks within the requirements of Regulations G, T, U, and X. Copies of the current List may be

obtained from any Federal Reserve Bank. A copy is also on file at the Office of the Federal Register.¹

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion on the List specified in 12 CFR 207.5 (d) and (e), 220.8 (h) and (i), and 221.4 (d) and (e). No additional useful information would be gained by public participation. The requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of this List as soon as possible.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78g and 78w) and in accordance with § 207.2(f)(2) of Regulation G, § 220.2(e)(2) of Regulation T, and § 221.3(d)(2) of Regulation U, there are set forth below additions to and deletions from the Board's List:

Additions to List

Acapulco y Los Arcos Restaurantes, \$10 par common
ADAC Laboratories, No par common
Air Florida System, Inc., Series B, cumulative convertible preferred
Amarco Resources Corporation, \$0.01 par common
American National Bank (Bakersfield, CA), \$4.00 par common
Ampal-American Israel Corporation, 6½% par cumulative convertible preferred
Anthem Electronics, Inc., No par common
Applied Solar Energy Corporation, No par common
Astrosystems, Inc., \$10 par common
Atlantic Research Corporation, \$10 par common
Berry Industries Corporation, \$1.00 par common
Beverly Hills Savings & Loan Association, No par guarantee stock
Biochem International, Inc., \$0.02 par common
Boston Digital Corporation, \$10 par common

¹ Copy of current List filed as part of original document.

CADO Systems Corporation, \$10 par common
Calprop Corporation, \$1.00 par common
Chaparral Resources, Inc., \$10 par common
Children's World, Inc., \$10 par common
Cobb Resources Corporation, \$10 par common
Comdata Network, Inc., \$0.02 par common
Coradian Corporation, \$0.01 par common
Dash Industries, Inc., \$0.00066 par common
Detection Systems, Inc., \$0.05 par common
Dinner Bell Foods, Inc., No par common
Electro Rent Corporation, \$0.50 par common
Energy Management Corporation, No par common, \$1.00 stated Value
Energy Methods Corporation, \$0.00625 par common
FSC Corporation, Series A, \$0.01 par cumulative convertible preferred
Freedom Savings & Loan Association, \$1.00 par common
General Devices, Inc., \$0.01 par common
Geokinetics, Inc., \$0.20 par common
Gilman Services, Inc., \$10 par common
Golden Cycle Corporation, The, No par common
Harken Oil & Gas, Inc., \$1.00 par common
Health Extension Services, Inc., \$0.02 par common
Home Federal Savings and Loan Association of Palm Beach, \$0.01 par common
Hungrey Tiger, Inc., \$0.05 par capital
Imperial Bancorp (California), \$4.00 par common
Interscience Systems, Inc., No par common
Keldon Oil Company, No par common
Key Energy Enterprises, Inc., \$10 par common
Kinnard Companies, Inc., \$10 par common
Land of Lincoln Savings and Loan, \$1.00 par common
McCormick Oil & Gas Company, \$10 par common
Medex, Inc., \$0.01 par common
Midland Southwest Corporation, \$1.00 par common
Midlantic Banks, Inc., 2nd Series, \$2.00 par convertible preferred
Mobile Communications Corporation of America, \$0.01 par capital
Monument Energy Services, Inc., \$0.01 par common

Moxa Energy Corporation, \$.10 par common
 Mutual Real Estate Investment Trust, \$1.00 par shares of beneficial interest
 NBI, Inc., \$.10 par common
 New Brunswick Scientific Co., Inc., \$.0625 par common
 Newport Corporation, No par common, \$.35 stated value
 Nordson Corporation, \$1.00 par common
 North-west Telephone Company, \$.50 par common
 Offshore Logistics, Inc., No par cumulative convertible preferred
 Olix Industries, Inc., No par common
 Osmonics, Inc., \$.01 par common
 PBA, Inc., \$.01 par common
 Patlex Corporation, \$.10 par common
 Patton Oil Company, \$.10 par common
 Petrol Industries, Inc., \$.10 par common
 Pioneer Group, Inc., The \$.10 par common
 Pope, Evans and Robbins, Inc., \$.10 par common
 Postal Instant Press, No par common
 Radice Corporation, \$.20 par common
 Ramapo Financial Corporation, \$.20 par common
 Research, Inc., \$.50 par common
 Reuter, Inc., \$.18-3/4 par common
 Rockwood National Corporation, \$.25 par common
 SciMed Life Systems, Inc., \$.05 par common
 Scientific Software Corporation, No par common
 Seal Fleet, Inc., Class A, \$.10 par common
 Semicon, Inc., \$.50 par common
 Siltec Corporation, No par common
 Struthers Oil & Gas Corporation, \$.10 par common
 Thousand Trails, Inc., No par common
 Toledo Mining Company, \$.50 par common
 Transidyne General Corporation, \$.10 par common
 Triad Systems Corporation, No par common
 Turf Paradise, Inc., No par common
 UTL Corporation (Dallas, TX), \$.50 par common
 Western Digital Corporation, \$.10 par common
 Western Natural Gas Company, \$.10 par common

Deletions from List

Stocks Removed for Failing Continued Listing Requirements

AES Technology Systems, Inc., \$.01 par common
 Airlift International, Inc., \$.10 par common
 Amterre Development Inc., \$.01 par common
 Argo Petroleum Corporation, 10% convertible subordinated debentures

Cal-Maine Foods, Inc., \$1.00 par common
 Catalina Savings and Loan Association, \$1.00 par guaranty stock
 Gateway Transportation Company, Inc., \$.62 1/2 par common
 Grey Advertising, Inc., \$1.00 par common
 Kansas State Network, Inc., \$.50 par common
 MCI Communications Corporation, Warrants (Expire 11/17/80)
 Modular Computer Systems, Inc., 8.5% convertible subordinated debentures
 National Shoes, Inc., \$1.00 par common
 National Student Marketing Corp., \$1.00 par common
 Ocean Oil and Gas Company, \$1.00 par common
 Park-Ohio Industries, Inc., \$1.00 par cumulative convertible preferred
 Stanwick Corporation, The \$.10 par common
 Tenneco Offshore Company, Inc., 6% convertible subordinated debentures
 Titan Group, Inc., \$1.00 par common
 Wabash International Corporation, No par common
 Xplor Energy Corporation, \$.01 par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

Cray Research, Inc., \$1.00 par common
 Denver Real Estate, Investment Association, No par shares of beneficial interest
 Dyco Petroleum Corporation, \$.01 par common
 ERC Corporation, \$.25 par common
 ElectroSound Group, Inc., \$.01 par common
 Empire National Bank, \$.50 par common
 Employee Benefits Inc., \$1.00 par common
 Energy Minerals Corporation, \$.10 par common
 Everest & Jennings, International \$1.00 par common
 Fairfield Communities, Inc., \$.10 par common
 First Bankers Corporation of Florida, \$1.00 par common
 Geico Corporation, \$1.00 par common, \$1.00 par convertible preferred
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 General Health Services, Inc., \$1.00 par common
 General Ohio S&L Corporation, \$.50 par common
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Golden State Foods Corporation, \$.10 par common
 Hahn, Ernest W. Inc., \$.66 2/3 par common
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 Hunt Manufacturing Company, \$.10 par common
 Hydraulic Company, The, No par common
 Inforex, Inc., \$.25 par common
 Intercole Automation, Inc., \$1.00 par common
 Intersil, Inc., \$.10 par common
 Ivey, J.B. & Company, \$.25 par common
 Kenton Corporation, \$.01 par common
 Liberty National Life Insurance Company, \$.20 par common
 Luria, L. & Son, Inc., \$.01 par common
 MSI Data Corporation, \$1.00 par common
 Manufacturing Data Systems, Inc., \$.01 par common
 Merry Companies, Inc., \$.25 par common
 Modular Computer Systems Inc., \$.05 par common
 Moran Bros. Inc., \$.25 par common
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 Ryland Group, Inc., The \$1.00 par common
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 Towle Manufacturing Company, No par common
 Trans Delta Corporation, \$.01 par common
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 Virginia Chemicals Inc., \$.20 par common
 Virginia Real Estate Investment Trust, No par shares of beneficial interest
 West Company, Inc., The \$.25 par common
 Western Kentucky Gas Company, \$.50 par common
 Wien Air Alaska, Inc., \$1.00 par common

By order of the Board of Governors of the Federal Reserve System acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)), April 6, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-10625 Filed 4-3-81; 3:25 pm]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 3

Rules of Practice for Adjudicative Proceedings

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission is promulgating a final rule permitting labor organizations to intervene as a matter of right in antitrust adjudicative proceedings for the purpose of addressing the effects, if any, of contemplated divestiture relief on employment. The Commission will analyze the impact of this change after one year and make whatever changes are appropriate.

EFFECTIVE DATE: April 8, 1981.

FOR FURTHER INFORMATION CONTACT:

Barry R. Rubin, Assistant General Counsel, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3520.

SUPPLEMENTARY INFORMATION:

On March 14, 1980, the Commission published for comment a proposed rule change to permit labor organizations to intervene in adjudicative proceedings contemplating divestiture. 45 FR 16496. The Commission's rules had always permitted an interested person like a labor organization to seek permission to intervene in any case; this proposal would allow automatic intervention in the appropriate case. Seven comments were received on the proposal. Two unions, the United Auto Workers and the United Food and Commercial Workers, supported the rule and were joined by Congressman Jack Kemp. They argued that divestiture often had a serious impact on labor organizations and their members. Three commenters—Philip Marcus, Professor Edward J. Brunet of the Northwestern School of Law, Lewis and Clark College, and Assistant Attorney General, Antitrust Division, Sanford M. Litvack—commented that a rule providing for automatic intervention is unnecessary and potentially costly. Instead, they urge that the Commission maintain its case-

by-case approach to requests for intervention, arguing that intervention as a matter of right in all such cases would be unnecessary.

In the notice of proposed rulemaking, Commissioner Bailey asked four specific questions on which she especially desired comments. Those questions included a solicitation of the views of the Antitrust Division, a concern for the impact of the proposal on the Commission's efforts to expedite cases, an inquiry as to the number of potential intervenors in a case involving several companies, and a concern for the impact of the rule on employees who are not represented by a labor organization. Unfortunately, the comments did not address the last three questions in any detail. Because of the nature of the FTC and its adjudicative procedures, it may be impossible to predict the precise effect of such a rule change in advance of its implementation. However, since the Commission has infrequently been presented with situations in which interested labor organizations have sought to intervene in cases under the present rule, it is unlikely that this rule change, which simply eliminates the need for a labor organization to obtain permission before intervening, will impose substantial burdens on its adjudicatory proceedings. Since the proposed rule would improve the Commission's procedures for the presentation to it of matters relating to employee impact in divestiture cases, it has determined to adopt the rule as originally proposed. Because of the uncertain impact of such a change, the Commission will reexamine this rule in one year to determine what modifications may be appropriate. This rule applies only to adjudicative proceedings commenced by the Commission after its effective date.

Accordingly, the Commission amends rule 3.14 of its Rules of Practice by designating the present text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 3.14 (Amended)

(b) In an adjudicative proceeding where the complaint states that divestiture relief is contemplated, the labor organization[s] representing employees of the respondent[s] may intervene as a matter of right. Applications for such intervention are to be made in accordance with the procedures set forth in paragraph (a) of this section and must be filed within 60 days of the issuance of the complaint. Intervention as a matter of right shall be limited to the issue of the effect, if any, of proposed remedies on employment,

with full rights of participation in the proceeding concerning this issue. This subsection does not affect a labor organization's ability to petition for leave to intervene pursuant to § 3.14(a).

By direction of the Commission, Commissioners Dixon and Bailey voted in the negative.

Carol M. Thomas,
Secretary.

[FR Doc. 81-10635 Filed 4-7-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 406

Deceptive Advertising and Labeling of Previously Used Lubricating Oil; Partial Suspension

AGENCY: Federal Trade Commission.

ACTION: Notice of Partial Suspension of the Used Oil Rule and Federal Trade Commission Orders Relating to Used Oil, and Statement of Enforcement Policy.

SUMMARY: On August 18, 1980 the Commission published notice of a proposed Statement of Enforcement Policy concerning 16 CFR Part 406, the Trade Regulation Rule on Deceptive Advertising and Labeling of Previously Used Lubricating Oil (Used Oil Rule). The proposed Statement of Enforcement Policy would have allowed the use of the term "recycled oil product" to satisfy the disclosure requirements of the Used Oil Rule in regard to re-refined lubricants. This notice was in response to a petition filed by the Association of Petroleum Re-refiners on April 15, 1980. On October 15, 1980, the Used Oil Recycling Act, Pub. L. No. 96-463, suspended any provision of the Used Oil Rule or a Commission order requiring labels to disclose the origin of lubricants made from used oil. This suspension remains in force until the promulgation of used oil product labeling regulations under Section 383 of the Energy Policy and Conservation Act, Pub. L. No. 94-163, 42 U.S.C. 6363.

Accordingly, the Commission hereby publishes notice of the statutory suspension of the labeling requirements of the Used Oil Rule and relevant orders. In addition, the Commission is publishing a Statement of Enforcement Policy suspending enforcement of those portions of the Used Oil Rule and orders requiring that advertising and promotional material disclose the origin of lubricants made from used oil.

EFFECTIVE DATE: This Notice and Statement of Enforcement Policy are effective April 8, 1981.

FOR FURTHER INFORMATION CONTACT:

Lewis Morris, Attorney, Division of Energy and Product Information, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. Telephone number: 202/724-1394.

SUPPLEMENTARY INFORMATION:

On August 14, 1964, the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41 *et seq.*, promulgated "16 CFR Part 406—Deceptive Advertising and Labeling of Previously Used Lubricating Oil" (29 FR 11,650), the Used Oil Rule. The Used Oil Rule was founded on the premise that whether a lubricant has been made from crude oil or from used oil is material to consumers.

Accordingly, the Used Oil Rule required that advertising, promotional material, and labels on containers of lubricant made from used oil disclose the origin of the lubricant. While the Used Oil Rule did not prescribe specific language to be employed in making this disclosure, the term in common use after promulgation of the Rule was "made from used oil."

On April 15, 1980, the Association of Petroleum Re-Refiners petitioned the Commission to repeal the Used Oil Rule, or to modify it to permit the use of the terms "this is a recycled petroleum product" or "this is a combination of virgin oil and recycled petroleum products" to satisfy the requirements of the Rule.

In response to the Association of Petroleum Re-refiner's petition, the Commission published a proposed Statement of Enforcement Policy on August 17, 1980 (45 FR 55,223). This proposed Statement of Enforcement Policy would have allowed the use of the term "recycled oil product" for any lubricant re-refined from used oil. The Commission decided to allow the Statement of Enforcement Policy to become effective 60 days after publication unless persuaded otherwise by public comment. The Commission held the record open for public comment for 30 days. During that period the Commission received no information sufficient to cause the reconsideration of the Statement of Enforcement Policy as proposed. The Statement of Enforcement Policy therefore would have become effective on October 18, 1980.

On October 15 1980, Section 4(c) of the Used Oil Recycling Act, Pub. L. No. 96-463, suspended the labeling requirement of the Used Oil Rule and Commission orders concerning the disclosure of the origin of lubricants made from used oil. Accordingly, until further notice, labels on containers of lubricants made from used oil no longer need disclose the used origin of such products.

Section 4(c) of the Used Oil Recycling Act, however mentions only the labeling of products made from used oil. The Used Oil Rule and relevant Commission orders cover advertising and promotional material related to products made from used oil, as well as the labeling of such products. Thus, the Commission still has the authority to require that advertising and promotional material disclose the used origin of such products. The Commission has decided, however, as a matter of enforcement policy, not to exercise this authority.

The Commission's decision to suspend enforcement of the remaining origin disclosure requirements of the Used Oil Rule and relevant Commission orders is based on Congress' expressed policy favoring the recycling of used oil. This policy is stated in Section 2 of the Used Oil Recycling Act; Section 383(a) of the Energy Policy and Conservation Act; Sections 2(d) and 6001-6004 of the Resource Conservation and Recovery Act, Pub. L. No. 94-580, 42 U.S.C. 6901(d), 6961-6964; and Section 404 of the Energy Tax Act, Pub. L. No. 95-618, 26 U.S.C. 4093(a). The legislative history of the Used Oil Recycling Act provides further support for the Commission's interpretation of this Congressional policy.

Part of the Congressional policy favoring the recycling of used oil concerns the removal of any Federal requirement for indicating the origin of products made from used oil. In Section 4(c) of the Used Oil Recycling Act, Congress expressly eliminated this requirement for the labels of containers of such products. The Commission believes that it is consistent with the purpose of the Congressional policy to extend this disclosure exemption to advertising and promotional material concerning products made from used oil. Consequently, until further notice, the Commission is suspending the enforcement of any of its requirements concerning the disclosure of the origin of products made from used oil.

Suspension of the requirements concerning the disclosure of the origin of products made from used oil does not exempt such products from any requirements concerning the disclosure of performance or other quality characteristics of such products. Indeed, the Commission's authority over disclosures for such products related to their fitness for an intended use or any other performance characteristic is expressly preserved in Section 4(c) of the Used Oil Recycling Act. Consequently, the Commission's Statement of Enforcement Policy is strictly limited to the suspension of Commission requirements that the origin

of products made from used oil be disclosed.

By direction of the Commission,

Carol M. Thomas,
Secretary

[FR Doc. 81-10408 Filed 4-7-81; 8:45am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Part 274**

[Docket No. RM79-3; Order No. 139]

Natural Gas Policy Act of 1978; Railroad Commission of Texas' Application for Alternative Filing Requirements; Final Rule

Issued: April 1, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: This order adopts a proposal submitted to the Commission by the Railroad Commission of Texas to institute alternative filing requirements for applications for well eligibility determinations made under section 102 of the Natural Gas Policy Act of 1978 with the Railroad Commission of Texas. Alternative filing requirements are provided for in § 274.207(f) of the Commission rules which implement the NGPA. A new § 274.208(d) is added to contain the alternative requirements as approved by the Federal Energy Regulatory Commission.

EFFECTIVE DATE: April 1, 1981.

FOR FURTHER INFORMATION CONTACT:

Leslie Lawner, (202) 357-8307, or William Bushey, (202) 357-8590.

SUPPLEMENTARY INFORMATION:

In the matter of Natural Gas Policy Act of 1978, Railroad Commission of Texas' application for alternative filing requirements; order issuing alternative filing requirements; order issuing alternative filing requirements.

I. Background

On December 22, 1980, the Railroad Commission of Texas (Texas) filed an application with the Federal Energy Regulatory Commission (Commission) for approval of alternative filing requirements pursuant to § 274.207 of the Commission's regulations.¹ The proposed alternative filing requirements

¹ A supplement to the application, which clarified the proposed changes, was received by the Commission from Texas on January 5, 1981.

concern filings made under section 102 of the Natural Gas Policy Act of 1978 (NGPA). Two changes are proposed: one involves new onshore wells and the other involves new onshore reservoirs. Notice of the Texas application was issued on January 19, 1981,² and the comment period expired on February 3, 1981. Two comments were received, from Exxon Corporation and Texas Independent Producers and Royalty Owners Association, both in support of Texas' application.³ No party requested a hearing, and no hearing was held.

II. Discussion

Section 102(c)(1)(B)(ii) of the NGPA qualifies a well as a new onshore well if the completion location of that well is located at least 1,000 feet below the deepest completion location of each marker well within 2.5 miles of the new well. Section 274.202(c)(2)(iv) of the Commission's regulations requires that the deepest completion location of all marker wells within 2.5 miles of the subject well be listed. In Texas' proposed rule⁴ only the deepest completion location of the deepest completed marker well within 2.5 miles is required to be listed. Texas asserts that this single listing is sufficient to satisfy the "1,000 feet deeper" test of section 102(c)(1)(B)(ii) of the NGPA.

The Commission agrees with Texas that the identification of the deepest completion location of the deepest completed marker well within 2.5 miles of the subject well, supported by the oath statements required under §§ 274.202(c)(2)(vi) and 274.202(e) (which Texas does not propose to change), provides substantial evidence to determine that the subject well has met the "1,000 feet deeper" test for a new onshore well under section 102(c)(1)(B)(ii) of the NGPA.

Texas' second proposed change in the filing requirements concerns the new onshore reservoir determination under section 102 of the NGPA. Section 274.202(d)(1)(ii) of the Commission's regulations requires that an applicant file geological information sufficient to prove that the subject well is completed in a reservoir which qualifies as a "new onshore reservoir." This information is to include, to the extent reasonably available, well logs, bottom hole or pressure surveys, well potential tests,

formation structure maps, subsurface cross-section charts and gas analyses. Texas' proposed rule⁵ would require, in lieu of this information, a copy of Railroad Commission Form P-7 and the order or notice issued by the Railroad Commission designating a new reservoir and/or new field status for the reservoir in which the subject well is completed. Texas requires that for a reservoir to be designated by the state as a new reservoir and/or a new field, the operator must file Texas Form P-7 for consideration by the Railroad Commission. Texas Statewide Rule 41 (051.02.02.041), Application For New Oil or Gas Field Designation And/Or Allowable, requires that the following be included with the application (Form P-7):

(1) An area map showing all wells, active and abandoned, within a 2.5 mile radius of the subject well; the depths and producing intervals of those wells; all nearby fields, past or present; and the producing formations.

(2) Full scale electrical logs of the well with the subject formation and all nearby producing formations identified clearly.

(3) Subsurface structure map, geological cross section from electrical logs, reservoir pressure measurements, or core data and drill-stem test data—whichever of the above is necessary to indicate separation from other producing formations.

Texas points out that the well and reservoir data supplied in support of the Form P-7 is examined by a legal and technical staff to assure the conservation of natural resources, prior to the granting of new reservoir/new field status. Texas asserts that this review need not be duplicated by its NGPA section. Texas maintains that all information used in state conservation findings, which also supports the NGPA application, remains available in Texas' central records. Texas further states that although there are procedural differences, the basis for determinations under the proposed rules remains identical to that basis required under the present regulations, and will provide substantial evidence on which Texas may base a determination that a reservoir is a new onshore reservoir. Finally, under the Texas proposal, the applicant would still be required to submit a plat showing the subject well and all wells which penetrated the subject reservoir, and would be required to prove that the exclusions listed in

Section 102(c)(1)(C) of the NGPA do not apply.

In view of the requirements of Texas Statewide Rule 41 and the analysis given the data filed under that rule, prior to the designation of a new reservoir for state conservation purposes, the Commission considers that the filing of identical data for a new onshore reservoir determination under section 102 of the NGPA to be an unnecessary duplication of filing requirements. The Commission finds that the inclusion of Texas Form P-7 and a copy of the notice or order from the Railroad Commission granting new reservoir and/or new field status, in lieu of the geological data required in § 274.202(d)(1)(ii), would be sufficient to insure that the geological requirements for a new onshore reservoir have been met. The documents required by the proposed rule, coupled with the appropriate oath statements and the applicant's proof that the exclusions listed in section 102(c)(1)(C) of the NGPA do not apply, would provide substantial evidence upon which Texas could make a determination.

III. Public Procedures and Effective Date

Notice of Texas' proposal was issued on January 19, 1981. No party requested a hearing and no hearing was held. Comments on the proposal were due February 3, 1981. Two comments were timely received in support of Texas' proposal. In view of the comments and the preceding discussion, the Commission approves Texas' alternative filing requirements, described above.

The Commission believes that since the alternative filing requirements remove significant administrative burdens from applicants seeking well determinations from Texas under section 102 of the NGPA, good cause exists to make the alternative filing requirements effective immediately for all determinations which have not yet become final under § 275.202 as of the day before the date of issuance of this order.

(Natural Gas Act, 15 U.S.C. 717 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

In consideration of the foregoing, Part 274 of Subchapter I, Title 18, Code of Federal Regulations, is amended as set forth below, effective April 1, 1981.

By the Commission.

Lois D. Cashell,
Acting Secretary.

Part 274 is amended in § 274.208 by adding a new subparagraph (d) to read as follows:

² 46 FR 6670, January 27, 1981.

³ Two additional comments were received after the comment period expired. These comments, filed by Arco Oil and Gas Company and Mueller Engineering Corporation, also supported Texas' application.

⁴ Rules of the Railroad Commission of Texas, Oil and Gas Division, NGPA State Alternative Procedures, Rule 051.02.04.003(b)(1).

⁵ Rules of the Railroad Commission of Texas, Oil and Gas Division, NGPA State Alternative Procedures, Rule 051.02.04.003(b)(2).

§ 274.208 Alternative filing and notice requirements accepted by the Commission.

(d) Application for well determinations under section 102, Subpart B of Part 271, filed with the Railroad Commission of Texas.

(1) A person seeking a determination for purposes of Subpart B of Part 271, that a new well is a "new onshore well" because its completion location is at least 1,000 feet below the deepest completion location of each marker well within 2.5 miles of the new well, shall file with the Railroad Commission of Texas an application which contains, in lieu of the information specified in § 274.202(c)(2), the following items:

(i) FERC Form No. 121;
(ii) The well completion report;
(iii) A location plat which locates and identifies the well for which the determination is sought and all wells which produced natural gas after January 1, 1970, and before April 20, 1977, within the 2.5 mile radius drawn from the well for which a determination is sought, including specific identification of all marker wells within the 2.5 mile radius drawn from the well for which a determination is sought;

(iv) The listing of the deepest completion location of the single marker well with the deepest completion location of any marker well located within 2.5 miles of the new well;

(v) The directional drilling survey, if the jurisdictional agency requires such survey to be conducted;

(vi) A statement by the applicant, under oath, that on the basis of the results of the search and examination required by § 274.208(d)(3), he has concluded that to the best of his information, knowledge and belief, there is no marker well within 2.5 miles of the well for which he seeks a determination which has a completion location less than 1,000 feet above the completion location of the new well; and

(vii) The oath statements set forth in § 274.208(d)(3); and

(viii) If the jurisdictional agency so requires, certified copies of records relied on by the applicant, including copies of the agency's official files.

(2) A person seeking a determination for purposes of Subpart B of Part 271, that a well is completed in a reservoir which qualifies as a "new onshore reservoir" shall file, with the Railroad Commission of Texas,

(i) an application which contains, in lieu of the information specified in § 274.202(d)(1), the following items:

(A) FERC Form No. 121;

(B) A copy of the Texas Railroad Commission Form P-7 and the Order or Notice of the Texas Railroad

Commission action designating a new reservoir and/or granting new field status for the reservoir in which the subject well is completed.

(C) The well completion report;

(D) The directional drilling survey, if the jurisdictional agency requires such a survey to be conducted; and

(E) A statement by the applicant, under oath, that on the basis of the results of the search and examination required by § 274.208(d)(3), he has concluded that to the best of his information, knowledge and belief, the natural gas to be produced and for which he seeks a determination is from a new onshore reservoir.

(F) The oath statement set forth in paragraphs (d)(2)(ii) and (3) of this section; and

(G) If the jurisdictional agency so requires, certified copies of records relied on by the applicant, including copies of the agency's official files.

(ii) The applicant, in his statement under oath required under § 274.208(d)(3), shall also answer, to the best of his information, knowledge and belief, and on the basis of the results of his search and examination, the following questions:

(A) Was natural gas produced in commercial quantities from the reservoir prior to April 20, 1977?

(B)(1) If the question in paragraph (d)(2)(ii)(A) of this section is answered in the negative, was the reservoir penetrated before April 20, 1977, by an old well from which natural gas or crude oil was produced in commercial quantities from any reservoir?

(2) If the question in paragraph (d)(2)(ii)(B)(1) of this section is answered in the affirmative, could natural gas have been produced in commercial quantities from the reservoir before April 20, 1977, from any old well described in paragraph (d)(2)(ii)(B)(1) of this section?

(3) If the question in paragraph (d)(2)(ii)(B)(2) of this section is answered in the negative, were any sales and deliveries of natural gas made from any other reservoir through any old well described in paragraph (d)(2)(ii)(B)(1) of this section prior to April 20, 1977, and were any sales and deliveries of natural gas made from the subject reservoir through such old well on or after April 20, 1977, and before November 9, 1978?

(4) If the applicant is unable to answer both questions in paragraph (d)(2)(ii)(B)(3) of this section in the negative, he must demonstrate that the Behind-the-Pipe Exclusion in section 102(c)(1)(C)(ii) of the NGPA does not apply by submitting the following:

(i) Proof that a final eligibility determination has been made that the subject reservoir is a new onshore reservoir by identifying such determination by the jurisdictional agency and FERC Docket number and the API well numbers, or,

(ii) Evidence clearly demonstrating that the sale of production from the subject reservoir (net of royalty) through any well described in paragraph (d)(2)(ii)(B)(1) of this section at the market price reasonably available as of April 20, 1977 could not have generated revenues sufficient to equal or exceed the sum of 1.6 times the minimum incremental costs properly allocable to such production of installing cost-efficient facilities not in existence as of April 20, 1977, reasonably required to market such production, plus the minimum incremental expenses properly allocable to such production reasonably required to operate such facilities. All costs, expenses and revenues shall be determined as of April 20, 1977. The applicant shall also provide an explanation of the basis of all estimates accompanied by substantiating workpapers and such other evidence necessary to substantiate fully the conclusion that the Behind-the-Pipe Exclusion does not apply.

(C)(1) If the natural gas is to be produced through an old well, were suitable facilities for the production and delivery to a pipeline of such natural gas in existence on April 20, 1977?

(2) If the question in paragraph (d)(2)(ii)(C)(1) of this section is answered in the affirmative, were such suitable facilities installed to carry out sales and deliveries of natural gas under section 6 of the Emergency Natural Gas Act of 1977 or under the emergency sale authority pursuant to Opinion 699-B issued by the Federal Power Commission?

(3) Oath statements by the applicant. With each application for determination submitted under this section, the applicant shall submit a statement under oath:

(i) That the applicant has made, or has caused to be made pursuant to his instructions, a diligent search of all records (including but not limited to production, State severance tax, and royalty payment records and records of jurisdictional agency determinations) which are reasonably available and contain information relevant to the determination of eligibility;

(ii) Describing the search made, the records reviewed, the location of such records, and a description of any records which the applicant believes may contain information relevant to the

determination but which he has determined are not reasonably available to him;

(iii) That the applicant has no knowledge of any other information not described in the application which is inconsistent with his conclusion that the well qualifies for the well category determination sought.

[FR Doc. 81-10601 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreements; Montana

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

ACTION: Final rule.

SUMMARY: This final rule completes the administrative process for the adoption of a cooperative agreement between the Department of the Interior and the State of Montana for the regulation of surface coal mining operations on Federal lands in Montana under the permanent regulatory program. Such a cooperative agreement is provided for in Section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1273(c), for any State with an approved State program. The Montana State program was conditionally approved by the Secretary of the Interior on April 1, 1980 (45 FR 21560-60). After opportunity for public comment and thorough review of the Montana permanent program cooperative agreement submission, the Secretary of the Interior and the Governor of the State of Montana approved a permanent program cooperative agreement on January 19, 1981, and February 6, 1981, respectively. The agreement becomes effective 30 days after publication in the *Federal Register* as a final rule in accordance with the Department of the Interior's rulemaking procedures.

EFFECTIVE DATE: May 8, 1981.

ADDRESSES: Copies of the Montana permanent program cooperative agreement submission and of the related information required under 30 CFR Part 745 are available for public inspection Monday through Friday, 8 a.m. to 4 p.m., excluding holidays, at the following addresses:

Montana Department of State Lands,
1625 11th Avenue, Helena, Montana
59601.

Office of Surface Mining (Region V),
U.S. Department of the Interior,
Brooks Tower, 1020 15th Street,
Denver, Colorado 80202.

Office of Surface Mining
(Headquarters), Room 153, South
Building, 1951 Constitution Avenue
NW., Washington, D.C. 20240.

Copies of the complete administrative record of this rulemaking, including summaries of all public meetings, oral contacts or meetings with State representatives, transcript of the public hearing, copies of all written comments received, previous draft versions of the agreement and the Montana State program, are available for inspection at Office of Surface Mining Headquarters, Administrative Record Room, at the address listed above.

FOR FURTHER INFORMATION CONTACT:
Donald T. Maurer, Chief, Division of
Federal Programs, South Building, 1951
Constitution Avenue, NW., Washington,
D.C. 20240, (703) 756-6970.

SUPPLEMENTARY INFORMATION:

Introduction

This notice is organized to assist understanding of the process by which the Secretary decided to enter into a permanent program cooperative agreement with the Governor of the State of Montana. The discussion is divided as follows:

- I. Background
- II. Director's Findings
- III. Approval of the Agreement
- IV. Summary of the Agreement and Disposition of Comments

I. Background

A. The State of Montana's Request

The Secretary's regulations at 30 CFR 745.11(b) (1) through (8) require that certain information shall be submitted by a State with its request for a permanent program cooperative agreement except to the extent that the information had previously been included in the State program. On June 4, 1980, Montana submitted an initial draft of a proposed cooperative agreement and the supporting information required by 30 CFR 745.11(b).

Information relating to the budget, staffing, organization and duties of the State regulatory authority (Reclamation Division, Montana Department of State Lands) was described as appearing in Montana's Revised Permanent Coal Program text, a copy of which accompanied the State's request for a cooperative agreement. See, 30 CFR

745.11(b) (1), (2), (4), (5), and (6). A written certification from the Attorney General concluded that "there are no state statutory, regulatory or other legal constraints which limit the capability of the Department of State Lands to fully comply with the requirements of 30 CFR Part 745 and the cooperative agreement * * *." Also included with the request were figures showing a comparison of the total non-Federal and Federal acres of mineable coal and the extent of Federal, non-Federal, and mixed Federal/non-Federal surface mining operations in the State (30 CFR 745.11(b)(3)).

B. The Text of the Agreement

Following the submission of the proposed permanent program cooperative agreement by the State of Montana on June 4, 1980, representatives of the State of Montana and the Office of Surface Mining Reclamation and Enforcement (OSM) met on August 11, 1980, and agreed to certain revisions. The revised proposed cooperative agreement appeared (along with a summary of the major revisions agreed upon) at 45 FR 58377-81 (September 3, 1980), when OSM published notice of its intent to propose rulemaking on the Montana agreement. The terms of the proposed cooperative agreement were summarized at 45 FR 74728-37 (November 12, 1980). Final revisions of the text based on written comments received during the public comment period announced in the *Federal Register* of September 3, 1980 (45 FR 58377-81) and November 12, 1980 (45 FR 74728-37) are addressed below in the summary of provisions of the approved permanent program cooperative agreement.

C. Federal Rulemaking

On September 3, 1980, OSM published notice of its intent to propose rulemaking to adopt a cooperative agreement between the Department of the Interior and the State of Montana for the regulation of surface coal mining operations on Federal lands in Montana under the permanent regulatory program. 45 FR 58377-81. The public was given opportunity to comment until November 3, 1980. On November 12, 1980, OSM published a notice of proposed rulemaking, public hearing and an extension of the comment period (until December 17, 1980). A public hearing was held on December 10, 1980, in Billings, Montana on the proposed cooperative agreement. No comments were received at the December 10, 1980, hearing. In the notice of proposed rulemaking published on November 12,

1980, (45 FR 74729-30), OSM stated that all contacts with State representatives were to be conducted in accordance with the Department's "Guidelines for Contacts with State Officials."

See, 44 FR 54444-45 (September 19, 1979), and 45 FR 64972 (October 1, 1980).

II. Director's Findings

Under 30 CFR 745.11(f), the Director, OSM, must make the following three findings before recommending to the Secretary that the Department of the Interior enter into a cooperative agreement with a State.

Finding No. 1: The Director finds that the State of Montana has an approved State program, such program having been conditionally approved by the Secretary on April 1, 1980. 45 FR 21560-80.

Finding No. 2: The Director finds that the State regulatory authority has sufficient budget, equipment and personnel to enforce fully the State's statutes and regulations for the regulation of surface coal mining and reclamation operations on Federal lands in Montana. The Director makes this finding pursuant to a memorandum from the Regional Director, Region V dated January 16, 1981, explaining how the Montana State program's various provisions applied to operations on Federal lands. For further information on the State regulatory authority capabilities, see the discussion regarding the Secretary's findings for conditional approval of the State program. 45 FR 2160-80 (April 1, 1980).

Finding No. 3: The Director finds that the State of Montana has the legal authority to administer the cooperative agreement. This finding was made based on written certification of the State Attorney General and conditional approval of the State's permanent regulatory program.

These findings were reported to the Secretary in a decision memorandum dated January 19, 1981. The Director, OSM, recommended approval of the cooperative agreement.

III. Approval of the Agreement

Based upon the conditional approval of the Montana State program, the administrative record of this rulemaking, including written and oral comments and the public hearing, and the findings and recommendations of the Director, OSM, the Secretary decided to approve a permanent program cooperative agreement for the State of Montana. The agreement was signed on January 19, 1981, by the Under Secretary of the Interior and on February 6, 1981, by the Governor of the State of Montana. The complete text of the permanent program

cooperative agreement between the State of Montana and the Department of the Interior is published at the conclusion of this notice.

IV. Summary of the Agreement and Disposition of Comments

Each article of the agreement and the corresponding comments are summarized below, along with the Department's disposition of the comments.

Article I: Introduction and Purpose. This article sets forth the legal authority for the permanent program cooperative agreement. The purposes of the cooperative agreement are also listed. The cooperative agreement provides that State regulation shall be consistent not only with the Act and the Federal lands program, but also with "the State Act" (i.e., the State program). This language is in accordance with Section 523(a) of the Act, which requires that a "Federal lands program shall, at a minimum, include the requirements of the approved State program." 30 U.S.C. 1273(a).

By suggestion of the State, this article was revised from the version originally submitted by the State as follows: "The purpose of the agreement is to provide effective regulation of surface coal mining operations on Federal lands and uniform regulation on all non-Indian lands." The suggested language deletes the word "uniform" as a description of the Federal lands program and further clarifies that the lands affected by the agreement are Federal and non-Indian. This language appeared in the version of the agreement published in OSM's notice of proposed rulemaking. See, 45 FR 74734 (November 12, 1980).

Article II: Effective Date. While the terms of the cooperative agreement state that it is effective upon final publication as rulemaking in the *Federal Register*, it is understood that, under procedures governing rulemaking by the Department of Interior (see, 43 CFR Part 14), the cooperative agreement will actually become effective 30 days after it appears in the *Federal Register* (May 8, 1981).

Article III: Scope. Article III provides that the laws, regulations, terms and conditions of the State program are applicable to Federal lands in Montana, except as otherwise stated in the agreement, the Act, 30 CFR 745.13 ("Authority reserved by the Secretary."), or other applicable laws.

Article III specifically implements Section 523(a) of the Surface Mining Act, which provides that "[w]here Federal lands in a State with an approved State program are involved, the Federal lands program shall, at a minimum, include the

requirements of the approved State program." 30 U.S.C. 1273(a). In addition, by making the Montana State program applicable to Federal lands in the State, this provision also implements the requirement of Section 523(a) of the Act to "take into consideration the diverse physical, climatological, and other unique characteristics of the Federal lands in question." 30 U.S.C. 1273(a).

The effect of this article is to adopt the Montana program as substantive Federal law enforceable by the United States. Similarly, promulgation of this cooperative agreement as a final rule will have the effect of adopting the entire agreement as substantive Federal requirements. While making the State program applicable to Federal lands in the State, this provision recognizes that authority reserved by the Secretary under 30 CFR 745.13, obligations imposed upon the Secretary by other applicable laws, and the provisions of the Act itself will be controlling in potential instances of conflict with the State program.

Article IV: Requirements for the Agreement. This article, which is similar to a provision in Montana's interim program cooperative agreement (30 CFR 211.77(e)), pulls together into one article provisions which had been spread out through various articles in Montana's initial submission of a proposed agreement. The basic revision of this article was made at the August 11, 1980, meeting with representatives of the State, and the changes were reflected in the text published in OSM's notice of intent to propose rulemaking. See, 45 FR 58377-79 (September 3, 1980). Article IV binds the Governor and the Secretary to comply with all provisions of the agreement and to continue to meet the requirements contained in the article.

Article IV provides that the Montana Department of State Lands (State Lands) will administer the agreement on behalf of the Governor, and that OSM will act on behalf of the Secretary. Readers should note that the State Regulatory Authority (SRA) for purposes of administering this agreement in the State is the Montana Department of State Lands, and that Montana affirms in the agreement that "State Lands has and shall continue to have authority under State law to carry out this Agreement."

This article also contains provisions that require the State of Montana to maintain adequate funds, personnel, and equipment and laboratory facilities to fully implement the agreement.

With regard to funding, Article IV would require Montana to devote adequate funds to the administration

and enforcement of the requirements of the State program on Federal lands in the State. It further provides that the State may be reimbursed pursuant to Section 705(c) of the Act, 30 U.S.C. 1295(c), and 30 CFR 735.16, for costs associated with carrying out the agreement, provided that the agreement has been implemented to the satisfaction of the Department and that necessary funds have been appropriated to OSM by the Congress. Section 705(c) of the Act provides that a State with a cooperative agreement may receive an increase in its annual grant for the development, administration, and enforcement of a State program on Federal lands by an amount which the Secretary determines is approximately equal to the amount that the Federal government would have expended to regulate surface coal mining and reclamation operations on Federal lands.

Article IV requires State Lands, pursuant to 30 CFR 745.12(c), to make annual reports to the Regional Director concerning the State's compliance with the agreement. The article provides for exchange of information between State Lands and the Department, and it requires the Secretary to provide to State Lands a copy of any approved report evaluating State administration and enforcement of the agreement.

Finally, paragraph G was added to Article IV in accordance with 30 CFR 745.12(f), which requires provisions in the agreement relating to permit fees. All permit fees are to be retained by the State and deposited in the General Fund. The amount attributable to Federal land shall be deducted from the reimbursement to the State provided for in Section 705(c) of the Federal Act. 30 CFR 735.16 and paragraph IV(C) of the agreement. Previous versions of the agreement did not address the disposition of fees attributable to Federal lands.

Article V: Policies and Procedures: Mine Plan Review. Article V creates procedures for cooperative review of mining plans and permit applications for surface coal mining operations on Federal lands or on commingled State, private, and Federal lands.

One commenter suggested that the term "(m)ining and reclamation plan" should be replaced with "mining plan," as "mining and reclamation plan" is not defined in either 30 CFR Part 700 or Part 701. While the Secretary declines to adopt this comment, it should be noted that the term "mining and reclamation plan" as used in the agreement is intended to be synonymous with the term "mining plan" (*i.e.*, requirements of the Mineral Leasing Act of 1920, 30

U.S.C. 181 *et seq.*, and implementing regulations at 30 CFR Parts 211 *et seq.*).

Several commenters stated that the proposed procedures for the processing of mining plans and permit applications under the cooperative agreement included excessive OSM involvement and duplication, and that such involvement was contrary to one of the principal purposes of the cooperative agreement—to eliminate intergovernmental overlap and duplication.

The Secretary believes that the final cooperative agreement does eliminate areas of avoidable duplication of review and analysis. Procedures adopted toward this end (at the August 11, 1980, meeting with representatives of the State) include the following: (1) Early agreement between State Lands and OSM on completeness of plans and applications, on any area requiring special attention during the review by the State or OSM, and on the work plan for the substantive review; (2) designation of an application manager by the Regional Director to maintain cognizance over the review process and to identify to the Regional Director areas of avoidable duplication, which shall be eliminated by the Regional Director; and (3) preparation of decision documents by the State, which, after careful review by OSM, will be used as a basis for decision by the Secretary on the mining plan and permit application. The Secretary and the Governor expect that specific details and solutions to any problems will be worked out on a case-by-case basis.

Such procedures for elimination of duality in administration are consistent with the intent to have the State assume primary responsibility for the analysis and review of mining plans and permit applications for surface coal mining on Federal lands in Montana.

Readers should understand, however, that the Secretary retains his responsibility to make independent decisions to allow mining on Federal lands. This responsibility is derived from the Secretary's duty (pursuant to Section 523(c) of the Act, 30 U.S.C. 1273(c), and 30 CFR 745.13) for the approval of mining plans on federal lands.

Additionally, the Secretary is charged with assuring compliance with numerous other Federal laws and regulations on Federal lands under his jurisdiction, such as the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). Thus, while the cooperative agreement provides for the State to have primary responsibility for the analysis and review of mining plans and permit applications, it will be

necessary for the State to have the technical and administrative capability to produce a decision package (or material readily adaptable to the decision package) which satisfies the legal and procedural requirements of the Department. This arrangement will enable the Department to make a final decision on the mining plan that is consistent with Federal administrative standards.

Under Article V(A), an operator on Federal lands would be required by the Governor and the Secretary to submit an identical mining plan and permit application (or an application for a major modification to an approved mining plan and permit application) in an appropriate number of copies of State Lands and the Regional Director. The mining plan and permit application must be in the form required by State Lands and must also include any supplemental information required by the Secretary. At a minimum, the plan and application must include the necessary information for State Lands and the Secretary to make a determination of compliance with the State program, applicable terms and conditions of the Federal coal lease, and applicable requirements of other Federal laws and regulations. The addition of the word "regulations", was suggested by OSM and agreed to by the State in recognition of the Secretary's responsibilities to comply not only with other applicable Federal laws but the regulations promulgated thereto. Submission of the information required by State Lands would be deemed to satisfy the requirements of 30 CFR 741.12(b)(1) and 30 CFR 741.13(c) regarding the contents of permit applications.

The final version of Article V(A) has been revised to require that an application for a major modification to an approved mining plan and permit application be submitted in the same manner as a new mining plan and permit application. This provision is necessary because, similar to a mining plan, final approval of a major modification to a mining plan is a responsibility of the Secretary. *See*, 30 CFR 745.13(i).

OSM intends to provide a workable definition in the future to clarify the term "major modification." In the interim, however, OSM and the State will coordinate closely, during the cooperative review process described below, in order to identify major modifications and to assure that such modifications are processed in accordance with the Secretary's responsibilities. It is understood that

modifications which are clearly minor may be approved by State Lands with regard to those requirements imposed by the State program. The State will be guided in determining whether such modifications are major or minor based on the definition of a major revision as found in the approved State program. See, Montana ARM Section 26.4301(37). However, the Secretary, through the United States Geological Survey (USGS), retains approval authority over minor modifications as they affect requirements imposed by the Mineral Leasing Act of 1920, as amended.

One commenter suggested that Article V(A)(5) be revised and set forth as a separate requirement under Article V(A). The comment was accepted because the provision does not prescribe a "determination of compliance with," but rather the provision indicates that a permit applicant will satisfy the requirements of 30 CFR 721.12(b)(1) and 30 CFR 721.13(c) by submitting the information required by Montana.

Article V(B)(1) gives the State primary responsibility for review of mining plans and permit applications required by 30 CFR 741.13. The Secretary, through OSM's Regional Director, shall assist the State as requested, and shall evaluate the State's conclusions in order to independently determine whether the Secretary concurs in the State's decision. The reader should note that while the State is required to prepare the documentation and recommend a decision on the mining plan and permit application, such decision packages must provide sufficient information to satisfy the legal and procedural requirements of the Department of the Interior. Should the State's documentation be insufficient to support a Secretarial decision for Federal lands, the Department must perform (either with State Lands, or independently) whatever work is necessary to supplement the decision package so that it meets the administrative standards required for Federal decisions. Thus, close coordination and communication with the State during the review process is essential in order to facilitate decision packages from the State upon which the Secretary may properly base his decisions.

Article V(B)(2) provides that the SRA will be the primary point of contact for operators (i.e., applicants) regarding mining plans and permit applications. All joint State-Federal determinations will be channeled to applicants through State Lands. State Lands will provide to the Regional Director copies of all correspondence with the applicant and

any information received from the applicant which may have a bearing on decisions regarding the mine plan and permit application. Previous versions of the agreement did not provide that " * * * any information received from the applicant * * *," be sent to the Regional Director. This language was suggested by OSM and agreed to by State Lands in order to ensure that all pertinent information would be available to OSM.

One commenter suggested that Article V(B)(2) further be clarified by specifying that "a copy" of all correspondence between the State and the applicant which may have a bearing on decisions regarding the mine plan be sent to the Regional Director. The Secretary accepted this recommendation.

With respect to matters covered by the State program, OSM will not, except in exigent circumstances, independently initiate contacts with applicants concerning completeness or deficiencies of mining plans and permit applications with respect to matters which are properly within the jurisdiction of State Lands. The language allowing OSM to independently contact the applicant in exigent circumstances was agreed to by State representatives on December 21, 1980 (see, Montana Administrative Record No. 18). However, the article provides that the Secretary may independently contact applicants to carry out responsibilities under other Federal laws, or in instances of disagreement over the Act and the Federal lands program. Copies of such independent correspondence which may have a bearing on decisions regarding the mining plan and permit application between OSM and applicants will be sent to the State.

One commenter suggested that the language in Article V(B)(2) stating that "(t)he Secretary reserves the right to act independently of the State to carry out his responsibilities under laws other than the Federal Act * * *," be revised to include specific reference to the authorities reserved under 30 CFR 745.13. The Secretary has declined to adopt the suggested language since its intent has been accomplished through the provisions of Article XV, "Reservation of Rights".

Another commenter suggested that the language in paragraph (B)(2) indicating the Secretary reserves the right to act independently of the State in areas of disagreement should be deleted. This comment has been rejected because, as stated previously, the Secretary retained his ultimate responsibility to make independent decisions to allow mining on Federal lands pursuant to Section 523(c) of the Act, 30 U.S.C. 1273(c), and

30 CFR 745.13. It should be noted, however, that while the Secretary declined to delete this language, it is anticipated that, because of the close coordination and communication necessary to properly carry out the terms of this agreement, there should be few instances of disagreement on decisions regarding the review of and approval of mining plans which will require him to make an independent decision that is inconsistent with the recommendations of the State.

Article V(B)(3) makes the Regional Director responsible for ensuring that information received by OSM regarding the application be sent to State Lands. During the process of reviewing mining plans and permit applications, the Regional Director and State Lands will maintain coordination. The Secretary regards this coordination as crucial if timely decisions are to be made. Close coordination throughout the review process will help to assure that the State's work will produce a decision package which can support a Secretarial decision, thus obviating the necessity for additional work (and time) after the State has forwarded its recommended decision to the Regional Director.

Recognizing that other Federal agencies have varying degrees of responsibility over mining plans and permit applications on Federal lands in Montana, Article V(B)(4) makes the Regional Director responsible for obtaining on a timely basis and making known to State Lands the views of other Federal agencies. Likewise, State Lands shall inform the Regional Director of its findings which bear on the responsibilities of other Federal agencies. The effect of this article, therefore, is to make the Regional Director responsible for obtaining the views of all agencies on the Federal side, and State Lands responsible for obtaining the views of all agencies on the State side, with such coordination to be done in a timely manner and with information to be exchanged. By designating OSM, through the Regional Director, as the coordinator for obtaining the views of all Federal agencies which may have some degree of responsibility over mining plans and permit applications on Federal lands, the article responds to a commenter who suggested that procedure. Previous versions of the agreement limited the Regional Director's responsibility to obtaining the views only of Federal agencies in Interior. Designation of a single contact point for all Federal agencies will contribute to a more efficient review process and will better enable State Lands to meet the time

deadlines of the State program. The State expressed agreement with this procedure on December 17, 1980. *See*, Montana Administrative Record No. 16.

In adopting this comment, the Secretary has rejected a comment that State Lands should be given the authority to "coordinate the review and approval of * * * all federal permits for mining operations." The same commenter also believed that OSM should defer to State and Federal regulatory authorities implementing other Federal laws. Again, the approach taken in Article V(B)(4) is acceptable to the State, promotes efficiency and aids in completing the review process within the State program time deadlines. Because the Secretary is responsible for complying with all Federal laws and regulations on Federal lands under his jurisdiction, it is appropriate for OSM to act as coordinator for obtaining the views of other Federal agencies so that the Secretary may assure compliance with the approved State program and other federal standards.

Article V(B)(4) also includes a provision requiring the Regional Director to take appropriate action to facilitate discussions between State Lands and Federal agencies concerning problems identified in the review.

Article V(B)(5) begins discussion of the actual review process. After receipt of a mining plan and permit application, the Regional Director will begin a review of apparent completeness of application. The Regional Director must designate an OSM application manager to serve as the primary point of contact between OSM and State Lands during the review process. OSM's application manager is responsible for identifying areas of avoidable duplication of review and analysis, and such duplication must be eliminated by the Regional Director.

Within 90 days of receipt of the application, OSM and State Lands must meet to discuss the application and agree upon a work plan and schedule for the review of the application. The Regional Director must identify specific or general areas of concern and recommend possible OSM assistance. State Lands will inform OSM of areas requiring OSM assistance.

Designation of an application manager to coordinate OSM responsibilities (including obtaining the views of other Federal agencies) and to identify areas of avoidable duplication will reduce OSM involvement in a review for which the State is to be primarily responsible. The Secretary believes that these provisions in the final agreement will promote efficiency and serve to diminish duality of administration in the review process.

However, some degree of duplication may remain. OSM must be familiar with the application in order to identify specific or general areas of concern which require special handling or analysis, to assist State Lands where assistance is requested, to assure compliance with other Federal laws, regulations, and policies and with provisions of the Act which may not be covered in the State program (e.g., designation of Federal lands as unsuitable), and to be in a position to review the State's documentation and recommended decision to assure that the decision package meets those Federal legal and procedural requirements necessary to produce a legally supportable Secretarial decision. Absent unique or special circumstances, the State will be primarily responsible for completeness review of those aspects of the mining plan and permit application covered by the State program. However, coordination (through the OSM application manager) during the entire process is essential to assure that State Lands and OSM will meet the time deadlines of the Montana State program and, to the extent possible, that the State's proposed decision packages will satisfy Federal standards and obviate the necessity for extensive and time-consuming Departmental review prior to Secretarial decision.

Previous drafts introducing the concept of an application manager called for that person to be responsible for the elimination of duplication. Because it is inappropriate to assume that an OSM staff person could be in a position to assume all of this responsibility, the final agreement has been revised to make the application manager responsible for identifying areas of avoidable duplication and charges the Regional Director with responsibility for eliminating duplication.

There are three additional aspects to the problem of eliminating duplication. First, the agreement refers to "avoidable" duplication. As discussed above, it is impossible to eliminate all duplication due to the very nature of State Lands' responsibilities under the State program and the Secretary's overall responsibilities on Federal lands under the Act, the regulations, and other Federal requirements. Thus, some duplication of review is inevitable, although the Secretary fully recognizes the primacy of the State for review and analysis of matters covered by the State program. Second, in attempting to eliminate avoidable duplication, the Regional Director will be bound to

requirements of Federal law and Departmental regulations. Thus, situations may arise where the Regional Director does not have the authority to eliminate a particular duplicative item and may only recommend elimination of duplication, subject to approval (for example) by the Director, OSM. Third, elimination of duplication, in practice, will require cooperation between OSM and State Lands. In effect, elimination of duplication will be a shared responsibility. As areas of avoidable duplication are identified on a case-by-case basis during the initial reviews of mining plans and permit applications under the cooperative agreement, the entire review process should become more efficient and minimize duality in administration.

Previous versions of the agreement specified that State Lands and the Regional Director should meet to discuss completeness. Because it was inappropriate to require the Regional Director's participation in each meeting of this type, "OSM" has been substituted for "Regional Director" in order to clarify that the Region's technical staff may carry out this function.

Article V(B)(6) provides that the requirements of Montana ARM 26-4-401 through 411 replace the requirements of 30 CFR 741.18, except that all public meetings and hearings during the period prior to the initial permit decision shall be announced and conducted jointly.

This provision deletes the reference to 30 CFR 741.21 which appeared in previous versions of the agreement. *See*, 45 FR 58380 (September 3, 1980) and 45 FR 74735 (November 12, 1980). This change was agreed to by State representatives on December 17, 1980. *See*, Montana Administrative Record No. 16. The Director is required under 30 CFR 741.21 to make a decision within 60 days of an informal conference. Because the cooperative agreement represents an initiation of State primacy on Federal lands, it was not considered appropriate to impose a Federal time frame on what otherwise is a State-determined process. The provisions of the approved State program will be applicable regarding the timing of State review of mining plans and permit applications.

Article V(B)(7) provides that, except as otherwise agreed for a specific mine plan and permit application, all environmental assessments and analyses to comply with the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) and the Montana Environmental Protection Act (MEPA) shall be conducted as authorized by 40 CFR 1506.2

("Elimination of duplication with State and local procedures.") Further, to the extent allowed by Federal law and regulation, State Lands and OSM will cooperate to the fullest extent possible so that one Environmental Impact Statement and/or Environmental Assessment will be produced to comply with MEPA and NEPA for a proposed mining and reclamation plan. The document will be prepared by State Lands if the Secretary provides the State with any necessary funding to complete the statement. Finally, the Secretary reserves his authority, and will exercise his obligation to independently evaluate and approve the final document. For further discussion of State-Federal coordination in NEPA compliance activities, refer to the discussion below (Article V(B)(8)) concerning OSM's use of the State's technical/environmental analysis.

One commenter suggested that the language in Article V(B)(7) be changed to indicate that the environmental assessment and/or environmental impact statement for a mining plan and permit application "may" be prepared by State Lands. The Secretary rejected this suggestion. The word "will" was retained because it is intended that this environmental work would be a responsibility of State Lands. First, this approach is consistent with one of the primary purposes of the cooperative agreement—to eliminate intergovernmental overlap and duplication. Second, such action will be taken on a case-by-case basis "to the extent allowed by Federal law and regulation." Third, such an approach is authorized under 40 CFR 1506.2, provided that the Secretary reserves his authority to evaluate independently and approve the final environmental assessment or environmental impact statement.

Article V(B)(8) provides that State Lands shall prepare, unless the work plan and schedule provide otherwise, a technical/environmental analysis document which will include a proposed final decision on the mining plan and permit application. State Lands will send to the Regional Director copies of drafts of these documents, and the Regional Director will review the documents and inform State Lands within 30 days of changes that are necessary, unless a later date is mutually agreed upon. After considering the comments of the Regional Director, State Lands will send back a final technical/environmental analysis document and a proposed final decision on the mining plan and permit application. After receipt of the

documentation, the Regional Director will have 30 days in which to act. Should no further changes be required, the Regional Director will proceed in accordance with 30 CFR 741.21 and inform State Lands of his action. Finally, in the event State Lands and the Regional Director cannot agree to the final actions to be taken by State Lands and the Department on the mining plan and permit application, the matter shall be referred to the Governor and Secretary for resolution.

Under the Federal lands program, OSM prepares a recommendation package which typically consists of a technical analysis, environmental assessment (and/or an environmental impact statement), proposed stipulations and other documents (e.g., regional recommendation, comment letters, concurrence letters). See, for example, 45 FR 80368 (December 4, 1980), announcing the notice of pending decision and availability of documents for the Rosebud area B mine in Rosebud County, Montana. These documents constitute "the record" upon which the Secretarial official makes a decision on the mining plan pursuant to Section 523(c) of the Act. 30 U.S.C. 1273(c).

The cooperative agreement assigns responsibility (unless altered by mutual agreement during the work plan stage) for the technical/environmental analysis to State Lands. Such documentation will be prepared by State Lands in accordance with the requirements of the State program, and with a special understanding of those legal and procedural requirements necessary for a decision package that will support a Secretarial decision on the mining plan. It is anticipated that coordination and cooperation between OSM and State Lands throughout the review process (e.g., at the completeness review stage, or at the stage where the Regional Director comments on State Lands' final draft documentation) will result in State Lands' final documentation and recommended decision being sufficient to support a Secretarial decision following mandatory OSM review. In instances where the documentation is insufficient to comply with the Federal administrative standards required for Secretarial decisions, State Lands (or OSM independently) must supplement the record. At a minimum, State Lands' documentation will become a part of the overall Secretarial decision package, subject to OSM supplementation in order to produce a decision package that will satisfy Federal legal and procedural requirements for such decision. It is the Department's responsibility, after review of the State's final

documentation and recommended decision (and OSM should be well-informed due to close coordination with State Lands throughout the review process) to assure that the Regional Director's recommendation is in compliance with the standards of the Act, the regulations, and all other applicable Federal laws and policies. For this reason (along with previous discussion concerning the Secretary's responsibility to assure compliance with the Act, the regulations, and all other Federal laws and requirements), the Secretary rejected the suggestion of one commenter that the agreement state specifically that the Department will not refuse to approve an application which meets Montana's State program requirements.

Two commenters were concerned about the participation of the Federal surface managing agencies in the review process. One suggested a requirement for immediate notice of proposed mining activities in the vicinity of the boundaries of any unit of the National Park Service. Another suggested a provision requiring State Lands to consult with the surface managing agency during preparation of the technical/environmental analysis. The Secretary declined to add this specific requirement to the agreement, but notes that full consideration of the views of the surface managing agency is assured through the coordinating efforts of the OSM application manager (Article V(B)(5)) and the obligation of the Regional Director to facilitate discussion between State Lands and concerned Federal agencies wherever desirable (Article V(B)(4)).

Several changes to the specific text of Article IV(B)(8) were recommended by OSM and accepted by Montana. First, the Regional Director's review of the draft technical/environmental analysis is required to be completed within 30 days *unless a later date is mutually agreed upon*. The emphasized language was added in order to allow the Regional Director some flexibility in instances where a particular mine plan may be complex. OSM, however, will make every reasonable effort to assure that the 30-day time limit is met. Addition of the language also responds to a comment suggesting that some flexibility would be necessary.

A second change involves deletion of a provision allowing for referral to the Governor and the Secretary in instances where the Regional Director failed to act within 30 days or where the changes requested by OSM were not agreeable to the State. The intent of this provision had been to induce the Regional

Director to act in a timely manner on the final State submission. Both OSM and Montana agree that, if they cannot reach agreement on the final decision, their differing recommendations would be referred to the Governor and the Secretary for resolution. However, the Regional Director would at least be required to inform State Lands of any needed changes or to proceed in accordance with 30 CFR 741.21 within the 30-day limit.

By agreement with the State of Montana, a provision has been deleted which prohibited delegation by the Governor and the Secretary for decisions on areas of disagreement on the final action which are referred to them for resolution. The cooperative agreement was determined not to be the appropriate vehicle to restrict the Secretary's authority to delegate. The Department and Montana agree that this requirement was overly restrictive.

One commenter suggested that the language in Article V(B)(8) concerning the referral of areas of disagreement or delay to the Governor and the Secretary for resolution include specific language indicating that final authority will rest with the Secretary. The Secretary declined to include this specific language because it is understood that the Secretary retains his ultimate responsibility to make independent decisions to allow mining on Federal lands.

It is appropriate to discuss here the use by OSM of the technical/environmental analysis prepared by State Lands for satisfying the Secretary's obligations under NEPA. The Department and its member offices and bureaus must comply with NEPA, its implementing regulations, and the Department's own guidelines. 40 CFR Part 1500 *et seq.*, (regulations of the Council on Environmental Quality); 45 FR 27451-48, April 23, 1980, (Department of the Interior Notice of Final Revised Procedures); *see also*, 45 FR 10043-45 (February 14, 1980), (Notice of Proposed Revised Instructions for the Office of Surface Mining). These authorities require the Department, prior to a decision on a mining and reclamation plan on Federal lands, to prepare an environmental assessment or environmental impact statement. The current regulations (30 CFR 745.13(b)) do not allow the Secretary to delegate his NEPA duties to the States. However, the Secretary believes that this regulation allows States to assist in preparation of NEPA documents. In other words, the Secretary must assume full responsibility for ensuring compliance with NEPA, but joint preparation of

environmental documents is an authorized means of achieving that compliance. 44 FR 14987-88 (March 13, 1979). General authority for allowing joint preparation of environmental documents is found at 40 CFR 1506.2. However, the Secretary reserves his authority, and will exercise his obligation, to evaluate independently and approve the final environmental assessment or environmental impact statement.

The theory underlying NEPA compliance for the Montana cooperative agreement is that the analysis contained in State Lands' technical/environmental analysis will be readily adaptable into an environmental assessment because Montana has a State statute (Montana Environmental Policy Act) similar to NEPA. After independent review and analysis, the Secretary may be able to approve such an environmental analysis as a final NEPA compliance document. During the early stages of implementation of this cooperative agreement, OSM may, to some extent, be required to supplement portions of State Lands' environmental analysis so that the documentation complies with the requirements of NEPA. However, it is expected that the identification of problems and issue areas during the joint case-by-case review of initial mining plan and permit application submissions will lead to a thorough understanding by State Lands of the Secretary's NEPA obligations, and that this understanding (along with consultation and cooperation throughout the review process) will eventually result in environmental analysis documents prepared by the State which can be approved in full by the Secretary after independent review and analysis. In instances where it is determined during the review process that an environmental impact statement will be necessary in order to satisfy the requirements of NEPA, State Lands' environmental analysis will become a part of the record upon which OSM will base its substantive analysis. OSM will complete the document in full compliance with Federal administrative requirements and OSM and Departmental policies and procedures. *See*, Article V(B)(7).

Finally, it should be noted that the Secretary believes that certain of the "other" Federal requirements for which the Secretary is obligated to assure compliance are susceptible to joint participation by State Lands and OSM during the technical/environmental analysis stage of the review process (similar to the discussion above concerning joint preparation of NEPA

compliance documents, with independent review and approval by the Secretary). Included among these are requirements of Executive Order No. 11988 (May 24, 1977) for floodplain protection; Executive Order No. 11990 (May 24, 1977) for wetlands protection; and the National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.* A discussion of some Federal requirements for which it is anticipated that State Lands may perform much of the work to assure compliance is included below in connection with Article XV.

As noted in the discussion for Article V(B)(4), the Regional Director is responsible for obtaining necessary approvals from other Federal agencies. It is intended that OSM will cooperate closely throughout the entire review process with those other Federal agencies whose views are necessary or whose approvals are required so that those necessary approvals can be made in a timely manner. Under 30 CFR 741.21(a)(1), the Regional Director is required to obtain the concurrence of the Director, USGS, for compliance with the requirements of the Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, relating to the development, production and recovery of mineral resources. Such concurrences must be obtained prior to the Regional Director's approval of the decision package. The Regional Director shall, therefore, be responsible for obtaining the concurrence of these agencies within the 30-day time limit, or for contacting State Lands within 30 days concerning difficulties expressed by those agencies.

Another general point concerns what will happen after the Regional Director has taken his 30-day action on the State's final documentation and recommended decision. If no further changes are required, Article V(B)(8) provides that the Regional Director shall proceed in accordance with 30 CFR 741.21 and inform State Lands of his action. Accordingly, the Regional Director will forward to the Director, OSM, the decision package, consisting of the State's final documentation and recommended decision, any additional changes or findings or compliance documents by the Regional Director, the mandatory concurrences of the authorized officer of the surface managing agency and the Director, USGS, pursuant to 30 CFR 741.21(a)(1), and the Regional Director's recommended decision. The Director shall then obtain the approval of the Secretary for the mining plan, after which the permit application may be approved.

The decision process after the Regional Director's 30-day action is not subject to the time schedules of the Montana State program. Nor, it should be pointed out, is the timing requirement of 30 CFR 741.21(a)(4)(i) applicable to this decision. The approved State program provides for a decision by the State within a time frame approved by the Secretary as substantially equivalent to the requirement of 30 CFR 741.21(a)(4)(i), but that regulation does not take into account the joint (*i.e.*, two-step) State and Federal decision-making process that must take place under the cooperative agreement. Nevertheless, in practice, the final action taken by the Regional Director (*i.e.*, the delegated representative of the Director and the Secretary) will be of such quality as to result in a minimum of delay for the final Secretarial decision on the mining plan and the subsequent decision on the permit application. In other words, the decision package submitted by the Regional Director should fully comply with all Federal legal and procedural requirements necessary to produce a legally supportable Secretarial decision, and final Secretarial action should occur expeditiously. Of course, unanticipated delays could occur if issues arise during the course of the review of the decision package by the Director, the Secretary, or their respective staffs.

If the Regional Director's 30-day action constitutes a notification to the State of problems or issues which need to be resolved prior to submission to the Secretary, OSM and State Lands will cooperate to resolve these difficulties in an expeditious manner. Once the difficulties are resolved and the Regional Director approves a final decision package, the Regional Director will then proceed in accordance with 30 CFR 741.21. Despite the fact that every reasonable effort will be made to resolve these problems at the regional level, issues that cannot be resolved will be referred, by the terms of the cooperative agreement, to the Governor and the Secretary for resolution.

Another general point concerns the effect of NEPA compliance on the Regional Director's ability to make a decision within the 30-day time limit. It should be recognized that the amount of time necessary for Federal compliance with NEPA may require that the time schedule be extended. NEPA imposes upon the Department major obligations for which the Secretary has ultimate responsibility to assure compliance. For mining plans and permit applications where an environmental assessment alone will satisfy the requirements of NEPA, OSM anticipates that NEPA

compliance documents shall be completed in a timely manner to assure that the Regional Director can act within the designated time period. In those instances where an environmental impact statement (EIS) is necessary, however, the more detailed review and analysis and more stringent procedural standards may create a situation in which the State is prepared to forward its decision to the Regional Director (under the time schedules of the Montana State program) prior to completion of the EIS document. In such cases, the Regional Director may review and comment informally to State Lands concerning the acceptability of State Lands' final documentation and recommended decision. However, final review by the Regional Director must await completion of the EIS because the Regional Director's recommendation to the Director must take into account those factors discussed in the EIS. See, 40 CFR 1502.1. Further consideration of the EIS will take place when the decision package is forwarded to the Secretary. So, in those cases where the EIS is not complete at the time the SRA sends to the Regional Director the State's final documentation and recommended decision on the mining plan and permit application, the Regional Director will have 30 days from completion of the EIS to act on the State's decision package.

In conclusion, every reasonable effort will be made to assure that the time schedules of the State program are followed prior to final submission to the Regional Director, and final Secretarial decisions after the Regional Director's action will be made in as expeditious a manner as possible.

Article V(B)(9) provides that nothing in the cooperative agreement shall be construed to limit the Secretary's authority under 30 CFR 741.16 ("Conditions of permits."), 30 CFR 741.17 ("Criteria for permit approval or denial."), and 30 CFR 741.21 ("Review of permit applications."). OSM believes, however, that the conditions of these Federal regulations will be satisfied through application of the approved State program and the procedures outlined in this cooperative agreement.

Having completed the summary and disposition of specific comments on Article V, OSM wishes to respond to several comments on Article V in general.

One commenter (the USGS) raised questions concerning the effect of the cooperative agreement on the regulation of coal exploration on Federal lands in Montana.

Coal exploration activities on Federal lands are currently governed by 30 CFR

Parts 211 and 744 and 43 CFR Part 3410. See also, "Memorandum of Understanding, BLM-GS-OSM, Management of Federal Coal," announced at 44 FR 70009 (December 5, 1979). Briefly, the USGS is responsible for coal exploration activities on Federal lands outside of the permit area for a surface coal mining operation approved under 30 CFR, Chapter VII, Subchapter D. OSM is responsible for the reclamation aspects of coal exploration activities on Federal lands within an approved permit area for surface coal mining and reclamation operations while the USGS is responsible for those aspects related to the coal resource.

Although it does not specifically address exploration activities, the cooperative agreement is not intended to alter the division of responsibilities between Federal agencies under the current scheme for regulation of exploration on Federal lands. It is understood, however, that State Lands will assume OSM's responsibilities while the USGS will continue to meet its exploration responsibilities in cooperation with the State on Federal lands.

One commenter (the USGS) expressed concern over the avoidance of references in the cooperative agreement to the Secretary's responsibilities under the Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.* OSM believes the Secretary's responsibilities for assuring compliance with the Mineral Leasing Act are adequately referenced in the agreement and this Federal Register document. Article XV lists some of the Federal requirements for which the Secretary is responsible, and it includes the Mineral Leasing Act and its implementing regulations.

The State of Montana recognizes that compliance with the Mineral Leasing Act is an essential part of the Secretary's obligations for Federal lands in the State, and understands that The Secretary will not approve a mining plan or permit application until compliance is demonstrated.

Under Article V, OSM expects that the technical/environmental analysis prepared by State Lands on the mining plan and permit application will provide a substantial portion of the record upon which a decision can be based on compliance with the Mineral Leasing Act. Additional studies, reports or investigations which may be necessary to determine compliance will be conducted by the USGS. It is the responsibility of the Regional Director to coordinate closely with USGS throughout the review process so that the required concurrences of the

Director, USGS (see, 30 CFR 740.4) can be obtained in a timely manner. OSM reiterates that the decision package forwarded by the Regional Director to the Director and the Secretary must demonstrate compliance with *all* Federal laws, regulations, and policies for which the Secretary has ultimate responsibility on Federal lands.

Finally, it is important to note with regard to Article V that the Secretary expects decisions on permit renewals, permit revisions, and applications for the transfer, assignment or sale of rights granted under permits to be reached in accordance with both the requirements of the Act and regulations (see, 30 CFR 741.23, 741.24, and 741.25) as incorporated in the approved State program, and the procedures and requirements set out in this agreement for mining plan and permit application review.

Article VI: Inspections. Article VI(A) provides that State Lands shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with the State program.

Article VI(B) provides for the filing of State inspection reports with the Secretary within 15 days of any inspection on Federal lands. Such reports shall describe the general conditions of the lands under the lease, permit or license, the manner in which operations are being conducted, and the operator's compliance with applicable performance and reclamation standards.

Under Article VI(C), State Lands is designated as the point of contact for operators and the sole inspection authority for compliance with requirements covered by the cooperative agreement. However, nothing in the agreement prevents Federal agencies from conducting inspections for purposes other than those covered by the agreement. Article VI(D) provides that the Department may conduct any inspections necessary for compliance with 30 CFR Part 842 and its obligations under laws other than the Act.

Article VI(E) requires the Regional Director to give State Lands reasonable notice prior to conducting a Federal inspection so that State inspectors may have an opportunity to participate. Where the inspection is to be conducted under 30 CFR 842.11(b)(1)(ii)(C) in response to a citizen complaint of an imminent environmental danger or threat to human health, State Lands will be contacted, if practicable, no less than 24 hours prior to the Federal inspection in order to facilitate joint participation. This article preserves, however, the right of the Secretary to conduct inspections without prior notice if

necessary to carry out his responsibilities under the Act.

Under Article VI(F), representatives of the State and the Department will be made mutually available to serve as witnesses in enforcement actions taken by either party.

State Lands is the primary inspection authority under this agreement. However, the article reserves to the Secretary his authority to conduct inspections to assure compliance with the Federal laws and regulations for which he maintains ultimate responsibility on Federal lands. Article VI(D). Thus, the Secretary may conduct any inspections required by 30 CFR 743.4 (c) and (d), and any inspection under 30 CFR 743.4(a) for requirements other than those incorporated in the approved State program. Inspections under 30 CFR 743.4(a) for requirements covered by the approved State program are properly delegable to the State under 30 CFR 743.4(b).

The Secretary has at least two mechanisms for maintaining cognizance over, and oversight of, the quantity and quality of inspections by State Lands. First, the cooperative agreement provides for State Lands to file with the Secretary reports of all inspections conducted. Second, the cooperative agreement specifically provides that the Secretary may conduct *any* inspection necessary to assure compliance with 30 CFR Part 842 (including citizens' requests under 30 CFR 842.11(b) and 842.12). Through this mechanism, the Secretary retains the authority (in an oversight capacity) to assure compliance with the requirements of the Act. In other words, the delegation of inspection authority to the State under 30 CFR Part 743 for those requirements of the Act and the regulations which are incorporated into the approved State program is essentially a delegation of the primary authority and lead responsibility for inspections on Federal lands in Montana. Such delegation is consistent with the goals underlying the development of cooperative agreements. Yet, the Secretary retains, under 30 CFR Part 842, an oversight responsibility and authority for inspections to assure that State Lands is properly exercising its inspection responsibilities under 30 CFR 743.4(b), the State program, and this cooperative agreement.

Finally, readers should note that failure of State Lands to properly carry out its inspection responsibilities could result in termination of the agreement pursuant to Article X and 30 CFR 745.15. Thus, OSM believes the inspection provisions of the agreement, with delegation of lead responsibility to the State and maintenance of full authority

by the Secretary under 30 CFR Part 842 assures compliance with the mandates of the Act, as fully comporting to the requirements of the Act and the goals of the cooperative agreement.

One commenter urged the inclusion in Article VI (D) and (E) of language specifically referring to the Secretary's inspection obligations under the Mineral Leasing Act of 1920. Another commenter suggested that the article refer to the Department's authority to conduct inspections under 30 CFR 745.13 ("Authority reserved by the Secretary."). The Secretary declined to include a specific reference to both of these because it is clearly understood that the Secretary's authority to conduct any inspections necessary to comply with "obligations under laws other than the Act" includes inspections for compliance with the Mineral Leasing Act and 30 CFR 745.13. In addition, the Mineral Leasing Act is specifically listed in Article XV, under "Reservation of Rights."

One commenter requested that the reference to 30 CFR Part 743 in Article VI(D) be deleted. The comment was accepted because the references to both 30 CFR Part 743 and to "obligations under laws other than the Act," also in the paragraph, were redundant.

Finally, one commenter urged addition of a provision requiring that the surface managing agency be contacted for possible participation in inspections initiated when environmental dangers are identified. The Secretary declined to include this suggestion as a specific provision in the agreement, but notes that it is the responsibility of OSM to coordinate with all other Federal agencies having obligations on the affected lands.

Article VII: Enforcement. Article VII(A) provides that, with respect to the requirements of the cooperative agreement and the State program, State Lands is the primary enforcement authority. Under Article VII(B), State Lands shall have primary responsibility, during any joint inspections with Interior, for enforcement actions, including issuance of orders of cessation and notices of violation. In addition, the article provides for consultation between Interior and State Lands prior to a decision to suspend or revoke a permit. Article VII(C) requires prompt and reciprocal notification by State Lands and OSM of all violations of applicable laws, regulations, orders, or approved mining plans and permits, and of enforcement actions taken. Article VII(D) indicates that the agreement does not limit the authority of the Secretary

to enforce violations of Federal laws or conditions of a permit.

Montana agreed on December 17, 1980 (see, Montana Administrative Record No. 17) to delete the phrase "except as specifically stated" from Article VII(D). The intent of this change is to preserve the Secretary's authority to take enforcement action in the event of failure by State Lands to take appropriate action after notification pursuant to section 521(a)(1) of the Act, in the imminent danger situation, and pursuant to other Federal laws.

Article VIII: Bonds. This article creates requirements for joint Federal and State approval and release of performance bonds for surface coal mining and reclamation operations on Federal lands in accordance with the procedures and requirements of the approved State program and Federal law. Montana's system of bonds and liability insurance or other equivalent guarantees is generally described in Part 7(c) of Montana's program submittal. Special requirements of the Mineral Leasing Act and other Federal laws appear at 30 CFR Part 742 and 43 CFR Part 3504.

Article VIII(A) requires operators to submit a single bond payable to both the United States and State Lands to cover the operator's responsibilities under the Federal Act and the State program. The bond shall be of sufficient amount to comply with the requirements of both State and Federal law, and release of the bond is conditional upon compliance with all applicable requirements.

Article VIII(B) requires State Lands to obtain the consent of the Regional Director prior to releasing an operator from an obligation under a bond required by the State program. State Lands must also advise the Regional Director of adjustments to the bond.

The Secretary considered adding the requirement that State Lands obtain the Regional Director's consent for adjustment to bonds. However, because the bond is payable to the United States as well as State Lands there can be no change in the amount unilaterally. Accordingly, this specific requirement is not necessary in the agreement.

The Secretary believes that, in line with the goals underlying State-Federal cooperative agreements, the State should have lead responsibility for implementation of the bonding provisions of the Act, as incorporated into the approved State program. Thus, in accordance with the terms of the agreement, the State will be responsible for the procedural requirements of the bonding provisions. However, readers should note that any bond release is subject to the consent of the Regional

Director (and such consent will include, among other factors, consideration of compliance with Mineral Leasing Act requirements).

Article IX: Designation of Lands as Unsuitable. This article provides for State Lands and the Regional Director to cooperate in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations. When either agency receives a petition that could impact adjacent Federal or non-Federal lands, the agency will notify the other of its receipt and of an anticipated schedule for reaching a decision, and will request and fully consider data, information and views of the other. The Secretary, or his designated representative, reserves the right to designate Federal lands as unsuitable for mining. Finally, petitions for designation of Federal land are to be filed with the Regional Director and processed in accordance with 30 CFR Part 769.

Deleted from Article IX was a requirement that petitions for designation of lands as unsuitable be filed with the Regional Director and processed in accordance with the Administrative Procedures Act, 5 U.S.C. 500 *et seq.* This requirement had appeared in previous versions of the agreement. It was deleted in order to clarify that specific procedures regarding petitions on Federal lands are in fact described at 30 CFR Part 769. This change was agreed to by State representatives on January 21, 1981 (see, Montana Administrative Record No. 18).

Article X: Termination of Cooperative Agreement. This article provides for termination of the cooperative agreement in accordance with 30 CFR 745.15.

Article XI: Reinstatement of Cooperative Agreement. This article provides that a terminated cooperative agreement may be reinstated under the provision of 30 CFR 745.16.

Article XII: Amendments of Cooperative Agreement. This article provides that the cooperative agreement may be amended by mutual agreement of the Governor and the Secretary in accordance with 30 CFR 745.14.

Article XIII: Changes in State or Federal Standards. Article XIII(A) states that Interior or the State may, from time to time, promulgate new or revised performance standards, reclamation requirements, or enforcement and administrative procedures. For those changes which require rulemaking, each party shall have six months in which to make such changes, unless mutually extended. Montana will have a longer time (until the close of the next regular legislative session) within which to

make changes which requires legislative authorization. Compliance with this article requires that Interior and the State inform each other of any proposed or final changes to their respective laws or regulations as provided in 30 CFR 732.17. Further, Article XIII(B) requires that the State and Interior provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this agreement. Additionally, OSM notes that changes or revisions to the laws, rules, regulations, or standards of the State program may not interfere with the Secretary's obligation on Federal lands to assure compliance with applicable Federal laws and regulations.

Article XIV: Changes in Personnel and Organization. As required by 30 CFR 745.12(d), this article requires the parties to report to each other any substantial changes in funding, staffing, structure, or other changes which would affect the administration and enforcement of the cooperative agreement.

Article XV: Reservation of Rights. This article is mandated by Section 523(c) of the Act, 30 U.S.C. 1273(c), 30 CFR 745.13, and other authorities. It makes clear that certain responsibilities of the Secretary may not be delegated to the State, and that the cooperative agreement shall not be construed as waiving or preventing the assertion of any rights not expressly addressed in the agreement or available to the parties under other laws and regulations, including those cited specifically in the article.

One commenter suggested that three additional Federal laws be cited among those listed in Article XV including "the Land Policy and Management Act", "the Endangered Species Act" and "the Fish and Wildlife Coordination Act." The same commenter pointed out that it is important that § 745.13(m) of the Surface Coal Mining and Reclamation Operations regulations be implemented. That provision specifically requires that the Secretary not delegate to the State his authority for compliance with Section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1536). The Secretary declined to include the addition of the suggested laws because the listing of laws in Article XV was not intended to be an all-inclusive listing of Federal laws for which responsibility must be reserved to the Secretary. It is understood (and the agreement adequately provides) that the Secretary retains his authority for "other" laws and regulations pursuant to 30 CFR 745.13, including compliance

with the consultation requirements of Section 7(a) of the Endangered Species Act of 1973, as amended.

One commenter (USGS) suggested that Article XV should include language specifically stating that the Secretary reserves inspection and enforcement rights under 30 CFR Part 211 and the Mineral Leasing Act of 1920, as amended. The Secretary declined to include this specific language, noting that compliance with the Mineral Leasing Act of 1920, as amended, is already included in this article as a responsibility reserved to the Secretary. Accordingly, it is understood that the Secretary's inspection and enforcement obligations under the Mineral Leasing Act of 1920, as amended, are preserved.

Pursuant to 30 CFR 745.13 and the terms of Article XV, the Secretary reserves authority and responsibility for several Mineral Leasing Act functions (e.g., evaluation of coal resources, release of lease bonds, and surface owner consent determinations). The Secretary also reserves the authority and responsibility for several specific functions which are part of the mining plan and permit application review procedures discussed above.

It is important to note that, in a manner similar to that described previously concerning Departmental compliance with NEPA, it is possible and desirable for State Lands to perform much of the basic research and analysis required for a Secretarial decision on compliance with other Federal laws, regulations, and policies in the process of finalizing the State's technical/environmental analysis. With regard to the National Historic Preservation Act, for example, the Advisory Council on Historic Preservation has indicated (in their comments submitted on a similar proposed cooperative agreement with the State of Wyoming (see, Montana Administrative Record No. 19)) that it would not be inappropriate if the State were given the lead for certain aspects of the Secretary's responsibilities under Section 106 of the National Historic Preservation Act.

Specifically, the Advisory Council believed that functions described in paragraphs II A-C of a "Programmatic Memorandum of Agreement Among the Department of the Interior, Bureau of Land Management, Office of Surface Mining Reclamation and Enforcement, and United States Geological Survey, and the Advisory Council on Historic Preservation regarding the Federal Coal Management Program," including identification of properties listed and eligible for listing in the National Register, might logically be assigned to a State Regulatory Authority "provided

the (SRA) is required to adhere to the same identification standards utilized by Federal agencies, and given OSM oversight and monitoring." The advisory council also believed that those functions described in Paragraph II D-F of the Programmatic Memorandum of Agreement should remain with OSM. The Secretary will use the comments of the Advisory Council as guidance in reaching case-by-case decisions on the degree to which requirements of the National Historic Preservation Act can be satisfied through the SRA's technical/environmental analysis. However, the Secretary reiterates that any State analysis used for assuring compliance with these and other Federal requirements will be subject to OSM supplementation where necessary, and independent review and decision by the Secretary.

Article XVI: Definitions. This article states that terms and phrases used in the agreement shall have the same meanings as set forth in 30 CFR Parts 700 and 701.

One commenter (USGS) suggested that the terms "Technical Analysis" and "Environmental Analysis" as used in Article V(B)(8) should be defined, noting that the terms are not defined in either 30 CFR Part 700 or Part 701. The Secretary declined to accept this comment. The previous discussion in Article V(B)(8) in this *Federal Register* document, while not specifically defining the terms, does provide an adequate understanding of the meaning of the terms. Further, it is not desirable at this time to define the terms specifically so as to overly restrict their applicability during the process of mining plan and permit application review.

Determinations Under Executive Order 12291, The Regulatory Flexibility Act and The National Environmental Policy Act

OSM has examined this final rule under Section 1(b) of Executive Order 12291 (February 17, 1981), and determined that it does not constitute a major rule.

Further, this final rule has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and OSM has determined the final rule will not have a significant economic effect on a substantial number of small entities. A cooperative agreement does not impose additional requirements on coal mine operators. The principal impact is that regulatory requirements on Federal lands in Montana will be administered by the State of Montana rather than by the Federal Government. The differences between Montana and

Federal requirements are due primarily to the State's tailoring of its regulations to fit actual mining and reclamation needs in Montana. Such changes facilitate compliance with the standards of the Act, and therefore, should tend to reduce the economic burden on small entities. Finally, the number of small entities affected is very small. For purposes of the Act, a coal mine operator is a small business if its total annual production of coal does not exceed one hundred thousand tons (see, 43 CFR 14.5(a)(1) and 45 FR 85380 (December 24, 1980)). Based on data compiled by the Bureau of Land Management's "automated coal lease data system" as of October 1, 1980, there is one small operator in Montana which may be affected by this cooperative agreement. This is not a substantial segment of the coal industry. The cooperative agreement would not affect small organizations or small governmental units.

Pursuant to Section 702(d) of the Act, 30 CFR 1292(d), proceedings relating to the adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program and are, therefore, exempt from the requirement to prepare a detailed statement pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

Dated: April 2, 1981

William P. Pendley,

Deputy Assistant Secretary, Energy and Minerals.

Accordingly, Title 30 CFR Part 926 is amended by adding § 926.30 as follows:

PART 926—MONTANA

Sec.
926.30 State-Federal Cooperative Agreement.

Authority: Pub. L. 95-87, sec. 523(c), (30 U.S.C. 1273(c)).

§ 926.30 State-Federal Cooperative Agreement.

Cooperative Agreement

The State of Montana and the Department of the Interior enter into a State/Federal Cooperative Agreement to read as follows:

This is a Cooperative Agreement between the State of Montana, acting by and through the Governor (referred to as the "Governor") and the United States Department of the Interior, acting by and through the Secretary of the Interior (referred to as the "Secretary").

Article I: Introduction and Purpose

A. This Agreement is authorized by Section 523(c) of the Surface Mining Control and Reclamation Act (Federal Act), Pub. L. 95-87, 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved under 30 U.S.C. 1253, to elect to enter into an agreement for the regulation and control of surface coal mining on Federal lands, and by the Montana Strip and Underground Mine Reclamation Act, Part 2, Chapter 4, Title 82, Montana Code Annotated (hereinafter "State Act"). This agreement provides for State regulations of surface coal mining and reclamation operations on Federal lands consistent with the State and Federal Acts and the Federal lands program.

B. The purpose of the Agreement is to (1) foster State-Federal cooperation in the regulation of surface coal mining and reclamation operations; (2) eliminate unnecessary intergovernmental overlap and duplication; and (3) provide effective regulation of surface coal mining operations on Federal lands and uniform regulation on all non-Indian lands.

Article II: Effective Date

This Cooperative Agreement is effective following signing by the Secretary and the Governor and upon final publication as rulemaking in the *Federal Register*.¹ This Agreement shall remain in effect until terminated as provided in Article X.

Article III: Scope

This Agreement makes the laws, regulations, terms and conditions of Montana's permanent State program conditionally approved effective April 1, 1980, as amended, 30 CFR Part 928 (State program) for the administration of the Federal Act, applicable to Federal lands within Montana except as otherwise stated in this Agreement, the Federal Act, 30 CFR 745.13, or other applicable laws.

Article IV: Requirements for Cooperative Agreement

The Governor and the Secretary affirm that they will comply with all of the provisions of this Agreement and will continue to meet all conditions and requirements specified in this Article.

A. *Responsible Administrative Agency.* The Montana Department of State Lands (State Lands) is, and shall continue to be, the sole agency responsible for administering this Agreement on behalf of the Governor on Federal lands throughout the State. The Office of Surface Mining Reclamation and Enforcement (OSM) shall administer this Agreement on behalf of the Secretary, in accordance with the Regulations in 30 CFR Chapter VII.

B. *Authority of State Agency.* State Lands has and shall continue to have authority under State law to carry out this Agreement.

C. *Funds.* The State will devote adequate funds to the administration and enforcement on Federal lands in Montana of the requirements contained in the State program. If the State complies with the terms of this

Agreement, and if necessary funds have been appropriated, OSM shall reimburse the State as provided in Section 705(c) of the Federal Act and 30 CFR 735.16 for costs associated with carrying out responsibilities under this Agreement.

D. *Reports and Records.* State Lands shall make reports to the OSM Regional Director, Region V (Regional Director), containing information respecting its compliance with the terms of this Agreement as the Regional Director shall from time to time require pursuant to 30 CFR 745.12(c). State Lands and the Secretary shall exchange, upon request, information developed under this Agreement. The Secretary shall provide State Lands with a copy of any approved evaluation report prepared concerning State administration and enforcement of this Agreement.

E. *Personnel.* State Lands shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Federal and State Acts and the State Program.

F. *Equipment and Laboratories.* State Lands shall have access to equipment, laboratories, and facilities with which all inspections, investigations, studies, tests, and analyses can be performed and which are necessary to carry out the requirements of this Agreement.

G. *Permit Application Fees.* The amount of the fee accompanying an application for a permit shall be determined in accordance with Section 82-4-223(1) MCA. All permit fees shall be retained by the State and deposited in the General Fund. The Financial Status Report submitted pursuant to 30 CFR 725.23 shall include a report of the amount of permit application fees collected and attributable to Federal lands during the prior Federal fiscal year. This amount shall be deducted from the reimbursement to the State provided for in Section 705(c) of the Federal Act, 30 CFR 735.16 and Paragraph IV C of this Agreement.

Article V: Policies and Procedures: Mine Plan Review

A. *Contents of Mining Plans and Permits.* The Governor and the Secretary agree and hereby require that an operator on Federal lands shall submit an identical mining and reclamation plan and permit application or an application for a major modification to an approved mining plan and permit in an appropriate number of copies to State Lands and the Regional Director. The plan and permit application shall be in the form required by State Lands and include any supplemental forms required by the Secretary. The plan and application shall include the information required by, or necessary for, State Lands and the Secretary to make a determination of compliance with:

- (1) Section 82-4-222 MCA;
- (2) Title 26, Chapter 4, Subchapter 3, Administrative Rules of Montana;
- (3) Applicable terms and conditions of the Federal coal lease;
- (4) Applicable requirements of other Federal laws and regulations and the State Program.

A permit applicant on Federal lands in Montana shall satisfy the requirements of 30 CFR 741.12(b)(1) and 30 CFR 741.13(c) by

submitting the information required by Montana.

B. *Mine Plan Review Procedures.* 1. State Lands shall assume primary responsibility for the analysis and review of applications required by 30 CFR 741.13 for surface coal mining reclamation permits on Federal lands in Montana. The Secretary shall, as requested, assist the State through the Regional Director in this analysis and review. The Secretary shall, in addition, evaluate the State's analysis and conclusions as necessary to independently determine whether the Secretary concurs in the State's decision.

2. State Lands will be the primary point of contact for operators regarding the processing of mining plans and permit applications. State Lands will be responsible for informing the applicant of all joint State-Federal determinations. State Lands shall send a copy of all correspondence with the applicant and any information received from the applicant which may have a bearing on decisions regarding the mine plan and permit application to the Regional Director. Except in exigent circumstances, OSM will not independently initiate contacts with applicants regarding completeness or deficiencies of plans and applications with respect to matters which are properly within the jurisdiction of State Lands. The Secretary reserves the right to act independently of the State to carry out his responsibilities under laws other than the Federal Act and in instances of disagreement under the Federal Act. A copy of all independent correspondence with the applicant that may have a bearing on decisions regarding the mining plan and permit application shall be sent to the State.

3. The Regional Director is responsible to ensure that any information OSM receives concerning the application is sent to State Lands. The Regional Director and State Lands shall regularly coordinate with each other during the permit review process as needed.

4. The Regional Director shall be responsible for obtaining, on a timely basis, the views of all Federal agencies with jurisdiction or responsibility over a mine plan and permit application on Federal lands in Montana and for making these views known to State Lands. State Lands shall keep the Regional Director informed of findings during the review which bear on the responsibilities of other Federal agencies. The Regional Director shall take appropriate steps to facilitate discussions between State Lands and the concerned agencies wherever desirable to resolve issues or problems identified in the review.

5. Upon receipt of a mining plan and permit application, the Regional Director shall begin a review of apparent completeness of the application. The Regional Director shall identify a person as the OSM application manager. The OSM application manager shall serve as the primary point of contact between OSM and State Lands throughout the review process and shall be responsible for identifying areas of avoidable duplication of review and analysis, which shall be eliminated by the Regional Director. Not later than 90 days after an application has been

¹ See explanation of Article II in the preamble of this document.

received, OSM and State Lands shall meet to discuss the application and agree upon a work plan and schedule for the review of the application. The Regional Director shall also inform State Lands of any specific or general areas of concern which require special handling or analysis. State Lands shall inform the Regional Director where OSM assistance will be needed to perform any specific or general analysis or prepare any studies or similar work.

6. Compliance with Montana ARM 26.4.401 through .411 replaces the requirements of 30 CFR 741.18 except that all public meetings and hearings during the period prior to the initial permit decision shall be announced and conducted jointly.

7. Except as otherwise agreed for a specific mine plan and permit application, all environmental assessments and analyses to comply with NEPA and MEPA shall be conducted as authorized by 40 CFR 1506.2. To the extent allowed by Federal law and regulation, State Lands and OSM will cooperate to the fullest extent possible so that one Environmental Impact Statement and/or Environmental Assessment will be produced to comply with MEPA and NEPA for a proposed mining and reclamation plan. Such document will be prepared by State Lands if the Secretary provides the State with any necessary funding to complete the statement. The Secretary shall independently evaluate and approve the final document.

8. Unless the work plan provides otherwise, State Lands shall prepare a technical analysis, environmental analysis, and proposed written decision on the mining plan and permit application. Copies of drafts of these documents shall be sent to the Regional Director for his review and comment. The Regional Director shall independently evaluate the documents and inform State Lands within 30 days, unless a later date is mutually agreed upon, of any changes that should be made. State Lands shall consider the comments of the Regional Director and send a final technical analysis, environmental analysis, and proposed decision to the Regional Director for his written concurrence. The Regional Director shall have 30 days to act after receipt of State Lands' final technical analysis, environmental analysis, and proposed decision. If no further changes are required, the Regional Director shall proceed in accordance with 30 CFR 741.21 and inform State Lands of his action. In the event State Lands and the Regional Director cannot agree to the final actions to be taken by State Lands and the Department on the mining plan and permit application, the matter shall be referred to the Governor and Secretary for resolution.

9. Nothing in this agreement shall be construed to limit the Secretary's authority in 30 CFR 741.16, .17, and .21.

Article VI: Inspections

A. State Lands shall conduct inspections on Federal lands and prepare and file inspection reports in accordance with the approved State Program.

B. State Lands shall, within 15 days of conducting any inspection on Federal lands, file with the Regional Director an inspection

report describing (1) the general conditions of the lands under the lease, permit, or license; (2) the manner in which the operations are being conducted; and (3) whether the operator is complying with applicable performance and reclamation requirements.

C. State Lands will be the point of contact and sole inspection authority in dealing with the operator concerning operations and compliance with requirements covered by this Agreement, except as described in this Agreement and in the Secretary's regulations. Nothing in this Agreement shall prevent inspections by authorized Federal or State agencies for purposes other than those covered by this Agreement.

D. The Department may conduct any inspections necessary to comply with 30 CFR Part 842 and its obligation under laws other than the Act.

E. The Regional Director shall give State Lands reasonable notice of his intent to conduct an inspection in order to provide State inspectors with an opportunity to join in the inspection. When Interior is responding to a citizen complaint of an imminent environmental danger or a threat to human health, pursuant to 30 CFR 842.11(b)(1)(ii)(C), it will contact the State no less than 24 hours prior to the Federal inspection, if practicable, to facilitate a joint Federal/State inspection. The Secretary reserves the right to conduct inspections without prior notice to State Lands if necessary to carry out his responsibilities under the Federal Act.

F. Personnel of the State and Interior shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VII: Enforcement

A. State Lands shall take enforcement action on Federal lands in accordance with the State program and this Agreement.

B. During any joint inspection by Interior and State Lands, State Lands shall take enforcement action, including issuance of orders of cessation and notices of violation. Interior and State Lands shall consult prior to issuance of any decision to suspend or revoke a permit.

C. State Lands and OSM shall promptly notify each other of all violations of applicable laws, regulations, orders, approved mining and reclamation plans and permits subject to this Agreement and of all actions taken with respect to such violations.

D. This Agreement does not limit the Secretary's authority to enforce violations of Federal law or conditions of a permit.

Article VIII: Bonds

A. State Lands and the Regional Director shall require all operators on Federal lands to submit a single bond to cover the operator's responsibilities under the Federal Act and the State Program, payable to both the United States and State Lands. The bond shall be of sufficient amount to comply with the requirements of both State and Federal law, and release of the bond shall be conditioned upon compliance with all applicable requirements.

B. Prior to releasing the operator from an obligation required under the State Program under the bond for any Federal lands, State Lands shall obtain the consent of the

Regional Director. State Lands shall also advise the Regional Director of adjustments to the bond.

Article IX: Designation of Lands as Unsuitable

A. State Lands and the Regional Director shall cooperate with each other in the review and processing of petitions to designate lands as unsuitable for surface coal mining operations. When either agency receives a petition that could impact adjacent Federal or non-Federal lands, respectively, the agency shall (1) notify the other of its receipt and of the anticipated schedule for reaching a decision; and (2) request and fully consider data, information and views of the other.

B. The authority to designate Federal lands as unsuitable for mining is reserved to the Secretary or his designated representative. Petitions for designation shall be filed with the Regional Director and processed in accordance with 30 CFR Part 769.

Article X: Termination of Cooperative Agreement

This Agreement may be terminated by the State or the Secretary under the provisions of 30 CFR 745.15.

Article XI: Reinstatement of Cooperative Agreement

If this Agreement has been terminated in whole or part, it may be reinstated under the provisions of 30 CFR 745.16.

Article XII: Amendments of Cooperative Agreement

This Agreement may be amended by mutual agreement of Governor and Secretary in accordance with 30 CFR 745.14.

Article XIII: Changes in State or Federal Standards

A. Interior or the State may from time to time revise and promulgate new or revised performance or reclamation requirements or enforcement and administrative procedures. Interior and the State shall immediately inform each other of any proposed or final changes in their respective laws or regulations as provided in 30 CFR 732.17. Each party shall, if it determines it to be necessary to keep this Agreement in force, change or revise its respective laws or regulations. For changes which may be accomplished by rulemaking, each party shall have six months in which to make such changes, unless mutually extended. For changes which require legislative authorization, the State shall have until the close of its next regular legislative session in which to make the changes.

B. The State and Interior shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this Agreement.

Article XIV: Changes in Personnel and Organization

The State and Interior shall, consistent with 30 CFR Part 745, advise each other of changes in the organization, structure, functions, duties and funds of the offices, departments, divisions and persons within

their organizations which could affect administration and enforcement of this Agreement. Each shall promptly advise the other in writing of changes in key personnel, including the heads of a department or division, or changes in the functions or duties of persons occupying the principal offices within the structure of the program. The State and Interior shall advise each other in writing of changes in the location of offices, addresses, telephone number, and changes in the names, location, and telephone numbers of their respective mine inspectors and the area within the State for which such inspectors are responsible.

Article XV: Reservation of Rights

In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement that the State or the Secretary may have under other laws and regulations, including the Mineral Leasing Act, as amended, the Mineral Leasing Act for Acquired Lands, the Stockraising Homestead Act, the Surface Mining Control and Reclamation Act of 1977, the Federal Land Policy Management Act, the Constitution of the United States, the Constitution of the State, or State laws.

Article XVI: Definitions

Terms and phrases used in this Agreement which are defined in 30 CFR Parts 700 and 701 shall be given the meanings set forth in said definitions.

Dated: February 6, 1981.

Ted Schwinden,
Governor of Montana.

Dated: January 19, 1981.

James A. Joseph,
Secretary of the Interior.

[FR Doc. 81-10631 Filed 4-7-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1787-6]

Approval and Promulgation of Implementation Plans; Minn.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the November 26, 1980 Federal Register (45 FR 78732), EPA proposed to approve revisions to the Minnesota State Implementation Plan (SIP) for the Twin Cities and Rochester sulfur dioxide nonattainment areas. A thirty day public comment period was provided until December 26, 1980. During that time, EPA did not receive any public comments on the proposed revisions. Today's notice approves the proposed revisions.

EFFECTIVE DATE: This final rulemaking becomes effective on March 23, 1981.

ADDRESSES: Copies of the SIP revision are available at the following addresses for inspection:

Minnesota Pollution Control Agency,
1935 East County Road B-2, Roseville,
Minnesota 55113;

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460;

The Office of the Federal Register, 1100 L Street, N.W., Washington, D.C.

Copies of the SIP revision and EPA's evaluation are available at: United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Richard Clarizio, U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6035.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, USEPA designated certain areas in each state as not meeting the primary and/or secondary National Ambient Air Quality Standards (NAAQS) for total suspended particulates, sulfur dioxide, carbon monoxide, photochemical oxidants, and nitrogen oxide.

In Minnesota, Air Quality Control Region 131 and the City of Rochester were designated primary nonattainment areas for sulfur dioxide. Air Quality Control Region 131 (the Twin Cities urban area) contains the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington. There were no designated secondary nonattainment areas and all other portions of the State were designated either better than the NAAQS or unclassifiable for sulfur dioxide.

Part D of the Act, which was added by the 1977 Amendments, requires each state to revise its SIP to meet specific requirements for areas designated as nonattainment. The requirements for an approvable SIP are described in a Federal Register notice published on April 4, 1979, (44 FR 20372), and are not repeated in this notice. Supplements to the April 4, 1979, notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 59371), September 27, 1979 (44 FR 53761) and November 23, 1979 (44 FR 67182).

These SIP revisions must demonstrate attainment of the primary NAAQS as

expeditiously as practicable, but not later than December 31, 1982. The State of Minnesota submitted the Twin Cities sulfur dioxide plan on May 7, 1980 and amended it on June 17, 1980. The Rochester sulfur dioxide plan was submitted on July 15, 1980. On August 4, 1980, the State resubmitted both sulfur dioxide plans. A correction to the August 4, 1980 submittal was submitted to USEPA on September 4, 1980.

The plans submitted for these two areas included meteorological and air quality data, revised operating permits, and modeling analyses of the projected sulfur dioxide concentrations in these areas in the year 1982. The modeling analyses project that attainment can be achieved by December 31, 1982. Specifically, attainment can be achieved if the following sources comply with the emission limitations contained in the revised operating permits:

Twin Cities urban area		Emission limitation
Source:		
1. Northern States Power Company's Inver Hills Generating Plant.		4.73 x 10 ⁴ nanograms (ng)/Joule (J) or 1.1 pounds of sulfur dioxide (SO ₂)/million British Thermal Units (MMBTU)
2. St. Paul Ammonia Products, Division of N-Ren Corp.		8.60 x 10 ⁴ ng/J or 2.0 pounds of SO ₂ /MMBTU
3. North Star Chemicals, Division of N-Ren Corp.		(a) Increase stack height to good engineering practice (GEP) (36.58 m) (b) 1.36 x 10 ⁴ grams of SO ₂ /9.07 x 10 ⁴ kilograms sulfuric acid produced and a limit of 2.67 x 10 ⁴ kilogram of sulfuric acid or 30 pounds of SO ₂ /ton sulfuric acid produced and a limit of 294 tons of sulfuric acid
4. Koch Refining		Burn low sulfur refinery fuel oil (1.75% sulfur by weight) and a facility-wide emission rate of 2.95 x 10 ⁴ kilograms (32.5 tons) of SO ₂ /day

City of Rochester		Emission limitation
Source:		
1. City of Rochester Public Utility Department (CRPUD), Silver Lake Generating Plant.		Boiler 1, 2, 4—1.38 x 10 ⁴ ng/J of SO ₂ or 3.2 pounds of SO ₂ /MMBTU Boiler 3—9.89 x 10 ⁴ ng/J of SO ₂ or 2.3 pounds of SO ₂ /MMBTU
2. CRPUD North Broadway Plant.		Coal fired mode—9.89 x 10 ⁴ ng/J of SO ₂ or 2.3 pounds of SO ₂ /MMBTU "Both coal and oil-fired modes available. Load restrictions allow for the equivalent of one coal-fired boiler to be operated at any time.
3. Rochester State Hospital.		Oil-fired—1.08 x 10 ⁴ ng/J of SO ₂ or 2.5 pounds of SO ₂ /MMBTU with a load restriction that the equivalent of one of three boilers be operated on residual oil at any given time.
4. Associated Milk Producers, Inc.		Boilers 1, 2, 3, or 4—1.29 x 10 ⁴ ng/J of SO ₂ or 3.0 pounds of SO ₂ /MMBTU

EPA stated in the November 26, 1980 *Federal Register* that based on its review of the meteorological and air quality data, the modeling analyses, and the emission limitations that, attainment of the primary and secondary sulfur dioxide NAAQS would be achieved in these two areas by December 31, 1982. Therefore, EPA proposed to approve the sulfur dioxide SIP revisions submitted for these two nonattainment areas. A thirty day comment period was provided for interested individuals to submit their comments on the proposed revisions to the Minnesota SIP and on EPA's proposed approval. During that period EPA did not receive any public comments.

Since EPA has not received any information which could provide a basis for changing its proposed approval of these proposed revisions, EPA is today approving the Rochester and Twin Cities sulfur dioxide control plan as revisions to the sulfur dioxide portion of the Minnesota SIP. This includes approval of the emission limitations specified in the revised operating permits.

The measures approved for promulgation today will be in addition to, and not in lieu of, existing SIP regulations. The present emission limitations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new requirements, or if it chooses, challenging the new requirements. In some instances, the present emission control requirements contained in the federally approved SIP are different from the requirements currently being enforced by the State. In these situations, the present federally approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally approved requirements. Failure of a source to meet applicable pre-existing requirements will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new requirements, because of a court order or for any other reason, the pre-existing requirements will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the new requirements and the requirements of the existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance

with the new requirement. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemptions granting will be reviewed and acted on by USEPA either as part of these promulgated requirements or as a future SIP revision.

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

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

This notice of final rulemaking is issued under the authority of sections 110(a), 172, and 301 of the Clean Air Act, as amended.

(42 U.S.C. 7410(a), 7502, 7601(a))

Dated: March 23, 1981.

Walter C. Barber,
Acting Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION SUBPART Y—MINNESOTA

Title 40 of the Code of Federal Regulations, Chapter 1, Part 52, is amended as follows:

1. Section 52.1220(c) is amended by adding new subparagraph (16) to read as follows:

§ 52.1220 Identification of Plan.

• • • • •

(c) • • •

(16) The sulfur dioxide control plan and revised operating permits for the Rochester and Twin Cities nonattainment areas were submitted by the State of Minnesota on July 17, 1980 and August 4, 1980. Amendments to the control plans were submitted on September 4, 1980. EPA's approval of the control plan includes approval of the emission limitations contained in the revised operating permits.

3. Section 52.1226 is revised to read as follows:

§ 52.1226 Attainment Dates for National Standards.

The following table presents the latest dates by which the national standards are to be attained. The dates reflect the information presented in Minnesota's plan except where noted.

Air quality control region and nonattainment area	TSP		SO ₂		NO _x	CO	O ₃
	Primary	Secondary	Primary	Secondary			
Central Minnesota Interstate (AQCR-127):							
a. Primary/Secondary Nonattainment Areas.	f	h	h	h	h	f	j
b. Remainder of AQCR.	c	a	d	d	d	d	d
Southeast Minnesota-LaCrosse (Wisconsin) Interstate (AQCR-128):							
a. Primary/Secondary Nonattainment Areas.	h	i	f	h	h	f	j
b. Remainder of AQCR.	c	a	a	a	d	d	d
Duluth (Minnesota)-Superior (Wisconsin) Interstate (AQCR-129):							
a. Primary/Secondary Nonattainment Areas.	h	i	h	h	h	f	j
b. Remainder of AQCR.	a	a	c	a	d	d	d
Metropolitan Fargo (North Dakota)-Moorhead (Minnesota) Interstate (AQCR-130):							
a. Primary/Secondary Nonattainment Areas.	h	h	h	h	h	h	h
b. Remainder of AQCR.	c	a	d	d	d	d	d
Minneapolis-St. Paul Interstate (AQCR-131):							
a. Primary/Secondary Nonattainment Areas.	h	i	h	h	h	h	h
b. Remainder of AQCR.	c	a	d	d	d	d	d
Southwest Minnesota Interstate (AQCR-133):							
a. Primary/Secondary Nonattainment Areas.	h	i	h	h	h	h	h
b. Remainder of AQCR.	c	a	d	d	d	d	d
Southwest Minnesota Interstate (AQCR-133):							
a. Primary/Secondary Nonattainment Areas.	h	i	h	h	h	h	h
b. Remainder of AQCR.	c	a	d	d	d	d	d

a. July 1975.

b. Five years from plan approval or promulgation.

c. Air quality levels presently below primary standards or area is unclassifiable.

d. Air quality levels presently below secondary standards or area is unclassifiable.

e. Transportation and/or land use control strategy to be submitted no later than April 15, 1978.

f. December 31, 1982.

g. December 31, 1987.

h. Not applicable.

i. Eighteen-month extension granted.

j. Attainment dates to be specified in the future.

NOTE.—For actual nonattainment designations, refer to 40 CFR Part 81.

NOTE.—Dates or footnotes which are italicized are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

NOTE.—Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.1226.

[FR Doc. 81-10423 Filed 4-7-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

[PH-FRL 1801-2; PP 1F2484/R322]

Methyl Alpha-Eleostearate; Tolerances and Exemptions From Tolerances for Pesticide Chemicals In or On Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the insecticide, methyl alpha-eleostearate in or on cottonseed. This regulation was requested by U.S. Soil Inc.

EFFECTIVE DATE: Effective on April 8, 1981.

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

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Rm. 403, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the *Federal Register* of April 1, 1981 (46 FR 19851) that U.S. Soil Inc., Drawer 926, Salida, CO 81201, had filed a pesticide petition (PP 1F2484) with EPA. The petition proposed that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the insecticide, methyl alpha-eleostearate in or on the raw agricultural commodity cottonseed. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated.

The toxicological data considered in support of the proposed exemption from the requirement of a tolerance included an acute oral toxicity study in rats, acute eye irritation study in rabbits, and a sensitization study on guinea pigs. No chronic toxicity studies for methyl alpha-eleostearate have been reviewed because such studies are considered unnecessary because the subject

chemical is a long chain fatty acid ester of a naturally occurring fatty acid. Such long chain fatty acids and fatty acid esters are non-toxic to humans and are routinely found in animal fat, vegetable oils, and other natural substances. Thus, it is highly unlikely that methyl alpha-eleostearate will exhibit any potential hazard to humans.

A temporary exemption from the requirement of a tolerance for residues of methyl alpha-eleostearate has previously been established in or on cottonseed (45 FR 68463). This temporary exemption expires June 25, 1981.

No actions are pending against the registration of the insecticide, and no other considerations are involved in establishing the exemption from the requirement of a tolerance.

The pesticide is considered useful for the purpose for which the exemption from the requirement of a tolerance is sought and it is concluded that establishment of the exemption will protect the public health. Therefore, 40 CFR Part 180 is amended as set forth below.

Any person adversely affected by this regulation may, on or before May 8, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

Such objections should be submitted in triplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of \$100 million or more; will not cause a major increase in costs or prices for consumer, individual industries, Federal, State or local government agencies or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete

with foreign-based enterprises in domestic or export markets. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation is being issued in response to an emergency situation which exists in South Texas. The cotton growing season in that region began on the first of April. The manufacturer of the pesticide product for which this tolerance regulation is needed (Bolex), in addition to requiring this tolerance exemption, must now obtain necessary approvals from state authorities in Texas and must ship the pesticide to the affected region, within a few days in order for it to be effectively used this season. Any delay in the issuance of this tolerance exemption would therefore result in the loss of the potential benefits to the cotton crop expected from the use of the pesticide. Accordingly, as authorized by section 8(a)(1) of Executive Order 12291, this rule is being issued without prior review by the Office of Management and Budget (OMB). As required by the Executive Order, this rule will be transmitted to OMB for review as soon as practicable.

For information on the Regulatory Flexibility Act, see the Appendix to this rule.

Effective on April 8, 1981.

(Sec. 408(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: April 3, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1059 to read as follows:

§ 180.1059 Methyl alpha-eleostearate; exemption from the requirement of a tolerance.

Methyl alpha-eleostearate [methyl ester of (Z,E,E)-9,11,13-octadecatrienoic acid] is exempted from the requirement of a tolerance for residues in or on cottonseed when used in accordance with good agricultural practice as an insecticide on cotton.

Appendix—[PP 1F2484/R322] Methyl Alpha-Eleostearate Exemption From the Requirement of a Tolerance

Certification Under Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612), all "notice-and-comment" rulemaking which is proposed after January 1, 1981, must be accompanied by a regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not

have a significant economic impact on a substantial number of small entities.

Under secs. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a, 348), the agency is authorized to establish, by regulation, tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually nonexistent or insignificant.

This regulation will establish an exemption from the requirement of a tolerance for the residues of the insecticide, methyl alpha-eleostearate on cottonseed. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use. Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: April 3, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

[FR Doc. 81-10743 Filed 4-7-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Final notice deletion.

SUMMARY: On Tuesday, March 5, 1981 at 46 FR 15269-15270, the Federal Insurance Administration published a list of communities where the second layer of insurance coverage (under the National Flood Insurance Program) is now available. Two communities on the list, Chelan County and the City of Wenatchee in Washington, should not have been listed. In these two communities, only the first layer of insurance coverage is available.

EFFECTIVE DATE: March 5, 1981.

ADDRESSES: Flood insurance policies for the first layer of insurance coverage for property located in the communities can be obtained from any licensed property insurance agent or broker serving the

community or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

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

(National Flood Insurance Act of 1968 (Title XIII of the 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 20, 1981.

Richard W. Krimm,
Acting Administrator, Federal Insurance
Administration.

[FR Doc. 81-10592 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5874]

National Flood Insurance Program; Final Flood Elevation Determination

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Deletion of final rule for the
Town of Burns Harbor, Porter County,
Indiana.

SUMMARY: The Federal Insurance Administration has erroneously published the final flood elevation determination for the Town of Burns Harbor, Porter County, Indiana. This notice will serve to delete that publication. Following an engineering analysis and review, it has been determined that no flood hazard areas exist for this community.

EFFECTIVE DATES: April 8, 1981.

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: A recent engineering analysis has shown that the community has no special flood hazard areas of significance and can be classified as non-flood prone. The Federal Insurance Administration has determined, therefore, that the notice of final flood elevation determination for the Town of Burns Harbor, published at 46 FR 9590, on January 29, 1981, should be removed.

(National Flood Insurance Act of 1968 (Title XIII of the 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 27, 1981.

Richard W. Krimm,
Acting Administrator, Federal Insurance
Administration.

[FR Doc. 81-10592 Filed 4-7-81; 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.

ADDRESS: See table below.

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: 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 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 67). 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. No appeals of the proposed base flood elevations were received from the community or from individuals within 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 (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Florence (Town), Pinal County, FEMA-5955	Gila River	50 feet downstream of intersection of Gila River and U.S. Highway 80, 89.	*1480
Maps available for inspection at Town Hall, 1206 Main Street, Florence, Arizona				
Arizona	Kearny (Town), Pinal County, FEMA-5955	Steamboat Wash	20 feet downstream of intersection of Steamboat Wash and Southern Pacific Railroad.	*1,841
		Gila River	Termination of Airport Road, 2420 feet along road southeast of its intersection with Tibury Drive.	*1,832
Maps available for inspection at Town Hall, 377 Alden Road, Kearny, Arizona				
Arkansas	Fort Smith (City), Sebastian County (Docket No. FEMA-5926)	Arkansas River	Downstream Corporate Limits	*403
			3,000' upstream Free Ferry Road (Extended)	*407
			850' upstream Interstate Route 540	*409
			250' downstream St. Louis and San Francisco Railroad.	*410
		Poteau River	North C Street (Extended)	*417
			South 3rd Street	*418
		Mill Creek	Upstream Corporate Limits	*420
			Upstream Schuller Road	*421
			Carthage Street (Extended)	*425
			550' downstream Route 59	*427
		Little Massard Creek	650' upstream Meandering Way	*403
			150' downstream Route 59	*427
		Sunny Mede Creek	900' downstream 52nd Street	*410
			750' upstream 50th Street	*415
			42nd Street	*421
		May Branch	North 21st Street	*421
			Belle Avenue	*422
			May Avenue	*425
Maps available for inspection at City Hall, 623 Garrison Avenue, Fort Smith, Arkansas				
Florida	Dade City (City), Pasco County, FEMA-5944	Withlacoochee River	Intersection of Tucker Avenue and Canal Street	*78
Maps available for inspection at City Hall, Dade City, Florida				
Florida	Port Richey (City), Pasco County, FEMA-5944	Gulf of Mexico (Pithlachascotee River)	Intersection of River Gulf Road and Sunset Boulevard (U.S. Highway 19, State Highway 55).	*12
Maps available for inspection at City Hall, Port Richey, Florida				
Florida	New Port Richey (City), Pasco County, FEMA-5944	Gulf of Mexico (Pithlachascotee River)	Intersection of Sunset Boulevard (U.S. Highway 19, State Highway 55) and Avery Road.	*12
			Intersection of Main Street and South River Road	*11
Maps available for inspection at City Hall, New Port Richey, Florida				
Florida	Springfield (City), Bay County, FEMA-5944	Lake Martin	Intersection of Flight Avenue and Martin Court	*10
		Lake Martin Tributary	50 feet north of intersection of Creek with 14th Street	*26
			Intersection of Bayou Avenue and 5th Street	*11
		Watson Bayou Tributary	Intersection of creek and center of Springfield Avenue	*9
Maps available for inspection at City hall, 3529 East 3rd Street, Springfield, Florida				
Florida	St. Lucie County (unincorporated areas), FEMA-5947	Atlantic Ocean	50 feet east from the intersection of Banyan Road and North Ocean Drive.	*8
		Indian River	At the intersection of Bermuda Drive and North Coral Drive.	*7
		North Fork St. Lucie River	At the intersection of Sunrise Boulevard and Weatherbee Road.	*11
		Fivemile Creek	At center of Florida East Coast Railroad crossing of Fivemile Creek.	*11
			30 feet upstream from the Okeechobee Road crossing.	*14
		Tenmile Creek	At center of Selvitz Road crossing of Tenmile Creek	*12
		Taylor Creek Canal	At center of St. Lucie Boulevard crossing of Taylor Creek Canal.	*12
		Shallow Flooding	At the intersection of Cortez Boulevard and South 25th Street.	*17
Maps available for inspection at County Administration Building, Ft. Pierce, Florida				
Georgia	Unincorporated areas of Fulton County (FEMA-5968)	Autry Creek	Approximately 100 feet downstream of Old Alabama Road.	*900
		Ball Mill Creek	Just downstream of Spalding Drive	*883
			Just upstream of Dunwoody Club Drive	*948
		Bear Creek	Just downstream of Cochran Mill Road	*785
			Just upstream of One Road	*898
		Bethel Branch	Just upstream of Burdett Road	*898
		Big Creek	Just upstream of Haynes Bridge Road	*970
			Just downstream of Georgia Highway 400	*962
			At Kimball Bridge Road	*977
		Boat Rock Creek	Approximately 100 feet upstream of Highway 70	*762
			Just upstream of Reynolds Road	*796
		Broadnax Creek	Just upstream of Lester Road	*876
			Just upstream of Oakley Industrial Boulevard	*889
		Caldwell Creek	Just upstream of Village Drive	*821
			Just upstream of Highway 154 (Cascade Road)	*815
		Camp Creek	At Cascade Palmetto Highway	*750
			Just downstream of Stonewall Tell Road	*765
			Just downstream of Enon Road	*774

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
		Cater Creek	Just upstream of Pleasant Hill Road	*915
			Just downstream of Surrey Trail Road	*944
		Cedar Creek	Just downstream of Upper Woolen Road	*790
		Chattahoochee River	Just upstream of Hutcheson Ferry Road	*718
			Just upstream of Capps Ferry Road	*729
			Just upstream of State Highway 92	*747
			Approximately 200 feet upstream of Holcomb Bridge Road	*885
			Just downstream of Abbotts Bridge Road (State Highway 120)	*902
		Colewood Creek	Just upstream of Riverside Drive	*834
			Just upstream of River Valley Road	*910
		Deep Creek	Just upstream of Butler Road	*753
			Just upstream of Jones Road	*777
		Demooney Creek	Just upstream of Demooney Road	*776
			Just downstream of Cherle Drive	*814
		Enon Creek	Just upstream of Enon Road	*769
			Just downstream of Butler Road	*794
		John's Creek	Just upstream of Buice Road	*904
			Approximately 100 feet downstream of Parson's Road	*960
			Just downstream of Abbotts Bridge Road	*989
		Kimberly Branch	Just upstream of Creel Road	*876
			Just downstream of Hallie Mill Drive	*917
		Kimberly Creek	Just upstream of Flat Shoals Road	*871
			Just downstream of Old Bill Cook Road	*887
		Kings Lake Creek	Just downstream of State Highway 154 (Cascade Road)	*774
			Just downstream of Wright's Lake Dam	*807
			Approximately 175 feet downstream of Loch Lomond Trail	*825
		Line Creek	Just downstream of Jones Road	*792
			Just downstream of McClure Road	*804
		Little Bear Creek	Just upstream of Wilkerson Mill Road	*886
			Just downstream of Phillips Road	*897
		Long Indian Creek	Just upstream of Waters Road	*996
			Just upstream of Buice Road	*1,049
		Long Island Creek	At Northside Drive	*795
			Just downstream of Long Island Drive	*857
			Just downstream of Powers Ferry Road	*821
		Marsh Creek	Just upstream of Riverside Drive	*817
			Just downstream of Glenridge Drive	*919
		Morning Branch	Just upstream of Interstate 85	*884
			Just upstream of Pebble Beach Road	*900
		Morning Creek	Just upstream of Bethesda Road	*849
			Just downstream of Buffington Road	*878
		Mountain Park Creek	Just upstream of First Private Driveway	*957
			Approximately 100 feet upstream of Oakhaven Drive	*962
		Nancy Creek	Just downstream of Peachtree Dunwoody Road	*847
			At Evergreen Drive	*856
		Red Mill Creek	Just downstream of Red Mill Road	*853
		Riverside Creek	Just upstream of Riverside Drive	*754
		Rocky Creek	Approximately 150 feet downstream of Kings Road	*1,008
			Just downstream of Oakhaven Drive which is upstream Dam	*957
		Shannon Creek	Just upstream of Interstate 85	*883
			Just upstream of Flat Shoals Road	*895
		South Fork Marsh Creek	Just upstream of Glenridge Drive	*945
			Just upstream of Private Drive	*1,000
		North Utioy Creek	Just downstream of Sewell Avenue	*812
			Just downstream of Fairburn Road	*805
		South Utioy Creek	Just upstream of Interstate 85	*816
			Just downstream of Highway 154	*809
		Utioy Creek	Approximately 100 feet upstream of Great Southwest Parkway	*762
			Just upstream of Highway 70 West Bridge	*765
			Approximately 100 feet upstream of Railroad Bridge	*773
		Trickum Creek	Just downstream of Landrum Road	*929
		Valley Brook Creek	Just upstream of Ben Hill Road	*823
			Just downstream of Will Lee Road	*853
		Whitewater Creek	Approximately 300 feet upstream of Spence Road	*889
			Just upstream of Interstate-85	*915
		Windham Creek	Just upstream of Bethesda Road	*854
			Just downstream of Oakley Road	*898
		Wolf Creek	Just upstream of Aldredge Road	*794
			Just upstream of Old Fairburn Road	*832
Maps available for inspection at Fulton County Administration Building, 165 Central Avenue, Atlanta, Georgia 30303.				
Illinois	(V) Carpentersville, Kane County (Docket No. FEMA-5947)	Fox River	At the downstream corporate limit	*721
			Just downstream of Carpentersville Dam	*723
			Approximately 800 feet upstream of Carpentersville Dam	*725
			Approximately 1.8 miles upstream of Carpentersville Dam	*729
		Carpentersville Creek	Just downstream of the Chicago and Northwestern railroad	*721
			Just downstream of Washington Street	*726
			Approximately 350 feet upstream of Washington Street	*727

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
<p>Approximately 425 feet downstream of Spring Street.....</p> <p>Just upstream of Spring Street.....</p> <p>Four Winds Way Creek.....</p> <p>At mouth.....</p> <p>About 75 feet upstream of River View Drive.....</p> <p>Approximately 65 feet upstream of State Route 31.....</p>				
				*733
				*739
				*725
				*738
				*789
<p>Maps available for inspection at the Village Manager's Office, Village Hall, 1200 Meadowdale Drive, Carpentersville, Illinois.</p>				
Indiana	(C) Michigan City, La Porte County (Docket No. FEMA-5944).	Trail Creek	At mouth at Lake Michigan.....	*584
			Just upstream of Springland Avenue.....	*595
			Just upstream of Michigan Boulevard.....	*603
		Deer Creek	At mouth at Trail Creek.....	*596
			Just downstream of Golf Course Road.....	*609
			Just upstream of Golf Course Road.....	*616
			Just downstream of Meer Road.....	*634
		Otter Creek	At mouth at Trail Creek.....	*592
			Just downstream of Kanwick Road.....	*606
			Just upstream of Kanwick Road.....	*614
		Beck Ditch	At mouth at Otter Creek.....	*596
			Just upstream of Kanwick Road.....	*608
		Lake Michigan	Entire length of community along Lake Michigan.....	*584
		North Branch Deer Creek	About 600 feet upstream Warnke Road.....	*616
			Just downstream of private road (about 1900 feet upstream Warnke Road).....	*622
			Just upstream of private road (about 1900 feet upstream Warnke Road).....	*628
			About 1800 feet upstream of Chicago South Shore and South Bend Railroad.....	*634
		White Ditch	About 1100 feet downstream of confluence of Kimball Ditch.....	*607
			Just downstream of Grand Beach Road.....	*613
			Just upstream of U.S. Route 12.....	*622
		Kimball Ditch	At confluence with White Ditch.....	*608
			Just upstream of Duneland Beach Drive.....	*608
		Kintzele Ditch	Just upstream of County Line Road.....	*617
			At confluence with Striebel Arm.....	*618
		Striebel Arm	Just upstream of Hitchcock Road.....	*619
			Just upstream of Earl Road.....	*628
			Just upstream of Louisville and Nashville Railroad (southern crossing).....	*642
<p>Maps available for inspection at the Planning Department, City Hall, 100 E. Michigan Boulevard, Michigan City, Indiana.</p>				
Indiana	(C) Mishawaka St. Joseph County (Docket No. FEMA-5920).	St. Joseph River	Downstream corporate limits, (about 11,500 feet downstream of Conrail).....	*689
			Just downstream from Conrail.....	*693
			Just upstream from Uniroyal Dam.....	*700
			Just downstream from Twin Branch Dam.....	*704
			Just upstream from Twin Branch Dam.....	*718
			Upstream corporate limits, (about 6500 feet upstream of Twin Branch Dam).....	*718
		Woodward Ditch	Confluence with St. Joseph River.....	*718
			Approximately 100 feet downstream from Lincoln Way.....	*719
			Just upstream from Lincoln Way.....	*723
			Upstream corporate limits, (about 800 feet upstream of Conrail).....	*725
		Eller Ditch	Confluence with St. Joseph River.....	*704
			450 feet upstream from Lincoln Way.....	*705
			Approximately 300 feet downstream from 3rd Street.....	*708
			Approximately 1500 feet downstream from Harrison Road.....	*720
			Just upstream from Harrison Road.....	*728
			Just downstream from corporate limits approximately 700 feet downstream from Blackberry Road.....	*736
		Judy Creek	Downstream corporate limits, (about 3800 feet downstream from Grape Road).....	*735
			Just downstream from Grape Road.....	*739
<p>Maps available for inspection at the City Hall, Mishawaka, Indiana.</p>				
Kansas	(C) Haysville, Sedgewick County (Docket No. FEMA-5926)	Wichita-Valley Center Floodway	At northeastern corporate limits.....	*1,267
			Just upstream from Chicago, Rock Island and Pacific Railroad.....	*1,270
			At northwestern corporate limits.....	*1,274
<p>Maps available for inspection at the City Hall, Haysville, Kansas.</p>				
Kentucky	City of Pikeville, Pike County (FEMA-5947)	Levisa Fork	Approximately 1100 feet upstream of Airport Road (Pauley Bridge).....	*671
			Just downstream of U.S. Highways 23 and 460 (Cline Street).....	*673
			Just upstream of U.S. Highways 23 and 460 (Hibbard Street).....	*677
<p>Maps available for inspection at Building Inspector's Office, City Hall, 304 Auxier Avenue, Pikeville, Kentucky 41501.</p>				
Maine	Mexico (Town) Oxford County FEMA-5845	Androscoggin River	100 feet upstream of centerline of Dixfield-Peru Bridge.....	*419
			200 feet upstream of centerline of Ridionville Bridge.....	*435
		Swift River	Red Bridge (U.S. Route 2) at centerline.....	*440
			Swift Run Bridge at centerline.....	*542

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maine				
		Webb River	U.S. Route 2 Bridge at centerline	*420
			Kingdom Road Bridge at centerline	*430
Maps available at Town Hall, Mexico, Maine.				
Maine	South Portland, City, Cumberland County (Docket No. FEMA-5912)	Atlantic Ocean	East Shoreline	*9
			Mouth of Fore River	*9
			Upstream Corporate Limits	*10
		Long Creek/Jackson Brook	Confluence with Fore River	*10
			Upstream Clark Pond Dam	*25
			Upstream Foden Road	*33
			Upstream Maine Turnpike	*44
			Upstream Corporate Limits	*46
		Red Brook	Confluence with Long Creek	*25
			Upstream of Interstate 295	*38
			Upstream of Corporate Limits	*47
		Trout Brook	Confluence with Fore River	*10
			Upstream of Broadway Avenue	*16
			Upstream of Fessenden Avenue	*26
			Upstream of Boothby Avenue	*32
			Upstream of Providence Avenue	*46
			Upstream of Sawyer Street	*51
			Upstream of Spurwick Avenue	*53
Maps available for inspection at the City Hall, 25 Cottage Road, South Portland, Maine.				
Massachusetts	Ware, Town, Hampshire County (Docket No. FEMA-5955)	Ware River	Downstream Corporate Limits	*379
			Approximately 1,850' upstream State Route 32	*390
			Approximately 2,800' upstream of confluence of Flat Brook	*400
			Downstream of South Street	*406
			Approximately 185' upstream of South Street Dam	*426
			Approximately 285' upstream of East Main Street	*443
			Approximately 1,425' upstream of East Main Street Dam	*471
			Approximately 2,535' upstream of Church Street	*480
			Approximately 3,385' upstream of Church Street	*490
			Approximately 3,010' downstream of Bridge Street	*500
			Approximately 1,000' downstream of Bridge Street	*510
			Bridge Street	*520
			Approximately 475' upstream of Bridge Street	*528
		Muddy Brook	Confluence with Ware River	*403
			Snow Pond Dam	*415
		Flat Brook	Confluence with Ware River	*398
			Approximately 90' upstream of confluence with Ware River (Just upstream of spillway)	*400
			Approximately 370' upstream of Malbecof Road	*410
			Approximately 925' upstream of Malbecof Road	*420
			Approximately 740' downstream of State Route 32	*430
			Approximately 460' upstream of State Route 32	*440
			Approximately 1,240' upstream of State Route 32	*446
Maps available for inspection at the Selectman's Office, Town Hall, Ware, Massachusetts.				
Mississippi	Clinton (City) Hinds County FEMA-5944	Bakers Creek	Intersection of Bakers Creek and Illinois Central Gulf Railroad	*262
		Henry Creek	75 feet upstream from center of Field Road	*275
		French Creek	25 feet upstream from center of Interstate Highway 20 westbound lane	*295
		Allen Creek	50 feet upstream from center of Interstate Highway 20 westbound lane	*310
		Allen Creek Tributary	550 feet east of intersection of Interstate Highway 20 westbound exit ramp and Springridge Road	*318
		French Creek Tributary 1	50 feet upstream from center of Interstate Highway 20 westbound lane	*295
		Lindsey Creek	100 feet upstream from center of Interstate Highway 20 westbound lane	*297
			Intersection of Lindsey Creek and center of Illinois Central Gulf Railroad	*312
Maps available at inspection at City Hall, Clinton, Mississippi.				
Missouri	(C) Libbourn New Madrid County (Docket No. FEMA-5944)	Shallow Flooding (Overflow From Unnamed Ditch Parallel to County Highway D)	At northwest corporate limits	*281
		Shallow Flooding (From Rainfall)	East of Seventh Street between Ewing Street and St. Louis Southwestern Railway	*281
			Southeast of intersection of Baear Road and Roberts Avenue	#1
			Intersection of Broughton Avenue and Fourth Street	#1
			Intersection of Phillips Avenue and Third Street	#1
			Intersection of Ress Street and Sixth Street	#1
			Phillips Avenue just east of St. Louis-San Francisco Railway	#1
			Baden Street just west of Main Street	#1
			Northwest of intersection of Charlotte Avenue and First Street	#1
			About 800 feet east of intersection of Phillips Avenue and Seventh Street	#1
			Intersection of Seventh Street and Mooney Street	#1

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Marston, New Madrid County (Docket No. FEMA-5947)	Shallow Flooding	Intersection Toney Street and Elm Street	#2
			Intersection De Mint Street and Main street	#2
			Intersection Lewis Street and Elm Street	#2
Maps available for inspection at the City Hall, P.O. Box F, Marston, Missouri.				
Missouri	(C) Parma, New Madrid County (Docket No. FEMA-5947)	Shallow Flooding (Overflow from Ditch No. 8).	Just north of Main Street along the northwest corporate limits.	*281
		Shallow Flooding (Overflow from Caney Slough and Ditch No. 44).	Intersection of Caney Street and St. Louis Southwestern Railway.	*280
			Approximately 1000 feet south of Elm Street and just east of Dixie Avenue.	*280
Maps available for inspection at the Collector's Office, Community Building, Parma, Missouri.				
Nebraska	(Uninc.) Dodge County (Docket No. FEMA-5926)	Platte River	At the downstream Fremont extraterritorial limits.	*1,189
			At the upstream Fremont extraterritorial limits.	*1,217
			Just downstream of the Chicago and North Western railroad.	*1,224
			About 9000 feet upstream of the Chicago and North Western railroad.	*1,232
			About 10,000 feet downstream of the City of North Bend downstream extraterritorial limits.	*1,255
			About 1100 feet upstream of the City of North Bend downstream extraterritorial limits.	*1,268
			At upstream City of North Bend extraterritorial limits.	*1,270
			About 9500 feet upstream from the upstream City of North Bend extraterritorial limits.	*1,286
			At upstream county boundary.	*1,306
		Eikhorn River	About 5.8 miles downstream of the Chicago and North Western railroad.	*1,148
			Just upstream of the Chicago and North Western railroad.	*1,164
			About 4.4 miles upstream of U.S. Highway 30.	*1,175
			Just downstream of State Highway 91.	*1,193
Maps available for inspection at the County Clerk's Office, Dodge County Courthouse, Fremont, Nebraska.				
New Jersey	Little Falls (Township) Passaic County FEMA-5955	Passaic River	100 feet upstream from center of State Route 23.	*170
		Peckman River	100 feet upstream from center of U.S. Route 46.	*185
		Great Notch Brook	100 feet upstream from center of U.S. Route 46.	*140
Maps available for inspection at Municipal Building Annex, 35 Stevens Avenue, Little Falls, New Jersey.				
New York	Chenango, Town, Broome County (Docket No. FEMA-5912)	Castle Creek	Upstream of U.S. Route 11 (Lower Crossing)	*656
			200' upstream of Interstate 81	*662
			1,080' upstream of Interstate 81	*670
			140' downstream of U.S. Route 11 (Upper Crossing)	*680
			600' upstream of U.S. Route 11 (Lower Crossing)	*685
		Chenango River	Downstream Corporate Limits	*652
			Confluence of Castle Creek	*665
			Upstream of State Route 12A	*660
			Peninsula Drive (Extended)	*664
			Airport Road (Extended)	*676
			Shore Acres Drive (Extended)	*680
			Willette Park Road (Extended)	*690
			Upstream Corporate Limits	*698
Maps available for inspection at the Town Hall, 1137 Front Street, Binghamton, New York.				
New York	North Tarrytown, Village, Westchester County (Docket No. FEMA-5912)	Hudson River	Entire Shoreline.	*8
Maps available for inspection at the Municipal Building, 28 Beekman Avenue, North Tarrytown, New York.				
New York	Tonawanda, Town, Erie County (Docket No. FEMA-5944)	Niagara River-Tonawanda Channel	Downstream Corporate Limits	*571
			Approximately 11,500 feet upstream Interstate Route 190.	*571
		Ellicott Creek	Downstream Corporate Limits	*572
			Approximately 1,000 feet upstream Colvin Boulevard	*573
			Ponding area extending from downstream corporate limits east to Parker Boulevard.	*573
		Tonawanda Creek	Downstream corporate limits	*572
			Approximately 1,600 feet upstream of downstream corporate limits.	*572
Maps available for inspection at the Tonawanda Municipal Building, 2919 Delaware Avenue, Kenmore, New York.				
Ohio	(C) Euclid, Cuyahoga County (Docket No. FEMA-5947)	Lake Erie	Shoreline	*576
		Euclid Creek	About 1050 feet downstream of Norfolk and Western Railway.	*620
			Just upstream of Norfolk and Western Railway	*626
			About 250 feet upstream of Norfolk and Western Railway.	*626
			About 200 feet downstream Euclid Avenue	*630
			Just downstream Euclid Avenue	*632
Maps available for inspection at the Office of the City Clerk, City Hall, 585 East 222nd Street, Euclid, Ohio.				

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
Ohio	(V) Kelleys Island, Erie County (Docket No. FEMA-5947)	Lake Erie	Shoreline	*578
Maps available for inspection at the Office of the Village Clerk, Village Hall, P.O. Box 187, Kelleys Island, Ohio.				
Ohio	(C) Middleburg Heights, Cuyahoga County (Docket No. FEMA-5947)	Baldwin Creek	At Lucerne Drive	*817
			Just upstream Bagley Road	*834
			About 600 feet upstream Bagley Road	*837
			Just upstream private drive	*847
			At West 130th Street	*849
Maps available for inspection at the Office of the City Engineer, City Hall, 15700 East Bagley Road, Middleburg Heights, Ohio.				
Ohio	(C) Parma, Cuyahoga County (Docket No. FEMA-5947)	West Creek	Just upstream of Snow Road	*803
			About 1750 feet upstream of Snow Road	*849
			Just upstream of Grantwood Drive	*872
			Approximately 1860 feet upstream of Ridgewood Drive	*909
		Baldwin Creek	Just downstream of West 130th Street	*849
			Just upstream of East Linden Lane	*866
			Just downstream of Sprague Road	*876
Maps available for inspection at the Office of the City Engineer, City Hall, 6611 Ridge Road, Parma, Ohio.				
Ohio	(C) Parma Heights, Cuyahoga County (Docket No. FEMA-5955)	Big Creek	About 1800 feet downstream of U.S. Highway 42	*820
			Just downstream of U.S. Highway 42	*836
			About 150 feet upstream of U.S. Highway 42	*841
			Just downstream of York Road	*856
			About 300 feet upstream of York Road	*860
			About 150 feet upstream of Ridgewood Drive	*863
			About 120 feet upstream of North Church Drive	*877
			About 150 feet upstream of Independence Boulevard	*890
			At the southern corporate limit	*900
		Reservoir Creek	At the confluence with Big Creek	*792
			About 230 feet downstream of Eureka Parkway	*804
			About 100 feet upstream of Eureka Parkway	*814
			About 90 feet downstream of U.S. Highway 42	*831
			At U.S. Highway 42	*836
Maps available for inspection at the Office of the City Clerk, City Hall, 6201 Pearl Road, Parma Heights, Ohio.				
Ohio	(C) Pepper Pike, Cuyahoga County (Docket No. FEMA-5947)	Pepper Creek	About 2500 feet downstream of Shaker Boulevard	*961
			Just downstream of Shaker Boulevard	*968
			About 600 feet upstream of dam located 150 feet upstream of Shaker Boulevard	*973
			About 350 feet upstream of Chatham Road	*977
			About 150 feet downstream of dam located 1100 feet upstream of Chatham Road	*978
			Just upstream of dam located 1100 feet upstream of Chatham Road	*986
			About 100 feet upstream of golf course bridge	*987
			About 150 feet upstream of Lander Road	*1,006
			About 1850 feet upstream of Lander Road	*1,028
Maps available for inspection at the Office of the City Clerk, City Hall, 28000 Shaker Boulevard, Pepper Pike, Ohio.				
Ohio	(C) South Euclid, Cuyahoga County (Docket No. FEMA-5955)	Euclid Creek	About 440 feet downstream of Anderson Road	*881
			About 280 feet downstream of Anderson Road	*884
			Just upstream of Anderson Road	*912
			About 130 feet upstream of Whitehall Drive	*928
			About 150 feet upstream of Liberty Road	*938
			Just upstream of Telhurst Road	*943
			At Mayfield Road	*957
		Tributary 1 of Euclid Creek	At confluence with Euclid Creek	*881
			Just upstream of private drive Number 1	*924
			Just upstream of Anderson Road	*932
			About 170 feet upstream of private drive Number 4	*936
			At upstream corporate limit	*952
Maps available for inspection at the Office of the City Clerk, City Hall, 1349 South Green Road, South Euclid, Ohio.				
Ohio	(C) Warrensville Heights, Cuyahoga County (Docket No. FEMA-5947)	Hawthorne Creek	Downstream corporate limits	*1,081
			Just upstream of Low Head Dam	*1,085
			About 120 feet upstream of Emery Road	*1,092
			Upstream corporate limits	*1,125
		Mill creek	About 720 feet downstream of South Miles Road	*839
			Just upstream of South Miles Road	*952
			About 400 feet upstream of Conrail	*972
			About 400 feet upstream of Emery Road	*978
			About 500 feet downstream of Longbrook Road	*1,004
			About 1,150 feet upstream of Longbrook Road	*1,013
			Just downstream of Warrensville Center Road	*1,019
Maps available for inspection at the Office of the City Clerk, City Hall, 4301 Warrensville Center Road, Warrensville Heights, Ohio.				
Oklahoma	City of Broken Arrow, Tulsa County (FEMA-5893)	Arkansas River	Just upstream of S. Willow Springs Road Extended	*589
			Just downstream of 145th East Avenue Extended	*590
		Adams Creek	Approximately 300 feet upstream of East 61st Street South	*596
			Just upstream of South 193rd Avenue (County Line)	*664

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Broken Arrow Creek.....	Approximately 150 feet upstream of the Missouri, Kansas and Texas Railroad.....	*691
		West Branch Broken Arrow Creek.....	Approximately 500 feet upstream of Lynn Lane Road.....	*651
			Just upstream of 101st Street.....	*663
		Halkey Creek.....	Just upstream of 111th Street.....	*828
			Just upstream of 91st Street.....	*847
			Just downstream of 129th East Avenue.....	*689
			Just upstream of Dover Street.....	*722
		East Branch Halkey Creek.....	Just upstream of 91st Street.....	*68
			Just upstream of 161st East Avenue.....	*70
			Just upstream of Main Street.....	*717
		Middle Branch Halkey Creek.....	Just upstream of 129th East Avenue.....	*651
			Just upstream of 81st Street.....	*677
		Turtle Creek.....	Just upstream of 145th East Avenue.....	*675
			Just downstream of 81st Street.....	*706
		Park Grove Creek.....	Just upstream of West Elgin Street.....	*717
		Olive Creek.....	Just upstream of 81st Street.....	*662
			Just upstream of 129th East Avenue.....	*666
		Floral Haven Creek.....	Just upstream of 71st Street.....	*677
			Just upstream of 136th East Avenue.....	*703
		West Branch Halkey Creek.....	Approximately 100 feet downstream of Garnett Road.....	*671
		West Branch Halkey Creek Tributary.....	Approximately 2,800 feet North of 81st Street.....	*669
		Little Halkey Creek.....	Just downstream of 101st Street.....	*646
Maps available for inspection at City Hall, City Engineer's Office, Broken Arrow, Oklahoma 74012.				
Oregon	Brownsville (City), Linn County, (FEMA-5966)	Calapooia River.....	At center of Southern Pacific Railroad crossing of Calapooia River.....	*329
			200 feet south from intersection of Calapooia Avenue and Howe Street.....	*341
Maps available for inspection at City Hall, Brownsville, Oregon.				
Pennsylvania	Towanda, Township, Bradford County (Docket No. FEMA-5841).	Susquehanna River.....	Downstream Corporate Limits.....	*716
			U.S. Route 6 crossing.....	*721
			Conrail Bridge.....	*722
		Towanda Creek.....	Confluence with the Susquehanna River.....	*717
			Approximately 3,500' upstream of Legislative Route 08022.....	*722
		Sugar Creek.....	Downstream Corporate Limits.....	*764
			Upstream Corporate Limits.....	*769
Maps available for inspection at the residence of Mr. Charles H. Jennings, Secretary of Towanda, R.D. 4, Towanda, Pennsylvania.				
Pennsylvania	Upper Frederick, Township, Montgomery County (Docket No. FEMA-5883).	Perkiomen Creek.....	Downstream Corporate Limits.....	*186
			Old State 29 (Upstream side).....	*194
			Dam approximately 600' downstream of Snyder Road (Downstream side).....	*196
			Dam approximately 600' downstream of Snyder Road (Upstream side).....	*204
			Knights Lake Dam (Downstream side).....	*211
			Knights Lake Dam (Upstream side).....	*218
			Park Road (Upstream side).....	*226
			Green Lane Dam (Downstream side).....	*230
			Upstream Corporate Limits.....	*290
		Scioto Creek.....	Downstream Corporate Limits.....	*207
			Faust Road (Upstream side).....	*217
			Perkiomenville Road (Upstream side).....	*233
			Helmback Road (Upstream side).....	*248
			Upstream Corporate Limits.....	*268
		Deep Creek.....	Deep Creek Dam (Upstream side).....	*230
			Green Lane Road (Upstream side).....	*235
			Upstream Corporate Limits.....	*243
		Swamp Creek.....	Downstream Corporate Limits.....	*231
			Upstream Corporate Limits.....	*236
		Goschenhoppen Creek.....	Downstream Corporate Limits.....	*261
			Faust Road (Downstream side).....	*280
			Approximately 410' upstream of Faust Road.....	*284
Maps available for inspection at the Upper Frederick Township Building, State Route 73, Obelisk, Pennsylvania.				
Commonwealth of Puerto Rico	Rio Tallaboa Basin (FEMA-5894)	Rio Tallaboa.....	40 meters upstream of intersection of Rio Tallaboa and Puerto Rico Highway 127.....	*6.0
			Intersection of Rio Tallaboa and Puerto Rico Highway 132.....	*40.5
		Rio Guayanes.....	10 meters downstream of intersection of Rio Guayanes and Puerto Rico Highway 386.....	*72.5
		Caribbean Sea.....	At the mouth of Rio Tallaboa.....	*1.8
Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Commonwealth of Puerto Rico	Rio Grande de Loiza Basin (FEMA-5954)	Rio Grande de Loiza.....	Intersection of Rio Grande de Loiza and center of Puerto Rico Highway 874.....	*10.1
			46 meters downstream of intersection of Rio Grande de Loiza and center of Puerto Rico Highway 30.....	*53.0
			Intersection of Rio Grande de Loiza and center of Puerto Rico Highway 181.....	*77.9
		Rio Canovanas.....	Intersection of Rio Canovanas and center of Puerto Rico Highway 957.....	*47.4

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rio Canovillas	25 meters upstream of the intersection of Rio Canovillas and center of Puerto Rico Highway 3.	*9.7
		Rio Gurabo	Intersection of Rio Gurabo and center of Puerto Rico Highway 185.	*58.0
			Intersection of Rio Gurabo and center of Puerto Rico Highway 31.	*87.1
		Rio Valenciano	Intersection of Rio Valenciano and center of Puerto Rico Highway 30.	*60.9
		Rio Bairoa	50 meters upstream of intersection of Rio Bairoa and center of Puerto Rico Highway 30.	*56.5
			30 meters upstream of intersection of Rio Bairoa and center of bridge at Las Carolinas.	*88.5
			10 meters upstream of intersection of Rio Bairoa and center of Puerto Rico Highway 173.	*237.0
		Quebrada Muertos	15 meters upstream of intersection of Quebrada Muertos and center of Calle Monserrate.	*234.0
		Rio Caguitas	10 meters downstream of intersection of Rio Caguitas and center of Turabo Main Street.	*52.8
		Rio Caguitas Tributary 1	48 meters downstream of intersection of Rio Caguitas Tributary 1 and center of Puerto Rico Highway 52.	*70.0
		Rio Caguitas Tributary 2	10 meters upstream of intersection of Rio Caguitas Tributary 2 and center of Puerto Rico Highway 156.	*64.7
		Rio Turabo	Intersection of Calle B and Calle Goyco.	*59.1
		Rio Herrera	25 meters upstream of intersection of Rio Herrera and center of Puerto Rico Highway 3.	*10.7
		Atlantic Ocean	At Boca de Congrejos	*1.6
Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Commonwealth of Puerto Rico	Rio Maunabo Basin (FEMA-5954)	Rio Maunabo	Intersection of Rio Maunabo and Puerto Rico Highway 3.	*7.8
			Intersection of Rio Maunabo and Garona Bridge	*16.2
		Quebrada Arenas	Intersection of Quebrada Arenas and Puerto Rico Highway 901.	*11.0
		Rio Jacoboa	.035 Kilometers downstream of intersection of Rio Jacoboa and Puerto Rico Highway 3.	*7.6
		Caribbean Sea	At mouth of Rio Maunabo.	*2.3
Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Commonwealth of Puerto Rico	Rio Fajardo Basin (FEMA-5954)	Rio Fajardo	20 meters upstream of intersection of Rio Fajardo and Puerto Rico Highway 3.	*10.2
		Atlantic Ocean	At mouth of Rio Fajardo.	*3.1
Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Commonwealth of Puerto Rico	Rio Mameyes Basin (FEMA-5954)	Rio Mameyes	35 meters downstream of intersection of Rio Mameyes and Puerto Rico Highway No. 3.	*8.2
		Atlantic Ocean	At mouth of Rio Mameyes.	*2.8
Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Commonwealth of Puerto Rico	Rio De Bayamon Basin (FEMA-5924)	Rio De Bayamon	Upstream side of the intersection of De Diego Expressway (Puerto Rico Highway 22) and Rio De Bayamon.	*6.0
			Intersection of Puerto Rico Highway 2 and Rio De Bayamon.	*11.0
		Rio Guaynabo	Intersection of Puerto Rico Highway 833 and Rio Guaynabo.	*17.0
			Upstream side of the intersection of Puerto Rico Highway 837 and Rio Guaynabo.	*27.0
		Rio Hondo	Upstream side of the intersection of Puerto Rico Highway 2 and Rio Hondo.	*10.0
			Upstream side of the intersection of Calle Loreda and Rio Hondo.	*32.0
		Quebrada Santa Catalina	Upstream side of the intersection of Dr. Santiago VeVe and Quebrada Santa Catalina.	*10.0
			Upstream side of the intersection of Calle J and Quebrada Santa Catalina.	*21.0
		Atlantic Ocean	Intersection of Puerto Rico Highways 165 and 869.	*1.6
Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.				
Rhode Island	Little Compton, Town Newport County (Docket No. FEMA-5757).	Atlantic Ocean	The entire shoreline from the state boundary between Westport, Massachusetts and Little Compton, Rhode Island to Brown's Point.	*12
			The entire shoreline from Brown's Point to the corporate limits between Tiverton, Rhode Island and Little Compton, Rhode Island.	*13
Maps available for inspection at the Town Clerk's Office, Little Compton, Rhode Island.				
Texas	City of Brenham, Washington County (FEMA-5947)	Little Sandy Creek	Just downstream of Independence St.	*238
			Just upstream of Independence St.	*240
			Just downstream of FM 2935.	*249
			Just upstream of FM 2935.	*252
			Just downstream of Loop 283.	*261
			Just upstream of Loop 283.	*263
			Just downstream of Burleson Street.	*275
			Just upstream of Burleson Street.	*278
		Higgins Branch	Just downstream of FM 2935.	*255

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of FM 2935.....	*258
			Just downstream of Horton Street.....	*260
			Just upstream of Horton Street.....	*263
			Just downstream of Burleson Street.....	*279
			Just upstream of Burleson Street.....	*290
			Just downstream of Jefferson Street.....	*298
			Just upstream of Jefferson Street.....	*301
		Higgins Tributary.....	Just downstream of Saeger Street.....	*314
			Just upstream of Saeger Street.....	*318
		Hog Branch.....	Just downstream of Horton Street.....	*293
			Just upstream of Horton Street.....	*255
			Just downstream of the Southern Pacific Railroad.....	*264
			Just upstream of the Southern Pacific Railroad.....	*266
			Just downstream of Chappell Hill St.....	*281
			Just upstream of Chappell Hill St.....	*284
		Ralston Creek.....	Just downstream of Horton Street.....	*261
			Just upstream of Horton Street.....	*266
			Just downstream of Gun and Rod Road.....	*274
			Just upstream of Gun and Rod Road.....	*277
			Just downstream of Chappell Hill St.....	*303
			Just upstream of Chappell Hill St.....	*305
		South Fork of Ralston Creek.....	Approximately 140 feet upstream of the confluence point with Ralston Creek.....	*284
		Unnamed Tributary of Woodward Creek.....	Just upstream of Trinity Street extended.....	*328
Maps available for inspection at City Utility Building, 210 North Park Street, Brenham, Texas 77833.				
Texas.....	City of Fallumas, Brooks County (FEMA-5947).....	Pio Blanco Creek.....	Just downstream of E. Rice Street (U.S. Highway 285).....	*113
		Cibola Creek.....	Just downstream of E. Rice Street (U.S. Highway 285).....	*113
		Shallow Flooding Area.....	At the intersection of St. Mary Street (U.S. Highway 281) and Taylor Street.....	#1
			At the intersection of N. St. Mary Street (U.S. Highway 281) and Hulsache Street.....	#2
			At the intersection of N. St. Mary Street (U.S. Highway 281) and Travis Street.....	#3
Maps available for inspection at City Hall, 205 East Allen Street, Fallumas, Texas 78355.				
Texas.....	City of Kingsville, Kleberg County (FEMA-5947).....	Escondido Creek.....	Just upstream of FM 135E.....	*48
			Just downstream of Missouri Pacific Railroad.....	*46
			Just upstream of Southern corporate limits.....	*41
			Just downstream of U.S. Highway 77 Bypass.....	*39
		Santa Gertrudis Creek.....	Just downstream of U.S. Highway 77 Bypass.....	*40
			Just downstream of U.S. Highway 77 Business.....	*50
			Kingsville corporate limits.....	*52
		Tranquitas Creek.....	U.S. Highway 77 Bypass.....	*45
			Just upstream of 17th Street.....	*48
			Just upstream of 5th Street.....	*64
			Just upstream of 1st Street.....	*65
Maps available for inspection at City Hall, 200 East Kleberg Street, Kingsville, Texas 78363.				
Utah.....	Brigham City (City), Box Elder County (FEMA-5966).....	Box Elder Creek.....	100 feet upstream from center of Union Pacific Railroad Bridge.....	*4,283
			75 feet upstream from center of 200 West Street.....	*4,333
			75 feet upstream from center of 400 East Street.....	*4,405
Maps available for inspection at City Hall, Brigham City, Utah.				
Utah.....	Farmington (City), Davis County (FEMA-5966).....	Davis Creek.....	100 feet upstream of center of 200 East.....	*4,348
		Steed Creek.....	100 feet upstream of center of 200 East.....	*4,367
		Farmington Creek.....	100 feet upstream of center of Clark Lane.....	*4,255
			150 feet upstream of center of 300 North.....	*4,278
			100 feet upstream of center of State Highway 106.....	*4,315
		Rudd Creek.....	400 feet upstream of center of Skyline Drive.....	*4,464
		Shepard Creek.....	100 feet upstream of center of State Highway 106.....	*4,326
			120 feet upstream of center of abandoned Bamberger Railroad.....	*4,370
		Haight Creek.....	200 feet upstream of center of frontage road to Interstate 15.....	*4,282
Maps available for inspection at City Hall, Farmington, Utah.				
Utah.....	Fruit Heights (City), Davis County (FEMA-5966).....	Baer Creek.....	150 feet upstream from center of U.S. Highway 89.....	*4,534
		Haight Creek.....	200 feet upstream from center of U.S. Highway 89.....	*4,488
Maps available for inspection at City Hall, Fruit Heights, Utah.				
Virginia.....	Wise County (Docket No. FEMA-5813).....	Powell River.....	0.94 mile downstream of Cadet School Bridge.....	*1,458
			1.41 miles upstream of Cadet School Bridge.....	*1,465
			0.61 mile downstream of the confluence of Halfway Branch.....	*1,656
			0.79 mile upstream of the confluence of Halfway Branch.....	*1,685
			1.16 miles upstream of the confluence of Halfway Branch.....	*1,706
			0.34 mile downstream of U.S. Route 23.....	*2,012
			1.16 miles upstream of U.S. Route 23.....	*2,022
			Interstate Railroad located 1.68 miles upstream of U.S. Route 23 Upstream side.....	*2,033

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
		2.29 miles upstream of U.S. Route 23		*2,053
		3.72 miles upstream of U.S. Route 23		*2,091
		4.48 miles upstream of U.S. Route 23		*2,118
	South Fork Pound River	0.42 mile downstream of U.S. Route 23		*1,558
		Upstream side of U.S. Route 23		*1,561
		1.54 miles upstream of U.S. Route 23		*1,581
		Upstream State Route 679		*1,603
		0.10 mile upstream of State Route 679		*1,605
	Indian Creek	0.16 mile downstream of State Route 693		*1,590
		U.S. Route 23 located 1.23 miles upstream of State Route 693		*1,609
		2.3 miles upstream of State Route 693		*1,621
	Pound River	0.21 mile downstream of the confluence of Bad Creek		*1,543
		0.98 mile upstream of the confluence of Bad Creek		*1,549
	North Fork Pound River	0.85 mile downstream of County Boundary		*1,557
		0.2 mile upstream of County Boundary		*1,559
	Bold Camp Creek	County Boundary		*1,556
		0.83 mile upstream of County Boundary		*1,562
	Bad Creek	Confluence with Pound River		*1,545
		0.75 mile upstream of the confluence with Pound River		*1,570
		1.32 miles upstream of the confluence with Pound River		*1,601
	Mullins Fork	Confluence with Bold Camp Creek		*1,562
		0.20 mile upstream of the confluence with Bold Camp Creek		*1,584
		0.40 mile upstream of the confluence with Bold Camp Creek		*1,608
		0.60 mile upstream of the confluence with Bold Camp Creek		*1,622
		0.93 mile upstream of the confluence with Bold Camp Creek		*1,630
	Yellow Creek	Confluence with Bear Creek		*2,084
		0.20 mile upstream of the confluence with Bear Creek		*2,100
		0.40 mile upstream of the confluence with Bear Creek		*2,131
		0.58 mile upstream of the confluence with Bear Creek		*2,159
	Pigeon Creek	0.1 mile downstream of the confluence of Looney Creek		*1,623
		0.27 mile upstream of the confluence of Looney Creek		*1,633
		Downstream Southern Railway Bridge (second crossing)		*1,650
		Downstream Access Road		*1,664
		0.11 mile upstream of Access Road		*1,672
	Little Toms Creek	0.30 mile downstream of Norfolk & Western Railroad		*2,002
		Upstream Gravel Road		*2,015
		0.1 mile upstream of Gravel Road		*2,017
	Tributary to Toms Creek	Confluence with Toms Creek		*2,005
		0.35 mile upstream of State Route 652		*2,010
		Upstream County Route 796		*2,021
		Upstream County Route 667		*2,036
		0.2 mile upstream County Route 687		*2,046
		0.45 mile upstream of County Route 687		*2,076
		0.51 mile upstream of County Route 687		*2,100
	Sepulcher Creek	0.56 mile downstream of State Route 625		*2,120
		Upstream State Route 625		*2,133
		0.50 mile upstream State Route 625		*2,163
		Downstream State Route 625 located 0.4 mile upstream of Access Road		*2,173
	Bear Creek	0.59 mile downstream of County Route 681		*2,079
		Confluence of Yellow Creek		*2,084
		0.25 mile upstream of the confluence of Yellow Creek		*2,094
		0.47 mile upstream of the confluence of Yellow Creek		*2,124
		0.98 mile upstream of the confluence of Yellow Creek		*2,184
		1.08 miles upstream of the confluence of Yellow Creek		*2,217
	South Fork Powell River	State Route 613 (Downstream crossing)		*1,492
		Upstream State Route 613 (Upstream crossing)		*1,516
		Upstream State Route 609		*1,529
		0.4 mile upstream of State Route 609		*1,549
		0.6 mile upstream of State Route 609		*1,559
		0.1 mile upstream of State Route 612		*1,579
		0.48 mile upstream of State Route 612		*1,594
		30 feet upstream of State Route 722		*1,658
		0.45 mile upstream of State Route 609		*1,699
	Looney Creek	0.31 mile downstream of Southern Railway Switchyard Road		*1,623
		Southern Railway Switchyard Road		*1,628
		0.43 mile upstream of Southern Railway Switchyard Road		*1,652
	Callahan Creek	0.74 mile downstream of the confluence of Preacher Creek		*1,659
		Upstream Access Road located 0.27 mile downstream of Preacher Creek		*1,676
		Upstream Interstate Railroad located 0.08 mile upstream of the confluence of Preacher Creek		*1,689
		0.57 mile upstream of Preacher Creek		*1,706
		Upstream State Route 78		*1,736
		0.22 mile upstream of State Route 78		*1,740

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Guest River				
		1.23 miles downstream of State Route 72		*1,912
		1.02 miles downstream of State Route 72		*1,922
		0.77 mile downstream of State Route 72		*1,932
		0.13 mile downstream of State Route 72		*1,842
		0.68 mile upstream of State Route 72		*1,952
		1.07 miles upstream of State Route 72		*1,962
		1.68 miles upstream of State Route 72		*1,972
		1.35 miles downstream of Hicks Avenue		*1,982
		Hicks Avenue		*1,987
		3.48 miles upstream of Hicks Avenue		*1,997
		6.48 miles upstream of Hicks Avenue		*2,007
		7.63 miles upstream of Hicks Avenue		*2,017
		8.18 miles upstream of Hicks Avenue		*2,037
		9.23 miles upstream of Hicks Avenue		*2,057
		9.93 miles upstream of Hicks Avenue		*2,072
		3.43 miles downstream of the confluence of Sepulcher Creek		*2,087
		2.9 miles downstream of the confluence of Sepulcher Creek		*2,102
		2.2 miles downstream of the confluence of Sepulcher Creek		*2,112
		0.40 mile upstream of State Route 625 (Upstream crossing)		*2,139
		0.85 mile upstream of State Route 625 (Upstream crossing)		*2,149
		0.38 mile downstream of Downstream crossing of State Route 620		*2,169
		Upstream Gravel Road		*2,178
		Upstream State Route 620 (Downstream crossing)		*2,191
		0.20 mile downstream of State Route 626		*2,211
		0.74 mile upstream of State Route 620 located at Mile 30.5		*2,230
Toms Creek				
		2.3 miles downstream of Norfolk & Western Railway		*1,996
		Confluence of Tributary to Toms Creek		*2,005
		0.20 mile downstream of State Route 652		*2,010
		Upstream State Route 652		*2,014
		0.7 mile upstream of State Route 652		*2,027
Maps available for inspection at the Office of the County Administrator, County Courthouse, Wise, Virginia.				
Washington	Goldendale, City Klickitat County (Docket No. FEMA-5926)	Little Klickitat River	Upstream State Highway 142	*1,800
			Upstream Mill Street	*1,808
			Upstream Columbus Avenue	*1,822
			Upstream Corporate Limits	*1,838
Maps available for inspection at the City Hall, 225 West Court, Goldendale, Washington.				
Washington	Vancouver (City) Clark County FEMA-5873	Columbia River	Centerline of Burlington Northern Railroad 3000 feet northwest along Tracks from Northwest 26th Street Extension	*27
		Burnt Bridge Creek	Intersection of river and center of Interstate Highway 5	*28
			Intersection of creek and center of Leverich Parkway	*56
			Intersection of creek and center of Davine Road	*165
Maps available at City Hall, 210 E. 13th Street, Vancouver, Washington.				
West Virginia	Huntington, City, Cabell and Wayne Counties (Docket No. FEMA-5749)	Arlington Boulevard Tributary	Arlington Boulevard	*555
			Aqueduct Exit	*559
			Aqueduct Entrance	*578
			Downstream Norway Avenue	*586
			Upstream Footbridge approximately one tenth of a mile upstream of Norway Avenue	*592
		Fourpole Creek	Norwood Road	*613
			Downstream U.S. Route 60	*540
			West Fifth Street	*548
			Downstream Eighth Street	*556
			Corporate Limits Upstream	*569
		Guyandotte River	Confluence with Ohio River	*555
			5th Street	*555
		Hisey Fork	Confluence with Fourpole Creek	*542
			Upstream Harvey Avenue and Greenridge Drive	*549
			Richie Drive at Corporate Limits (Upstream)	*555
		Krout Creek	Downstream Burlington Road	*537
			Waverly Road	*543
			Piedmont Road	*548
			Upstream Chessie System Bridge	*558
		Medley Fork	Confluence with Hisey Fort	*544
			Upstream Private Drive (0.22 miles upstream of confluence)	*554
			Private Drive (0.48 miles upstream of confluence)	*565
			Harveytown Road	*578
			Private Drive (0.913 miles upstream of confluence)	*587
		Ohio River	Confluence of Twelvepole Creek	*551
			Confluence of Guyandotte River	*555
Maps available for inspection at the City Hall, Room 16, Huntington, West Virginia.				
Wisconsin	Jackson (Village) Washington County FEMA-5843	Jackson Creek	Downstream side of the intersection of Jackson Drive with the channel	*876

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) Tomah, Monroe County (Docket No. FEMA-5845)	Hasmer Creek	Approximately 500 feet upstream of the intersection of Jackson Drive with the channel.	*882
			Downstream side of the intersection of State Trunk Highway 60 (Main Street) With the channel.	*868
		Hasmer Lake	Intersection of Traylor Park Road with the channel.	*871
			Confluence with Hasmer Creek.	*872
		Cedar Creek	Intersection of the eastern most corporate limits with the channel.	*844
			1,200 feet downstream of the intersection of Sherman Road with the channel.	*845
		Council Creek	About 4000 feet downstream of Town Line Road.	*945
			About 400 feet upstream of Town Line Road.	*953
		South Fork Lemonweir River	About 400 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*956
			About 470 feet upstream of Monowau Street.	*962
			Just downstream of Clifton Road.	*964
			At upstream corporate limits.	*969
			About 0.5 mile downstream of North Glendale Avenue.	*944
			Just upstream of North Glendale Avenue.	*948
			Just upstream of Superior Avenue.	*953
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*957
		Lake Tomah	Just downstream of Lake Tomah Dam.	*960
			At Lake Tomah Dam.	*963
			At shoreline.	*963

Maps available at the Office of Village Clerk, Village Hall, P.O. Box 147, Jackson, Wisconsin.

Maps available for inspection at the Office of the City Clerk, 819 Superior Avenue, Tomah, Wisconsin.

[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 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10534 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program;
Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

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.

ADDRESS: See table below.

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: 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 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 67). 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 (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C), Trenton, Wayne County (Docket No. FEMA-5853)	Frank and Poet Drain	Just upstream of Vreeland Road.	*582
			Just downstream of King Road.	*588
		Detroit River	At the southern corporate limits.	*577
			At the northern corporate limits.	*578

Maps available at the Department of Engineering and Building, City Hall, 2600 Third Street, Trenton, Michigan.

Final Base (100-year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
Nebraska	(C), Hastings, Adams County (Docket No. FEMA-5818)	Pawnee Creek	Downstream extraterritorial limits (about 900 feet downstream of County Road 24)	*1,888	
			About 750 feet upstream of County Road 137	*1,895	
			Just upstream of U.S. Highway 281	*1,902	
			Just downstream of County Road 33	*1,909	
			Just upstream of Burlington Northern railroad	*1,912	
			Just downstream of U.S. Highway 6	*1,922	
			Just downstream of Burlington Northern railroad (near County Road E-74)	*1,932	
			Just upstream of County Road E-74	*1,929	
			About 1.1 miles upstream of County Road 10-4W	*1,950	
			About 2,200 feet downstream of County Road 9-3W	*1,973	
		West Fork Big Blue River	Just upstream of County Road 241	*1,982	
			About 300 feet downstream of County Road 214	*1,886	
			Just upstream of County Road 214	*1,891	
			About 400 feet downstream of U.S. Highway 281	*1,902	
			About 500 feet upstream of U.S. Highway 281	*1,910	
			Just downstream of County Road 135	*1,910	
			Just upstream of County Road 135	*1,915	
			Upstream extraterritorial limits (about 1.6 miles upstream of County Road 135)	*1,922	
			North Branch West Fork Big Blue River	Mouth at West Fork Big Blue River	*1,982
				About 3,600 feet upstream of County Road 241	*1,886
		Lake Heartwell Tributary	Mouth at West Fork Big Blue River	*1,883	
			Just downstream of Elm Street	*1,900	
		South Branch West Fork Big Blue River	Just upstream of Elm Street	*1,905	
			Just downstream of East Side Boulevard	*1,908	
			Mouth at West Fork Big Blue River	*1,891	
			Just downstream of Lake Hastings Dam	*1,903	
			Just upstream of Lake Hastings Dam	*1,911	
Just downstream of North Shore Drive	*1,911				
Just downstream of Union Pacific Railroad (railroad is about 100 feet upstream of North Shore Drive)	*1,916				
Just downstream of County Road 33	*1,929				
Maps available for inspection at the City Hall, P.O. Box 1085, Hastings, Nebraska.					
Texas	City of Corsicana, Navarro County (FEMA-5843)	Post Oak Creek	Approximately 140 feet upstream of St. Louis and Southwestern Railroad (Corporate Limits)	*359	
			Approximately 100 feet upstream of U.S. 287	*358	
		South Fork Post Oak Creek	Just upstream of Mimosa Drive	*412	
			Just upstream of 26th Street	*421	
		Mesquite Branch	Just downstream of Powell Pike	*372	
			Just upstream of U.S. Highway 75	*399	
		Town Branch	Approximately 100 feet downstream of 11th Street	*405	
			Just upstream of 12th Street	*407	
Maps available for inspection at Government Center, North 12th Street, Corsicana, Texas 75110.					

(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 27, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10536 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Docket No. 20790; FCC 81-98]

Frequency Allocations and Radio Treaty Matters; Relaxation and Clarification of the Commission's Rules Establishing a Single System of Identification for Devices Covered Under the Equipment Authorization Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has amended its rules to clarify and relax the equipment identification rules set forth in the Report and Order, Docket No. 20790 (FCC 79-134), released March 15, 1979 and printed in the *Federal Register* (44 FR 17175) on March 21, 1979, establishing a single system of identification for devices subject to the equipment authorization program. The mandatory date for compliance with the new identification rules was extended from October 27, 1980 to May 1, 1981 (Order, FCC 80-564, released October 9, 1980, and printed in the *Federal Register*

(45 FR 71356) on October 28, 1980). The identification rules adopted in the cited Report and Order apply to devices subject to the equipment authorization procedures Type Acceptance, Type Approval and Certification.

The clarification resulted in the rewording of certain text which was previously vague and the specification of items of information which may be included within the circumscribed area on the nameplate. The relaxation action deletes the requirement for a separate code assignment for each trade name since assigning and keeping track of grantee/trade name codes has proven to be non-beneficial and burdensome to

both Commission staff and grantees, in addition to slowing the application examining process. The Commission will continue to assign grantee and manufacturer codes.

EFFECTIVE DATE: March 25, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Ruby Moore, Office of Science and Technology, 301-725-1585.

SUPPLEMENTARY INFORMATION: In the matter of Relaxation and clarification of rules adopted in Report and Order in Docket No. 20790, establishing a single system of identification for devices covered under the equipment authorization program. *Order.*

Adopted: March 11, 1981.

Released: March 25, 1981.

By the Commission: Chairman Ferris not participating.

1. On February 28, 1979, the Commission adopted a Report and Order in Docket No. 20790 (FCC 76-134), which was published in the *Federal Register* (44 FR 17175) on March 21, 1979. The Report and Order adopted new rules (to become effective April 25, 1979, and mandatory October 27, 1980) providing for a single system of identification for all devices subject to the Type Acceptance, Type Approval and Certification authorization procedures, and covered under the equipment authorization program. These rules require an FCC Identifier (consisting of grantee or grantee/trade name and manufacturer codes assigned by FCC and a number assigned by the prospective grantee) to be displayed on the nameplate of each device covered under the equipment program.

2. On October 1, 1980, the Commission adopted an Order in Docket 20790 (FCC 80-564), which was published in the *Federal Register* (45 FR 72356) on October 28, 1980, postponing the mandatory effective date for compliance with the single system of identification from October 27, 1980 to May 2, 1981. This delay was determined to be necessary from the experience gained in the application of the rules and assignment of codes to grantees and manufacturers who applied on a voluntary basis subsequent to April, 1979.

3. One of the requirements in the new identification rules was for the Commission to assign a separate grantee/trade name code for each different trade name under which a prospective grantee intends to market the authorized equipment. In many instances, the assignment of as many as 50 different grantee/trade name codes to one grantee has been necessary due to the requirement for a separate code for

each trade name for consumer devices, such as FM and TV broadcast receivers subject to the certification authorization procedure.

4. Assigning and keeping track of these grantee/trade name codes has proven to be burdensome to the Commission and to grantee alike, and affords very little benefit. Since the new identification rules require the trade name to be displayed on the nameplate/label in addition to the identifier for those devices identified solely by a trade name, the Commission can identify the grantee and manufacturer of a device without the necessity of requiring a separate code for each trade name. Accordingly, we are deleting the requirement for a separate code for each trade name. We will continue the requirement to display the trade name on the identification label of devices identified solely by trade name and will continue to assign codes for grantees.

5. In addition to this relaxation of the rules, we have closely examined the text of the new identification rules and considered many interpretations and inquiries pertaining to their requirements. This process revealed the need for some clarification and restructuring of the identification rules in order to make them more easily understood. The reworded text in the APPENDIX reflects this process. We have also shown examples of the circumscribed identification portion of the nameplate in the reworded text.

6. We believe that the identification rules as amended will reduce the impact of compliance on the grantees, manufacturers and the Commission.

7. Authorization for this revision is contained in Sections 4(i), 302, and 303(r) of the Communications Act of 1934, as amended. As noted in paragraph 2 above, the Commission has gained nearly two years of experience with this identification program through contact with a considerable number of manufacturers. A notice requesting comments on the subject clarifications is not expected to provide any information not now before the Commission and therefore is found to be unnecessary. These revisions will also reduce the effort on the part of both the Commission and industry. Accordingly, pursuant to Section 553(b)(3)(B) of the Administrative Procedures Act (5 U.S.C. 553(b)(3)(B)), we find prior notice of the attached rule changes is not required.

8. The Administrative Procedures Act also permits agencies to dispense with the thirty-day waiting period between adoption and effective date of a regulation if good cause is found. 5 U.S.C. Sec. 553(d)(3). As noted above, industry will only benefit from the

instant revision. While having no adverse impact on the private sector, an immediate effective date will facilitate the Commission's processing of applications covered under the equipment authorization program. These applications can be applied without delay to the simplified identification system adopted herein even though applicants may not immediately become aware of this action. Therefore, it is found that good cause exists for the adoption date of this Order to be also the effective date of the subject rules.

9. In view of the above, it is ORDERED, effective March 25, 1981 that Part 2 is revised as set out in the attached APPENDIX.

10. For further information on this proceeding, contact Mrs. Ruby Moore, Authorization & Standards Division, Office of Science and Technology, (301) 725-1585.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

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

§ 2.925 [Amended]

1. § 2.925, the introductory paragraph of (a), and paragraphs (a)(1) and (a)(2) are revised to read as follows:

(a) Each equipment covered by an application for equipment authorization filed on or after May 1, 1981, shall bear a nameplate/label displaying the FCC Identifier validated by the Commission pursuant to § 2.926(a), the grantee name or trade name as specified in the application for equipment authorization, and, for equipment of foreign origin, the country of origin as required by 19 U.S.C. 1304. The nameplate/label shall display in an area circumscribed by a line the following data: The FCC Identifier on a single line preceded by the term "FCC ID:" in capital letters; and the country of origin, for equipment of foreign origin (See Example A below). If desired, the grantee name or trade name may be included in the circumscribed area, provided the names, if different, are listed on separate lines (See Example B below). Additional labeling requirements as set forth in the rules governing specific devices or other information desired by the grantee shall be displayed outside the circumscribed area. No equipment may be marked so as to appear to have more than one trade name.

Insert Illus O1022

Example A

FCC ID: XXXYYY1234A
(country of origin)*

Example B

FCC ID: XXXYYY1234A
(grantee name)**
(trade name)**
(country of origin)*

* applies only to equipment of foreign origin

** The grantee name or trade name as specified in the application for equipment authorization.

(1) A prospective grantee (party identified as the applicant for equipment authorization on FCC Form 731) may request equipment authorization for any new equipment under the single system of identification prior to the May 1, 1981 mandatory compliance date. Equipment authorized as a result of this option is required to be identified pursuant to paragraph (a) of this section. Parties not selecting this option must follow the application procedures in paragraph (g) of this section and label such equipment accordingly. (See § 2.926(e) concerning placing FCC Identifier(s) on equipment prior to validation of such identifier(s) by a Grant of Equipment Authorization issued by the Commission.)

(2) Equipment subject only to registration will be identified pursuant to Part 68 of this chapter.

2. In § 2.925, paragraph (b)(3) is removed and the introductory paragraphs of (b), (b)(1), and (b)(2) are revised to read as follows:

(b) Any device subject to more than one equipment authorization procedure may be assigned a single FCC Identifier. However, a single FCC Identifier is required to be assigned to any device consisting of two or more sections assembled in a common enclosure, on a common chassis or circuit board, and with common frequency controlling circuits. Devices to which a single FCC Identifier has been assigned shall be identified pursuant to paragraph (a) of this section.

(1) Separate FCC Identifiers may be assigned to a device consisting of two or more sections assembled in a common enclosure, but constructed on separate sub-units or circuit boards with independent frequency controlling circuits. For devices in this category, the FCC Identifier assigned to any transmitter section shall be preceded by the term "RX FCC ID:", the FCC Identifier assigned to any receiver section shall be preceded by the term "TX FCC ID:", and the identifier(s) assigned to any remaining section(s)

shall be preceded by the term "FCC ID:". Devices to which separate identifiers have been assigned shall have all FCC Identifiers, with the appropriate preceding terms included in the circumscribed area of the nameplate/label pursuant to paragraph (a) of this section.

(2) Where telephone equipment subject to Part 68 of this chapter, and a radiofrequency device subject to equipment authorization requirements are assembled in a common enclosure, the nameplate/label shall display the FCC Registration Number in the format specified in Part 68 and the FCC Identifier in the format specified in paragraph (a) of this section.

3. In § 2.925, paragraph (b)(4) is designated paragraph (b)(3), and revised to read as follows:

(b) . . .

(3) Applications filed on or after May 1, 1981, and applications filed earlier requesting equipment authorization using the single system of identification pursuant to Section (a)(1) will receive a review of the identification portion by the Commission's Laboratory with respect to nameplate/label design within 30 days after receipt at the Laboratory. Failure by the Laboratory to reject a nameplate design proposed in any particular application within this time period will constitute de-facto acceptance of the nameplate/label design for that particular equipment. Such de-facto acceptance will be limited to the equipment covered by the particular application and will not be considered to establish a precedent for other applications. This review deadline applies only to the proposed nameplate/label design, not to the remainder of the application.

4. In § 2.925, paragraph (c) is removed.
(c) [Reserved]

5. In § 2.925, the introductory paragraph of (g) is revised to read as follows:

(g) Unless assigned an FCC Identifier pursuant to §§ 2.925 (a) and (a)(1), each equipment for which an equipment authorization application is filed before May 1, 1981, shall be uniquely identified with a name and type or model number inscribed on a nameplate or label. The detailed information to be inscribed on the nameplate or label is set out in the rules for the particular form of equipment authorization required, and for some kinds of equipments, in the rules governing the specific category of devices. The type or model number required for equipment subject to this paragraph shall comply with the following requirements:

6. In § 2.926, paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 2.926 FCC Identifier.

(a) A Grant of Equipment Authorization issued by the Commission will list the validated FCC Identifier covering the equipment described in the application for equipment authorization. The identifier will consist of the grantee and manufacturer codes assigned by FCC pursuant to paragraphs (b) and (c) of this section, and the number assigned by the grantee pursuant to paragraph (d) of this section.

Example: XXXYYY1234A
XXX—Grantee code
YYY—Manufacturer code
1234A—Number

(1) The identifier codes assigned pursuant to paragraphs (b) and (c) of this section are assigned uniquely to specific grantees and manufacturers and are valid only for the parties listed as grantee or manufacturer at the time of assignment.

(2) The list of identifier codes assigned pursuant to paragraphs (b) and (c) of this section will not be reproduced for public distribution. It will be made available for official use by FCC and U.S. Customs staffs.

(b) A grantee code will have three characters consisting of Arabic numerals, capital letters or a combination thereof. A prospective grantee (party identified as the applicant for equipment authorization on FCC Form 731) may submit a written request to the Commission to assign a grantee code at any time. However, it is preferred that grantee codes be requested prior to filing applications for equipment authorization. If a grantee code is not requested in advance, one will be assigned at the time an equipment authorization application is received by the FCC Laboratory, and the applicant may be notified to make any

necessary nameplate/label revisions in order to comply fully with application procedural rules.

(1) After assignment of a grantee code each grantee will continue to use the same grantee code for subsequent equipment authorization applications. In the event that the grantee name is changed, or ownership is transferred, the circumstances should be reported to the Commission so that a new grantee code can be assigned, if appropriate. Where it is determined that a new grantee code is required to be assigned, the grant(s) of equipment authorization covering the equipment involved may be reissued, depending on the circumstances surrounding the name change or transfer of ownership. See §§ 2.934 and 2.935 for additional information.

(c) A manufacturer code will have three characters consisting of Arabic numerals, capital letters or a combination thereof. A manufacturer (or a grantee who proposes to use its service) may submit a written request to the Commission to assign a manufacturer code at any time. However, it is preferred that manufacturer codes be requested prior to filing applications for equipment authorization. A manufacturer having more than one manufacturing facility with an identical name in the same country, but located at different

addresses, may request the FCC to assign a single manufacturer code to cover all locations. If a manufacturer code is not requested in advance, one will be assigned at the time the application is received by the FCC Laboratory, and the applicant may be notified to make any necessary nameplate/label revisions in order to comply fully with the application procedural rules.

Note.—The term "manufacturer" as used in this section and as defined by FCC is that party who fabricates any equipment subject to equipment authorization which is to be sold as a finished product for public consumption. Manufacturer codes should not be requested and will not be assigned to suppliers of subassemblies or components used by the actual manufacturer in production of the equipment.

(1) After assignment of a code to a manufacturer, that party will continue to use the same manufacturer code for all subsequent equipment authorization applications, whether for the same or another grantee. In the event the manufacturer name is changed, or ownership is transferred, the circumstances should be reported to the Commission so that a new manufacturer code can be assigned, if appropriate. This notification should be routed via the grantee(s) involved, since assignment of a new manufacturer code may require new grant(s) of equipment

authorization to be issued covering the equipment involved, depending on the circumstances surrounding the name change or transfer of control. See §§ 2.934 and 2.935 for additional information.

(2) Where a grantee lists two or more parties as manufacturers of a given equipment, a code must be requested for each manufacturer. A separate grant of equipment authorization will be issued, listing each manufacturer and the respective FCC Identifier.

(d) The number assigned by the grantee shall consist of a series of Arabic numerals, capital letters or a combination thereof, and may include punctuation marks and spaces. The total of Arabic numerals, capital letters, punctuation marks and spaces (within the number itself) shall not exceed 11. The number assigned to the equipment shall be one which has not been used previously in conjunction with (i) the same grantee and manufacturer code and, (ii) the same grantee/trade name and manufacturer code where a code has been assigned to represent a specific trade name and only a trade name is displayed on the nameplate/label.

[FR Doc. 81-10850 Filed 4-7-81; 8:45 am]
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Proposed Rules

Federal Register

Vol. 46, No. 67

Wednesday, April 8, 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

Office of the Secretary

7 CFR Part 0

Employee Responsibilities and Conduct

AGENCY: Department of Agriculture.

ACTION: Proposed rule.

SUMMARY: The Department of Agriculture proposes to amend its conduct regulations to provide procedures concerning the administrative enforcement of restrictions on the post-employment activities of former USDA employees. The proposed regulations establish the procedures that will be used in the Department to investigate possible violations of the post-employment restrictions contained in 18 U.S.C. 207 and to take appropriate disciplinary action against individuals found guilty of such violations.

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

ADDRESS: Send written comments to—William J. Riley, Jr., (Office of Personnel), United States Department of Agriculture, Room 10W, 14th and Independence Avenue, SW., Washington, DC 20250, (202) 447-3327.

FOR FURTHER INFORMATION CONTACT: Peter Sleight (Office of Personnel), United States Department of Agriculture, Room 14W, 14th and Independence Avenue, SW., Washington, DC 20250, (202) 447-7654.

SUPPLEMENTARY INFORMATION: Title V of the Ethics in Government Act of 1978, as amended (Pub. L. 95-521, Pub. L. 96-28), imposed new restrictions on the post-employment activities of former federal employees (18 U.S.C. 207). Agencies are responsible for enforcing these restrictions and for bringing administrative proceedings against individuals suspected of violating them. (18 U.S.C. 207(j), 5 CFR 737.27). The proposed regulations set forth the procedures that will be used in the

Department to initiate and administer such proceedings in post-employment situations. The regulations spell out the steps involved in investigating possible violations of 18 U.S.C. 207, specify the defense and appeal rights of accused individuals, and establish the sanctions that will be taken against former employees who are found guilty of improper post-employment activities.

The Director, Office of Government Ethics, Office of Personnel Management has approved this proposed rule as conforming to the law and its implementing regulations.

This proposed regulation has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been determined to be exempt from those requirements.

John W. Fossum, Director of Personnel, made this determination because the proposed regulation covers matters related to agency management.

Accordingly, it is proposed that 7 CFR Part 0 be amended by adding a new Subpart D to read as follows:

Subpart D—Administrative Enforcement of Restriction on Post-Employment Activities

Sec.

- 0.735-51 Purpose.
- 0.735-52 Notice of violation.
- 0.735-53 Initiation of administrative action.
- 0.735-54 Hearing officer.
- 0.735-55 Department representative.
- 0.735-56 Time, date and place of hearing.
- 0.735-57 Representation.
- 0.735-58 Rights of parties at hearing.
- 0.735-59 Oaths and rules of evidence.
- 0.735-60 Transcript.
- 0.735-61 Briefs and discovery.
- 0.735-62 Open hearings.
- 0.735-63 Ex-parte communications.
- 0.735-64 Administrative record.
- 0.735-65 Burden of proof.
- 0.735-66 Initial decision.
- 0.735-67 Appeal.
- 0.735-68 Final decision.
- 0.735-69 Sanctions.
- 0.735-70 Finality.

Authority: 18 U.S.C. 207(j).

Subpart D—Administrative Enforcement of Restriction on Post-Employment Activities

§ 0.735-51 Purpose.

The purpose of this subpart is to set forth regulations governing administrative enforcement of the prohibitions on post-employment activities contained in 18 U.S.C. 207.

§ 0.735-52 Notice of violation.

Whenever there is reasonable cause to believe that a former employee has violated the provisions of 18 U.S.C. 207, an investigation and referral of the matter to the Department of Justice for possible prosecution shall be made in accordance with applicable regulations and Department procedures. A copy of such referral shall be provided to the Office of Government Ethics. Thereafter any action to be taken by the Department shall be coordinated with the Department of Justice unless the Department of Justice declines to prosecute.

§ 0.735-53 Initiation of administrative action.

Whenever the Director of Personnel has reasonable cause to believe that a former employee of the Department has committed acts which violate 18 U.S.C. 207 (a), (b), or (c) he or she shall initiate administrative action pursuant to this subpart by notifying such employee (hereinafter respondent), in writing that:

(a) Action is being instituted against him or her pursuant to this subpart as a result of allegations of a violation or violations of 18 U.S.C. 207. The respondent shall be informed of the allegations and the basis for them in sufficient detail to prepare an adequate defense;

(b) He or she may request a hearing in writing within 15 working days by addressing the request to the Director of Personnel of the Department;

(c) In the absence of such a request, the Director of Personnel shall decide the matter on its merits based upon the evidence gathered to date; and

(d) The respondent may elect to supply a written rebuttal to the allegations in lieu of requesting a hearing. Such material shall be incorporated in the record and reviewed by the Director of Personnel prior to reaching a determination on the matter.

§ 0.735-54 Hearing officer.

If the respondent, after receiving notice of action under this subpart, requests a hearing, the Secretary shall appoint a hearing officer for the matter. The hearing officer shall be an individual who has not been involved in any of the events specified in the allegations and who did not participate in the investigation of the allegations, or the decision to institute the proceeding.

or the referral of the matter, if any, to the Department of Justice. The hearing officer shall be an individual with suitable experience and training to conduct the hearing, reach a determination and render an initial decision in an equitable manner.

§ 0.735-55 Department representative.

The Director of Personnel shall appoint a Department representative (hereinafter petitioner) to present evidence and otherwise participate in the hearing.

§ 0.735-56 Time, date and place of hearing.

The hearing shall be held at a time and place specified by the hearing officer. The hearing officer shall give due regard in setting a hearing date to:

- (a) Allowing the respondent adequate time to prepare a defense properly; and
- (b) Providing the respondent an expeditious resolution of allegations that may be damaging to his or her reputation.

§ 0.735-57 Representation.

Respondent shall be entitled to appear personally, or to appear through or be accompanied by a representative, at the hearing.

§ 0.735-58 Rights of parties at hearing.

Petitioner and respondent shall be entitled to introduce, examine and cross examine witnesses, submit evidence, and present oral arguments.

§ 0.735-59 Oaths and rules of evidence.

All testimony shall be taken under oath. The hearing officer shall conduct the hearing so as to bring out pertinent facts, including the production of pertinent documents. Rules of evidence shall not be applied strictly, but the hearing officer shall exclude irrelevant or unduly repetitious evidence.

§ 0.735-60 Transcript.

The hearing officer shall cause a transcript to be made of the hearing and a copy of it shall be made available to petitioner and to respondent.

§ 0.735-61 Briefs and discovery.

There shall be no discovery prior to the hearing, nor shall any briefs be submitted, absent specific request of the hearing officer.

§ 0.735-62 Open hearing.

All hearings shall be open to the public unless closed for good cause by the hearing officer. Such a finding shall be made a part of the record by the hearing officer.

§ 0.735-63 Ex-parte communications.

Neither petitioner nor any representative thereof shall make any ex-parte communications to the hearing officer concerning merits of the allegations against respondent prior to the issuance of his or her initial decision.

§ 0.735-64 Administrative record.

The record of any proceeding shall consist of the statement of allegations conveyed to respondent, the transcript of the testimony at the hearing, the documents and other evidence produced and made a part of the record at the hearing, all pleadings and the initial decision of the hearing officer.

§ 0.735-65 Burden of proof.

The petitioner shall have the burden of proof in this proceeding and must establish a violation by substantial evidence.

§ 0.735-66 Initial decision.

Within 30 days of the termination of the hearing, the hearing officer shall issue an initial decision on the matter. In his or her initial decision, he or she shall set forth all findings of fact and conclusions of law relevant to the matters at issue.

§ 0.735-67 Appeal.

Within 15 days of the date of receipt of the initial decision either party may appeal the initial decision or any portion thereof to the Assistant Secretary for Administration, in writing, pointing to errors in the findings of fact or conclusions of law contained in the initial decision. The opposing party shall have ten days after receipt of a copy of the appeal to reply.

§ 0.735-68 Final decision.

The Assistant Secretary for Administration shall accept or reject the findings and conclusions of the hearing officer. This decision shall be based solely upon the record of the proceeding and the letters of the parties commenting on the initial decision. Neither party shall make any ex-parte communication to the Assistant Secretary for Administration concerning the merits of the appeal prior to issuance of his or her final decision.

§ 0.735-69 Sanctions.

In the event of a finding, not overturned on appeal, of a violation of 18 U.S.C. 207, the Assistant Secretary for Administration may:

- (a) Prohibit the respondent from making, on behalf of any other person (except the United States) any formal or informal appearance before, or, with the intent to influence, any oral or written

communication to the Department on any matter of business for a period not to exceed five years, which may be accomplished by directing Department employees to refuse to participate in any such appearances or to accept any such communications; and

- (b) Take other appropriate disciplinary action.

§ 0.735-70 Finality.

There shall be no appeal within the Department from the decisions of the Assistant Secretary for Administration made pursuant to this subpart.

John R. Block,

Secretary of Agriculture.

April 1, 1981.

[FR Doc. 81-10594 Filed 4-7-81; 8:45am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Parts 982 and 999

Filberts Grown in Oregon and Washington and Filbert Imports; Proposed Grade Requirements for Domestic and Imported Filberts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rules.

SUMMARY: These rules would revise the grade requirements for domestic shelled filberts shipped under marketing order regulations. This document also sets forth alternative proposed grade standards for filberts imported into the U.S. The actions are intended to assure the quality of filberts sold to consumers. Public comments are invited on the proposal.

DATE: Comments due May 15, 1981.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials should be submitted, and they shall be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 [202] 447-5697. The Final Impact Statement describing the options considered in developing the proposal and the impact of implementing each option is available on request from J. S. Miller.

SUPPLEMENTARY INFORMATION: This action has been reviewed under

Executive Order 12291 and has been determined to be a non-major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

Notice is given of a proposal to amend Subpart—Grade and Size Regulation [7 CFR 982.101; 45 FR 73634] by revising § 982.101. This subpart is issued under the marketing agreement, as amended, and Order No. 982, as amended [7 CFR 982], regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are collectively referred to in this document as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the "act". This action is based on a recommendation of the Filbert Control Board [hereinafter referred to as the "Board"].

Notice is also given of a proposal to revise § 999.400(b)(2) and the grade requirements for shelled filberts [§ 999.400; Exhibit A] issued pursuant to section 8e [7 U.S.C. 608e-1] of the act.

Section 982.45(a) of the order provides, in part, that no handler shall handle any shelled filberts unless they meet such grade requirements as are established by the Secretary on the basis of a recommendation of the Board. Pursuant to that authority minimum grade standards for shelled filberts were published in the *Federal Register* October 4, 1976 [41 FR 43711], and set forth in § 982.101 of Subpart—Grade and Size Regulation [7 CFR 982.101]. Section 982.101 provides that the minimum grade standards for shelled filberts shall be the requirements for Oregon No. 1 whole and broken grade for shelled filberts as contained in Oregon Grade Standards for Filbert [Hazelnut] Kernels.

On September 29, 1977, section 8e of the act was amended to include "filberts" in that section. Section 8e provides, in part, that whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of the act contains any terms or conditions regulating the grade, size, quality or maturity of filberts produced in the United States the importation of filberts into the United States shall be prohibited unless the commodity complies with the grade, size, quality and maturity provisions of the order or comparable restrictions promulgated under section 8e. That is, whenever the Secretary of Agriculture finds the application of the restrictions under a marketing order to an imported commodity is not practicable because of

variations in characteristics between the domestic and imported commodity he shall establish with respect to the imported commodity such grade, size, quality, and maturity restrictions by varieties, types, or other classifications as he finds will be equivalent or comparable to those imposed upon the domestic commodity under such order.

Pursuant to the authority, requirements for imported inshell and shelled filberts were issued December 29, 1977 [42 FR 64899], and set forth in § 999.400 of Part 999—Specialty Crops; Import Regulations [7 CFR 999.1-999.400]. Section 999.400(b)(2) provides that all shelled filberts shall be of a quality equal to or better than the requirements prescribed in Exhibit A of that section, and that these requirements are identical to the requirements for Oregon No. 1 whole and broken grade for shelled filberts [as contained in Oregon Grade Standards for Filbert [Hazelnut] Kernels and prescribed for shelled filberts under Order No. 982, as amended].

Effective August 1, 1980, the Oregon standards were amended so that the total tolerance for kernels or portions of kernels which are moldy, rancid, decayed, or insect injured, is one percent. Previously, that tolerance applied only to kernels or portions of kernels which were moldy, rancid, or insect injured. "Decay" was included with a number of defects for which there was a tolerance of five percent. By virtue of the wording in § 982.101, it was construed that the August 1 change applied to domestic shelled filberts without the necessity of any further rulemaking action. With respect to the requirements for imported shelled filberts, a notice of proposed rulemaking was issued April 4, 1980 [45 FR 24167], proposing to change the requirements for those filberts consistent with those for domestic filberts. Following the close of the period for filing comments, an action was issued September 25, 1980 [45 FR 63479]. That action would have established the following requirements for imported shelled filberts:

1. The requirements then in effect for imported shelled filberts were to continue in effect until November 1, 1980.
2. From November 1, 1980, until January 31, 1981, a total tolerance of one and one-half percent for mold, rancidity, decay or insect injury, would have been prescribed, except that not more than a total of one percent would have been permitted for mold, rancidity, or insect injury.
3. Beginning February 1, 1981, the aggregate tolerance for mold, rancidity,

decay, or insect injury would have been reduced to one percent.

However, effective October 31, 1980 (45 FR 73634), a stay order was issued staying the amendment to § 999.400 effective November 1, 1980, and with respect to § 982.101, the changes in the requirements of that section which resulted from the amendment (effective August 1, 1980) of the Oregon No. 1 whole and broken grade of the Oregon Grade Standards for Filbert (Hazelnut) Kernels. The stay order was issued on the basis of a petition filed October 24, 1980, by an association representing filbert importers (hereinafter referred to as the "petitioner").

On November 11, 1980, the Board unanimously recommended that § 982.101 be revised so that the requirements of the Oregon Standard for Oregon No. 1 whole and broken grade effective August 1, 1980, apply pursuant to § 982.45(a) to domestic shelled filberts. Further, the Board recommended that such requirements be set forth in their entirety rather than be incorporated by reference (as an Oregon Standard), as is now the case. In making its recommendations the Board indicated that a maximum tolerance of one percent should be established for all serious damage, including mold, rancidity, insect injury and decay. It was the Board's view that decay should be included in this group because of the objectionable nature of that defect, thereby assuring the wholesomeness of domestic shelled filberts.

Decay is caused by microorganisms that occur universally. It can affect all plant and animal tissue, and is identified for inspection purposes by a rotting or decomposing of tissue. Domestic filberts are subject to decay, but the domestic industry has been generally effective in controlling decay. Filberts free from decay result when they are properly produced, harvested, sorted, dried, graded, stored, packaged, and shipped. While a higher incidence of decay could occur in some crop years, the Board concluded that it would be in the best interest of domestic growers and consumers to limit the quantity of decayed kernels that may exist in domestic shipments.

These same requirements would apply to imported shelled filberts unless the Secretary finds that the application of the restrictions is not practicable because of variations in characteristics between the domestic and imported commodity. The petitioner, in the petition, stated that there are variations in characteristics between domestic and imported filberts to justify establishing a "comparable" standard for imported

filberts. Petitioner indicated that these variations include agricultural and handling practices as well as physical characteristics requiring establishment of a "comparable" standard. For example, they indicated that because domestic filberts are often "mucked out" of wet groves, they are dried with energy intensive dryers. On the other hand, Turkish filberts are solar dried and are subject to vagaries of Black Sea weather and humidity. Also, domestic filberts are held in energy intensive refrigerated storage, while Turkish filberts are stored at prevailing ambient temperatures. Finally, petitioner indicated that Turkish filberts are small and apparently have higher oil content than domestic filberts. Therefore, petitioner requested the Secretary to promulgate "comparable" standards having similar or identical impact on domestic and imported filberts, and proposed incorporating one of two alternate tolerances for decay in 7 CFR 982.101 and 7 CFR 999.400. Both of these alternatives are hereinafter set forth.

As a conforming change, § 999.400(b)(2) would be revised by deleting the second sentence. That sentence cites the requirements for Oregon No. 1 whole and broken grade for shelled filberts, but it is no longer needed since the proposal is to delete such references in § 982.101. Therefore, the proposals are as follows:

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

1. Revise § 982.101 of Subpart—Grade and Size Regulation (7 CFR 982.101) to read as follows:

§ 982.101 Grade requirements for shelled filberts.

(a) Pursuant to § 982.45(a), no handler shall handle any shelled filberts unless such filberts meet the grade requirements for shelled filberts as contained in Exhibit A of this section.

(b) Pursuant to §§ 982.50(a) and 982.51(b), a handler may declare and withhold shelled filberts in lieu of merchantable filberts in satisfaction of the handler's restricted obligation. Shelled filberts so declared and withheld shall, in lieu of the standards prescribed in § 982.50(a)(3), meet the grade requirements contained in Exhibit A of this section.

Exhibit A—Grade Requirements for Shelled Filberts

Filbert kernels or portions of filbert kernels shall meet the following requirements:

- (1) Well dried and clean;
- (2) Free from foreign material, mold, rancidity, decay or insect injury;
- (3) Free from serious damage caused by serious shriveling, or other means.

Tolerances

In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are permitted as specified:

- (1) For Foreign Material: 0.02 of one percent, for foreign material.
- (2) For Defects: Five percent for kernels or portions of kernels which are below the requirements of this grade; including not more than one percent for mold, rancidity, decay or insect injury.

Definitions

(1) "Well dried" means that the kernels are firm and crisp, not containing more than 6 percent moisture.

(2) "Clean" means practically free from plainly visible adhering dirt or other foreign material.

(3) "Foreign material" means any substance other than the filbert kernels, or portions of kernels. (Loose skins, pellicles or corky tissue which have become separated from the kernels shall not be considered as foreign material, provided that this material does not exceed .02 of one percent by weight).

(4) "Serious damage" means any specific defect described in this section, or an equally objectionable variation of any one of these defects, or any other defects, or any combination of defects, which seriously detracts from the appearance or the edible or marketing quality of the individual portion of kernels or of the lot as a whole. The following defects shall be considered as serious damage:

- (i) "Serious Shriveling" means when the kernel is seriously shrunken, wrinkled and tough.
- (ii) "Mold" means that there is a visible growth of mold either on the outside or inside of the kernel.
- (iii) "Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance of the flesh does not necessarily indicate a rancid condition.
- (iv) "Decay" means that any portion of the kernel is decomposed.
- (v) "Insect injury" means that the insect, frass or web is present, or the kernel or portion of kernel show definite evidence of insect feeding.

PART 999—SPECIALITY CROPS; IMPORT REGULATIONS

§ 999.400 [Amended]

2. Section 999.400(b)(2) is revised by removing the second sentence.

3. Exhibit A of § 999.400 is revised so that it is identical to § 982.101 Exhibit A as proposed above.

Proposals in the alternative as offered by the petitioner are as follows:

PARTS 982 AND 999

§§ 982.101, 999.400 [Amended]

1. Exhibit A of §§ 982.101 and 999.400 are revised as proposed above, except that item 2 of "Tolerances" is revised to read as follows:

Tolerances

(2) For defects, 5 percent for kernels or portions of kernels which are below the requirements of this grade, including not more than the following:

(a) For shelled filberts which are mechanically dried, and held in refrigerated storage, 1 percent for mold, rancidity, decay, and insect injury.

(b) For shelled filberts which are solar dried and/or held in non-refrigerated storage, 3 percent for mold, rancidity, decay, and insect injury.

2. Exhibit A of §§ 982.101 and 999.400 are revised as proposed above except that item 2 of "Tolerances" is revised to read as follows:

Tolerances

(2) For defects, 5 percent for kernels or portions of kernels which are below the requirements of this grade, including not more than the following:

(a) One percent for mold, rancidity, and insect injury; and

(b) Two percent for decay.

Dated: April 2, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable
Division.

[FR Doc. 81-10457 Filed 4-7-81; 8:45 am]
BILLING CODE 3410-02-M

FEDERAL TRADE COMMISSION

16 CFR Part 461

Children's Advertising; Request for Comment on Staff's Proposal to Terminate Rulemaking Proceedings

AGENCY: Federal Trade Commission.

ACTION: Proposed termination of proceeding; request for comment.

SUMMARY: The Federal Trade Commission is seeking public comment on the Staff's proposal to terminate proceedings for the promulgation of a Trade Regulation Rule on children's advertising. The proposal to terminate rulemaking was recommended in a staff report. The Commission will not receive or consider at this time additional evidence on the subject of children's advertising. The publication of this document commences a sixty (60) day period for public comment to be filed on this proposal.

DATE: Comments should be received on or before June 8, 1981.

ADDRESSES: Comments should be sent to: Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

¹See 43 FR 17967, April 27, 1978.

Comments should refer to TRR NO. 215-60. Agencies and organizations are requested to submit comments in triplicate.

Additional Materials Available For Review: Copies of the Final Report and Recommendation of the staff discussed in this Notice may be obtained from: Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580 (202-523-3598).

FOR FURTHER INFORMATION CONTACT: Wallace S. Snyder, Assistant Director, or Judith P. Wilkenfeld, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (Telephone 202-724-1499 and 202-724-1467 respectively).

SUPPLEMENTARY INFORMATION: On June 18, 1980 the Commission instructed the staff to prepare recommendations concerning further proceedings in the matter of a Trade Regulation Rule concerning children's advertising and notifying interested parties of an opportunity to comment. The staff was to prepare recommendations regarding

"(1) what courses of action might be undertaken by the Commission, including further rulemaking proceedings; alternatives or complements to such proceedings; and an assessment of each course of action.

"(2) the text of a proposed rule, should the Commission determine that further rulemaking proceedings are appropriate."

The Commission order requested that recommendations be submitted by October 15, 1980 and additionally the order notified the public that "(r)egardless of the nature of the recommendations, the Commission will, upon their receipt, solicit public comment regarding the recommendations themselves and, more generally, regarding the future course of this proceeding. Following receipt of public comments, the Commission will determine whether to resume this proceeding, and, if the matter is resumed, will publish the text of a proposed rule."

The staff received an extension of the October 15, 1980 deadline until February 15, 1981 to submit the requested report or a status report describing the progress of informal meetings then underway with interested parties about alternatives to a formal proceeding.

The staff's report on the status of informal meetings was submitted on February 17, 1981 and placed on the public record by the Commission on February 20, 1981. The staff recommended that informal meetings with interested parties on the subject of alternatives to formal rulemaking be discontinued. The staff additionally

informed the Commission that it would complete its analysis of the rulemaking record and file its recommendations in this matter on March 31, 1981.

On March 31, 1981 staff submitted its Final Report and Recommendation to the Commission. In that Report, staff recommends that all proceedings for the promulgation of a Trade Regulation Rule for children's advertising be terminated.

Specifically, the staff concludes that the record does support the following conclusions regarding child-oriented television advertising and young children six and under: (1) young children place indiscriminate trust in televised advertising messages; (2) they do not understand the persuasive bias in television advertising; and (3) the techniques, focus and themes used in child-oriented television advertising enhance the appeal of the advertising message and the advertised product for the young child. Consequently, the young child does not possess the cognitive ability to evaluate adequately child-oriented television advertising. However, according to the staff, although these conclusions can be drawn from the evidence, the record establishes that the only effective remedy would be a ban on all advertisements oriented toward young children, and such a ban, as a practical matter, cannot be implemented. Therefore, staff recommends that rulemaking in this portion of the case be terminated. This recommendation obviates the need for the Commission to consider the serious legal and policy questions that would be raised by any proposed ban.

The staff also concludes that the rulemaking record establishes that advertising for sugared products is concentrated on children's television and that this advertising persuades children to ask for the advertised product. However, the evidence on the record is inconclusive as to whether this advertising adversely affects children's attitudes about nutrition and, therefore, staff recommends that rulemaking on this issue be terminated.

Finally, with regard to dental health, the Staff concludes that the rulemaking record establishes that dental caries is a major childhood disease, and that the consumption of sugar contributes to the formation of dental caries. Evidence on the record also establishes that there are a number of factors other than the sugar content of a food which are important contributors to the formation of dental caries. However, it became apparent during the course of the proceeding that there is no scientific methodology for determining the cariogenicity of individual food products which is

sufficiently scientifically accepted to justify formulation of a government mandated rule. Since such identification would be a threshold step in the implementation of any proposed rule, the lack of a methodology makes it currently impossible to regulate child-oriented advertising for food products on the ground that such products contribute to dental caries. Thus, staff recommends that the rulemaking be terminated on this issue as well.

A detailed explanation for these findings and the staff's recommendation can be found in the staff's Final Report and Recommendation which is on file with the Commission and can be obtained by any interested party from the Public Reference Room of the Commission.

Therefore, by this Notice, the Commission seeks comments only on the staff's proposal (as contained in its Final Report and Recommendation) that proceedings for the promulgation of a Trade Regulation Rule for children's advertising be terminated. The Commission does not desire to receive and will not consider additional evidence on the subject of children's advertising.

By direction of the Commission, Commissioners Pertschuk and Pitofsky did not participate.

Carol M. Thomas,
Secretary.

[FR Doc. 81-10595 Filed 4-7-81; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 210

[Release Nos. 33-6306; 34-17673; File No. S7-879]

Proposed Revision of Financial Statement Requirements Applicable to Insurance Companies

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules and withdrawal of previous proposal.

SUMMARY: The Commission is publishing for comment a revision of the sections of Regulation S-X that apply to the form and content of financial statements of insurance companies. Present Articles 7 and 7A which apply to property and liability insurance companies and life insurance companies, respectively, are proposed to be combined into one new Article 7, and three schedules in Article 12 that apply specifically to insurance companies are proposed to be replaced

by two revised schedules. The proposed changes have been structured in a manner to facilitate the integration of disclosure requirements under the Securities Act of 1933 and the Securities Exchange Act of 1934 by attaining uniformity between insurance company financial statements that are included in annual reports to shareholders and those that are prepared in accordance with Regulation S-X. The changes also eliminate rules that duplicate generally accepted accounting principles and clarify and update requirements to coincide with current accounting practices.

In addition to proposing revised rules, this release serves to withdraw Release 33-5176 which is an outstanding proposal for minor modifications to Articles 7, 7A and 12.

DATE: Comments should be submitted on or before June 1, 1981.

ADDRESS: Comment letters should refer to File No. S7-879 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Arthur J. Schmeiser (202-272-2133), Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Background

General

On September 2, 1980, the Commission published a general revision of Regulation S-X ("S-X").¹ That release, one of a series of four separate but related releases,² was a comprehensive revision of Articles 3, 5 and 12 of S-X. One of the major purposes of that release was to modify S-X to facilitate uniformity between financial statements included in filings with the Commission and those included in annual reports to shareholders

prepared in accordance with the Commission's proxy rules. At the time the amendments to Articles 3, 5 and 12 were adopted, the Commission indicated its intent to revise the specific industry requirements included in Articles 6 (Investment Companies), 7 and 7A (Insurance Companies), and 9 (Banks). This proposal addresses changes to Articles 7 and 7A which apply to property and liability insurance companies and life insurance companies; it combines the two Articles into one and at the same time includes requirements for title insurance companies. In addition, certain of the related schedules in Article 12 would be amended.

History

Existing Articles 7 and 7A were adopted in 1974 and 1975³ near the end of a period of significant development in financial accounting and reporting by insurance companies. Until the mid-1960's, insurance companies relied largely upon statutory accounting principles in the preparation of accounting records and presentation of financial information. Starting in 1966, the American Institute of Certified Public Accountants ("AICPA") began to develop accounting principles involving insurance companies. Since then the following have been issued:

- AICPA Audit Guides:
 - Audits of Fire and Casualty Insurance Companies* (July, 1966)
 - Audits of Stock Life Insurance Companies* (December, 1972)
 - AICPA Statements of Position:
 - Accounting for Property and Liability Insurance Companies* (SOP 78-6)
 - Accounting for Investments in Stock Life Insurance Companies* (SOP 79-3)
 - Accounting for Title Insurance Companies* (SOP 80-1)

In 1979, the Financial Accounting Standards Board ("FASB") announced its project⁴ to extract the specialized accounting and reporting principles and practices from the AICPA Guides and Statements of Position. The FASB is now in the process of combining the above listed Audit Guides and Statements of Position for inclusion in an FASB statement. Presently, the principles and practices embodied in this literature are considered preferable accounting, and the FASB has acknowledged that these specialized

principles and practices are encompassed in the conventions, rules and procedures referred to as generally accepted accounting principles ("GAAP").

Thus, this amendment of S-X is occurring on a timely basis that coincides with the codification of existing private sector literature. The two should complement each other since the private sector literature is oriented toward accounting standards and S-X primarily provides disclosure requirements.

II. Discussion of Proposed Changes to the Rules

Consolidation

The most pervasive change proposed in this revision is the elimination of Article 7A and the integration of the unique aspects of that Article and of title insurance into Article 7. By proposing this change, the Commission is providing specific requirements for the growing trend among multi-line insurance entities of a consolidated presentation in their financial statements. The Commission does not necessarily believe that the presentation of consolidated financial statements for multi-line insurance companies is the best method. However, Article 7 has been structured in a manner to provide guidelines for issuers who prefer a consolidated presentation and also to condense and simplify the regulations. Those who prefer not to consolidate simply would ignore the nonapplicable captions.

The development of segment reporting has removed many of the conceptual arguments for not consolidating unlike insurance businesses. The segment standard⁵ requires companies to disclose, for each reportable segment, revenue information; profitability information; identifiable assets; and other related disclosures. Thus, a company could be consolidating different types of insurance businesses into a single set of financial statements, but certain supplementary disclosures about the different types of businesses would be made. Segment disclosures have been considered by some as not providing all of the needed separate disclosures in certain circumstances. The Commission believes that this is probably true with respect to multi-line insurance companies and, therefore, Article 7, as proposed, contains certain disclosure requirements to provide information by line of insurance. In

⁵ Statement of Financial Accounting Standards No. 14, *Financial Reporting for Segments of a Business Enterprise* (December, 1976).

¹ Securities Act Release No. 6233.

² These releases are part of the Commission's integrated disclosure project which is intended to improve disclosure in certain important areas, to reduce some of the burdens of disclosure by eliminating obsolete or duplicative requirements, and facilitate the integration of filings made under the Securities Act and the Exchange Act. The releases referred to are 33-6231 (amendments to Form 10-K and related revisions); 33-6232 (new simplified form for the registration of securities issued in certain mergers and reorganization transactions); 33-6233 (general revision of S-X) and 33-6234 (uniform financial statement instructions).

³ Securities Act Release No. 5456 (February 14, 1974) and Securities Act Release No. 5644 (November 14, 1975).

⁴ Statement of Financial Accounting Standards No. 32, *Specialized Accounting and Reporting Principles and Practices in AICPA Statements of Position and Guides on Accounting and Auditing Matters* (September, 1979).

addition, 3A-02(e) of S-X would still require registrants to provide separate financial statements in Commission filings if a property and liability insurance business is consolidated with a life insurance business and the significance test is met.

Statutory Accounting

Requirements for reconciliation of stockholders' equity and net income as determined under statutory accounting requirements and under GAAP have been deleted. The provision limiting the use of statutory financial statements to situations where the statutes of a state prohibit the presentation of statements on a GAAP basis has also been deleted. These two deletions reflect the broad use and acceptance of GAAP statements for investor reporting purposes. In view of the fact that statements based on statutory accounting requirements are still used for regulatory purposes and are given a certain limited circulation, a provision that the statements be prepared in accordance with GAAP has been retained.⁶

Duplication with GAAP

The proposed Article 7 excludes those requirements of the existing rules that duplicate GAAP. The areas where this duplication results and is proposed for elimination include deferred policy acquisition costs; disclosure of accounting principles and practices; life insurance income taxes; and restrictions on stockholders' equity.

Specialized Disclosures

Investment reporting on the balance sheet and in the investment summary schedule prescribed by 12-15 of S-X would be changed to report bonds and notes, preferred stocks and common stocks in two categories—fixed maturities and equity securities. This two-category presentation reflects the consideration given redeemable preferred stocks in Accounting Series Release No. 268.⁷

The analyses of gain or loss on securities, as required currently by a special note to both Articles 7 and 7A, is retained as a note disclosure, but the rule is included with the requirement for the income statement under the "Realized gains or losses * * *" caption. The Insurance Companies Committee of the AICPA has suggested that the Commission eliminate this disclosure

requirement because they believe the disclosure is not meaningful. The AICPA group also suggested that two other specialized requirements be eliminated, they are: the requirement to disclose on the face of the income statement the change in the value of marketable equity securities during the period and; the requirement to disclose the name of any person in which the total amount invested in the person and its affiliates exceeds two percent of total investments. These disclosure requirements also remain in the proposed new rules. Accordingly, commentators are requested specifically to comment on those portions of the proposal.

In accordance with the change in the recently adopted revision of Article 5 and in conformance with provisions of GAAP, the requirement for disclosure of indebtedness to and from, and investment in "affiliates and other persons" has been changed to reporting of such amounts with "related parties."

The related schedules required by Article 12 of S-X would undergo a number of changes. Those required by 12-16, 12-17 and 12-18 for reporting premiums, losses and claims and policy acquisition costs, future policy benefits, insurance in force, and deferred policy acquisition costs would be deleted and two new schedules would be required. One of these would be designated 12-16, Supplementary Insurance Information, and would require certain expanded segment disclosures. The second proposed schedule, 12-17, Reinsurance, would elicit information as to amounts of ceded and assumed reinsurance premiums and life insurance in force. This information is a revision of that presently required under special notes to existing Articles 7 and 7A.⁸

Other Changes

Numerous changes have been made to accommodate uniformity between financial statements included in annual reports to shareholders and those prepared in accordance with S-X. In many instances, the Commission proposes to permit disclosures in the notes to financial statements rather than on the face of the financial statements. Additionally, if these rules and changes are adopted, other conforming changes will be necessary to accommodate the amendments.

As stated previously, this proposal is part of the Commission's integration project. If these rules are adopted,

concurrently the Commission will amend the proxy rules to eliminate the temporary rule that requires only substantial compliance with Articles 7 and 7A in annual reports to shareholders. Accordingly, financial statements of insurance companies included in filings with the Commission and in annual reports to shareholders would be required to be uniform.

III. Reference Table of Rule Changes

The following table is presented to facilitate analysis of the changes to Article 7 by showing each of the present rules and its proposed disposition and new rules which are proposed to be added. Also included are brief descriptions of the proposed changes. A more comprehensive explanation and discussion of the major changes and deletions is presented in Section II. Since the table is intended only as an outline of the proposed changes, the proposed rules and the discussion of changes should also be read.

Present Rule and Proposed Rule

Article 7

- 210.7-01—210.7-01 Revised to extend coverage to all insurance companies.
- 210.7-02(a)—210.7-02(a) Minor wording revisions.
- 210.7-02(b)—Deleted.
- 210.7-02(c)—Deleted.
- 210.7-02(d)—210.7-02(b) Minor wording revisions. Combined with 210.7-02(c).
- 210.7-02(e)—210.7-02(b) No change.
- 210.7-03(a)—210.7-03(a) Explains purpose of this section of the article.
- 210.7-03.1—210.7-03.1 Separate captions for bonds and notes, preferred stocks, and common stocks are deleted and replaced by captions for fixed maturities and equity securities. Caption for policy loans added.

Notes—Notes:

- (1)—(1) No change except combined with present Note (2).
- (2)—Moved to Note (1).
- None—(2) New note defines fixed maturities and equity securities.
- (3)—(3) Revised to permit disclosure of accumulated depreciation and amortization deducted from investment real estate on the face of the balance sheet or in a note thereto.
- (4)—(4) No change.
- (5)—(5) Revised to permit disclosure of certain components of other investments on the face of the balance sheet or in a note thereto.
- (6)—(6) No change.

⁶ Also retained is a provision that mutual insurance companies and their wholly-owned stock company subsidiaries may prepare statements in accordance with statutory accounting requirements. However, the applicable disclosures required by Article 7 should be made by these companies.

⁷ Securities Act Release No. 6097 (July 27, 1979).

⁸ Information as to the general nature of reinsurance, which also was required by the special notes, would be called for as a note to the balance sheet caption, "Policy liabilities and accruals," in the proposed new Article 7.

- (7)—(7) Minor wording revisions.
 (8)—(8) Minor wording revisions.
 210.7-03.2—210.7-03.2 Revised to provide general requirements for cash restricted and not restricted.
 210.7-03.3—210.7-03.3 Revised to include related parties and reference to 210.4-08(k) for requirements.
 210.7-03.4—210.7-03.4 No change.
 210.7-03.5—210.7-03.5 Revised to include all accounts and notes receivable.
 210.7-03.6—210.7-03.6 No change.
 210.7-03.7—210.7-03.8 Revised to permit disclosure of accumulated depreciation and amortization on the face of the balance sheet or in a note thereto.
 210.7-03.8—210.7-03.7 Revised to require separate disclosure for various lines of insurance.
 None—210.7-03.9 Caption "Title plant" added.
 210.7-03.9—210.7-03.10 Permits disclosure of other assets greater than five percent of total assets on the face of the balance sheet or in a note thereto.
 None—210.7-03.11 Caption "Assets held in separate accounts" added.
 210.7-03.10—210.7-03.12 No change.
 210.7-03.11—210.7-03.13 Caption modified; rule revised to require disclosure of unearned premiums, other policy claims and benefits payable, basis of assumption and information about reinsurance; separate disclosures are to be provided for various lines of insurance.
 210.7-03.12—Included in 210.7-03.13.
 210.7-03.13—210.7-03.14 Revised to require disclosure of items applicable to other lines of insurance; permits disclosure of components greater than five percent of total liabilities on the face of the balance sheet or in a note thereto; includes disclosure requirements for participating insurance.
 210.7-03.14—210.7-03.16 Caption modified.
 210.7-03.15—210.7-03.17 Revised to include related parties and reference to 210.4-08(k) for requirements.
 210.7-03.16—210.7-03.15 Combined with other liabilities.
 210.7-03.17—210.7-03.15 Includes present 210.7-03.16; permits liabilities greater than five percent of total liabilities to be presented on the face of the balance sheet or in a note thereto.
 None—210.7-03.18 Caption "Liabilities related to separate accounts" added.
 210.7-03.18—210.7-03.19 Caption only retained.
 None—210.7-03.20 Caption "Minority interests in consolidated subsidiaries" added.
 210.7-03.19—210.7-03.21 No change.
 210.7-03.20—210.7-03.22 No change.
 210.7-03.21—210.7-03.23 Caption retained with a reference to 210.5-02.30.
 210.7-03.22—210.7-03.24 (a) Revised to permit the combination of certain items; (b) deleted; (c) deleted; (d) reference to 210.5-02.31; (e) deleted; (f) deleted.
 210.7-03.23—210.7-03.25 No change.
 210.7-04—210.7-04 Explains purpose of this section of the article.
 210.7-04.1—210.7-04.1 Caption modified; revised to require separate disclosure of various lines of insurance.
 210.7-04.2—210.7-04.2 No change.
 210.7-04.3—210.7-04.3 Revised to be more explicit.
 210.7-04.4—210.7-04.4 Caption modified; revised to accommodate other lines of insurance; narrative eliminated.
 210.7-04.5—210.7-04.6 Caption modified; revised to include other operating costs and expenses.
 210.7-04.6—Included in 210.7-04.6.
 210.7-04.7—210.7-04.5 Caption modified.
 210.7-04.8—210.7-04.7 No change.
 210.7-04.9—210.7-04.8 No change.
 210.7-04.10—210.7-04.10 Revised to permit more flexibility for placement.
 210.7-04.11—210.7-04.9 No change.
 210.7-04.12—210.7-04.11 No change.
 210.7-04.13—210.7-04.12 Minor wording revisions; includes previous 210.7-05.3.
 None—210.7-04.13 Caption "Discontinued operations" added.
 210.7-04.14—210.7-04.14 Caption modified to recognize current GAAP.
 210.7-04.15—210.7-04.15 Caption only retained.
 None—210.7-04.16 Caption "Cumulative effects of changes in accounting principles" added.
 210.7-04.16—210.7-04.17 No change.
 210.7-04.17—210.7-04.18 Caption only retained.
 210.7-05.1—Deleted.
 210.7-05.2—Deleted.
 210.7-05.3—210.7-04.12 No change.
 210.7-05.4—210.7-03.13 No change.
 210.7-06(a)—210.7-05(a) Revised to reflect schedule changes.
 210.7-06(b)—210.7-05(b) No change.
 210.7-06(c)—Deleted.
 210.7-06(d)—210.7-05(c) No change.
 Schedule I—Schedule I No change.
 Schedule II—Schedule III No change.
 Schedule III—Schedule IV No change.
 Schedule IV—Schedule II Disclosure threshold increased from \$20,000 to \$100,000.
 Schedule V—Schedule III No change.
 Schedule VI—Deleted.
 None—Schedule V added.
 None—Schedule VI added.
 Schedule VII—Schedule VII No change.
 None—Schedule IX added.
 210.7A—This Article is deleted and has been integrated with new Article 7.
Recission of Outstanding Proposal
 Release 33-5716, issued in 1976, which proposed amendments to Articles 7, 7A and 12, is withdrawn.⁹
 The text of the proposals is set forth below:

PART 210— FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, INVESTMENT COMPANY ACT OF 1940, AND ENERGY POLICY AND CONSERVATION ACT OF 1975

1. 17 CFR 210.5-01(a)(5) is proposed to be revised with the following:

§ 210.5-01 Application of §§ 210.5-01 to 210.5-04.

(a) * * *

(5) Insurance companies (see §§ 210.7-01 to 210.7-05).

2. 17 CFR 210.7-01 to 210.7-06 is proposed to be revised with the following § 210.7-01 to 210.7-05:

Insurance Companies

§ 210.7-01 Application of §§ 210.7-01 to 210.7-05.

This article shall be applicable to financial statements filed for insurance companies.

§ 210.7-02 General requirement.

(a) Financial statements filed with the Commission for a person to which this article applies, which are not prepared in accordance with generally accepted accounting principles will be presumed to be misleading or inaccurate, despite footnote or other disclosures, unless the Commission has otherwise provided. The requirements of the general rules in §§ 210.1-01—1-02, 210.2-01—2-05, 210.3-03—3-16, 210.3A-01—3A-08 and 210.4-01—4-10 shall be applicable except where they differ from requirements of §§ 210.7-01 to 210.7-05.

(b) Notwithstanding the foregoing requirement, financial statements filed for mutual insurance companies and

⁹Release Nos. 33-5716, 34-12507, 35-19552, IC-9310 [41 FR 24727, June 18, 1976].

wholly-owned stock insurance company subsidiaries of mutual insurance companies may be prepared in accordance with statutory accounting requirements. Financial statements prepared in accordance with statutory accounting requirements may be condensed as appropriate, but the amounts to be reported for net gain from operations (or net income or loss) and total capital and surplus (or surplus as regards policyholders) shall be the same as those reported on the corresponding Annual Statement.

§ 210.7-03 Balance sheets.

(a) The purpose of this rule is to indicate the various items which, if applicable, and except as otherwise permitted by the Commission, should appear on the face of the balance sheets and in the notes thereto filed for persons for whom this article pertains. [See § 210.4-01(a).]

Assets and Other Debits

1. Investments—other than investments in related parties.

- (a) Fixed maturities.
- (b) Equity securities.
- (c) Mortgage loans on real estate.
- (d) Real estate.
- (e) Policy loans.
- (f) Other loans and investments.
- (g) Invested cash.
- (h) Total investments.

Notes.—(1) State parenthetically or otherwise in the balance sheet (a) the basis of determining the amounts shown in the balance sheet and (b) as to fixed maturities and equity securities either aggregate cost or aggregate value at the balance sheet date, whichever is the alternate amount of that shown in the balance sheet. Consideration shall be given to the discussion of "Valuation of Securities" in Accounting Series Release No. 118.

(2) Include under fixed maturities: bonds, notes, marketable certificates of deposit and redeemable preferred stocks. Include under equity securities: common stocks and nonredeemable preferred stocks.

(3) State separately in the balance sheet or in a note thereto accumulated depreciation and amortization deducted from investment real estate.

(4) Include under subcaption (g) share accounts in savings and loan associations, savings accounts, time deposits and other cash accounts and cash equivalents earning interest. State in a note any amounts subject to withdrawal or usage restrictions. [See § 210.5-02.1.]

(5) State separately in a note any class of investments included in subcaption (f) the amount of which exceeds five percent of total assets.

(6) State in a note the name of any person in which the total amount invested in the person and its affiliates, included in the above subcaptions, exceeds two percent of total investments. For this disclosure, include in the amount invested in a person and its affiliates the aggregate of indebtedness and

stocks issued by such person and its affiliates that is included in the several subcaptions above, and the amount of any real estate included in subcaption (d) that was purchased or acquired from such person and its affiliates. Indicate the amount included in each subcaption. An investment in bonds and notes of the United States Government or of a federal government agency or authority which exceeds two percent of total investments need not be reported.

(7) Investments in unconsolidated subsidiaries and 50 percent or less owned persons (including partnerships) which are held for investment purposes should be included under an appropriate subcaption above. The related equity in earnings shall be included under § 210.7-04.02 and the amount of dividends or other distributions stated separately in a note.

(8) For each investment included in subcaptions (a) through (g), state in a note any amounts which have been non-income producing for the six months preceding the balance sheet date. An investment accounted for by the equity method from which no cash dividend was received during the six-month period shall be included as non-income producing.

2. **Cash and cash items.** Cash and cash items that are restricted as to withdrawal or usage shall be disclosed separately on the balance sheet. The provisions of any restrictions shall be described in a note to the financial statements. Restrictions may include legally restricted deposits held as compensating balances against short-term borrowing arrangements, contracts entered into with others, or company statements of intention with regard to particular deposits. In cases where compensating balance arrangements exist but are not agreements which legally restrict the use of cash amounts shown on the balance sheet, describe in the notes to the financial statements these arrangements and the amount involved, if determinable, for the most recent audited balance sheet required. Compensating balances that are maintained under an agreement to assure future credit availability shall be disclosed in the notes to the financial statement along with the amount and terms of the agreement.

3. **Securities and indebtedness of related parties.** State separately (a) investments in related parties held for operating purposes rather than investment and (b) indebtedness from such related parties. [See § 210.4-08(k).]

4. **Accrued investment income.**

5. **Accounts and notes receivable.** Include under this caption (a) amounts receivable from agents and insureds; (b) uncollected premiums and (c) other receivables. State separately in the balance sheet or in a note thereto any category of receivable which is in excess of five percent of total assets. State separately in the balance sheet or in a note thereto the amount of allowance for doubtful accounts that was deducted.

6. **Reinsurance recoverable on paid losses.**

7. **Deferred policy acquisition costs.** State separately in the balance sheet or in a note thereto the amount of deferred policy acquisition costs that relate to (a) property and liability insurance, (b) life insurance, and (c) accident and health insurance.

8. **Property and equipment.** (a) State the basis of determining the amounts.

(b) State separately in the balance sheet or in a note thereto the amount of accumulated depreciation and amortization of property and equipment.

9. **Title plant.**

10. **Other assets.** State separately in the balance sheet or in a note thereto any item not properly classified in another asset caption the amount of which exceeds five percent of total assets.

11. **Assets held in separate accounts.** Include under this caption the aggregate amount of assets used to fund liabilities related to variable annuities, pension funds and similar activities. The aggregate liability shall be included under caption 18. If the amount reported exceeds ten percent of total assets, describe in a note to the financial statements the general nature of the activities being reported on in the separate accounts and the principal asset and liability classifications.

12. **Total assets and, when appropriate, other debits.**

Liabilities and Other Credits

13. **Policy liabilities and accruals.** (a) State separately in the balance sheet the amounts of (1) future policy benefits and losses, claims and loss expenses, (2) unearned premiums and (3) other policy claims and benefits payable. State separately in a note thereto the amounts allocable to property and liability insurance, life insurance, and accident and health insurance.

(b) State in a note to the financial statements the basis of assumptions (interest rates, mortality, withdrawals) for future policy benefits and claims and settlements which are stated at present value.

(c) Information shall be given in a note concerning the general nature of reinsurance transactions. The information provided shall include (1) the nature of the contingent liability in connection with insurance ceded and (2) the net gain or loss on nonrecurring reinsurance transactions.

14. **Other policyholders' funds.** (a) Include amounts of supplementary contracts without life contingencies, policyholders' dividend accumulations, undistributed earnings on participating business, dividends to policyholders and retrospective return premiums (not included elsewhere) and any similar items. State separately in the balance sheet or in a note thereto any item the amount of which is in excess of five percent of total liabilities.

(b) State in a note to the financial statements the relative significance of participating insurance expressed as percentages of (1) insurance in force and (2) premium income; and the method by which earnings and dividends allocable to such insurance is determined.

15. **Other liabilities.** (a) Include under this caption such items as accrued payrolls, accrued interest and taxes. State separately in the balance sheet or in a note thereto any item not properly classified in another liability caption the amount of which exceeds five percent of total future policy benefits and liabilities.

(b) State separately in the balance sheet or in a note thereto the amount of (1) income taxes payable and (2) deferred income taxes. Disclose separately the amount of deferred income taxes applicable to unrealized appreciation of equity securities.

16. *Notes payable, bonds, mortgages and similar obligations, including capitalized leases.* (a) State separately in the balance sheet (1) short-term debt and (2) long-term debt including capitalized leases.

(b) The disclosure required by § 210.5-02.19(b) shall be given if the aggregate of short-term borrowings from banks, factors and other financial institutions and commercial paper issued exceeds five percent of total liabilities.

(c) The disclosure requirements of § 210.5-02.22 shall be followed for long-term debt.

17. *Indebtedness to related parties.* [See § 210.4-08(k).]

18. *Liabilities related to separate accounts.*

19. *Commitments and contingent liabilities.*

Minority Interests

20. *Minority interests in consolidated subsidiaries.* State separately in a note the amounts represented by preferred stock and the applicable dividend requirements if the preferred stock is material in relation to the consolidated stockholders' equity.

Redeemable Preferred Stocks

21. *Preferred stocks subject to mandatory redemption requirements or whose redemption is outside the control of the issuer.* The classification and disclosure requirements of § 210.5-02.28 shall be followed.

Nonredeemable Preferred Stocks

22. *Preferred stocks which are not redeemable or are redeemable solely at the option of the issuer.* The classification and disclosure requirements of § 210.5-02.29 shall be followed.

Common Stocks

23. *Common stocks.* The classification and disclosure requirements of § 210.5-02.30 shall be followed.

Other Stockholders' Equity

24. *Other stockholders' equity.* (a) Separate captions shall be shown for (1) additional paid-in capital, (2) other additional capital, (3) unrealized appreciation or depreciation of equity securities less applicable deferred income taxes, (4) retained earnings (i) appropriated and (ii) unappropriated. [See § 210.4-08(e).] Additional paid-in capital and other additional capital may be combined with the stock caption to which it applies, if appropriate.

(b) The classification and disclosure requirements of § 210.5-02.31(b) and (c) shall be followed for (1) dating and effect of a quasi-reorganization and (2) summaries of each stockholders' equity account.

25. *Total liabilities and stockholders' equity.*

§ 210.7-04 Income statements.

The purpose of this rule is to indicate the various items which, if applicable, and except as otherwise permitted by

the Commission, should appear on the face of the income statements and in the notes thereto filed for persons to whom this article pertains. [See § 210.4-01(a).]

Revenues

1. *Premiums earned.* State separately in the income statement or in a note thereto the premium amounts applicable to (a) property and liability insurance, (b) life insurance and (c) accident and health insurance.

Considerations for supplementary contracts shall be reduced by the related amounts of death and other benefits which shall also be excluded from caption 4 below.

2. *Net investment income.* State in a note to the financial statement, in tabular form, (a) investment income from each category of investments listed in the subcaptions of § 210.7-03.1 that exceed five percent of total investment income, (b) total investment income, (c) applicable expenses, and (d) net investment income.

3. *Other income.* Include all revenues not included in captions 1 and 2 above such as claim adjustment and engineering fees. State separately in the statement any amounts in excess of five percent of total revenue and disclose the nature of the transactions from which the items arose.

Benefits, Losses and Expenses

4. *Benefits, claims, losses and settlement expenses.* State separately in the income statement or in a note thereto the amounts applicable to (a) property and liability insurance, (b) life insurance and (c) accident and health insurance.

5. *Policyholders' share of earnings on participating policies, dividends and similar items.* [See § 210.7-03.14(b).]

6. *Underwriting, acquisition and insurance expenses.* State separately in the income statement or in a note thereto (a) deferred policy acquisition costs amortized to income during the period and (b) all other operating expenses; indicating the amounts applicable to (1) property and liability insurance, (2) life insurance and (3) accident and health insurance. Any material amount included in all other operating expenses shall be separately stated.

7. *Income or loss before income tax expense and appropriate items below.*

8. *Income tax expense.* Include under this caption only taxes based on income. Taxes applicable to gains or losses on investments and extraordinary items shall be included elsewhere. [See § 210.4-08(g).]

9. *Minority interest in income of consolidated subsidiaries.*

10. *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.* The amount reported under this caption shall be stated net of any applicable tax provisions and shall exclude gains or losses on investments and other items below. State in the income statement or in a note thereto the amount of dividends received from such persons. If justified by the circumstances, this item may be presented in a different position and a different manner.

11. *Income or loss before realized gains or losses on investments and extraordinary items.*

12. *Realized gains or losses on investments other than investments in affiliates, less*

applicable tax. (a) State separately in the income statement or in a note thereto equity in net realized investment gains or losses of persons for which the equity in earnings was reported under caption 10, disclosing parenthetically or otherwise the tax applicable to such amounts. State in the income statement or in a note thereto the method followed in determining the cost of investments, e.g., "average cost," "first-in, first-out," or "identified certificate."

(b) State parenthetically following this caption or immediately below the income statement the change during the period in the unrealized appreciation or depreciation of equity securities less applicable deferred taxes. See Accounting Series Release No. 166.

(c) For each period for which an income statement is filed include in a note an analysis of realized and unrealized investment gains or losses on fixed maturities and equity securities. State separately for each period for fixed maturities [see § 210.7-03.1(a)] and equity securities [see § 210.7-03.1(b)] the following information: (1) realized investment gains or losses, less applicable tax [included in § 210.7-04.12], and (2) the change during the period in the difference between value and cost for each of the foregoing categories adjusted for applicable tax effects. The change in the difference between value and cost shall be given for both categories of investments even though they may be shown on the related balance sheet on a basis other than value.

13. *Discontinued operations.*

14. *Income or loss before extraordinary items, and cumulative effects of changes in accounting principles.*

15. *Extraordinary items, less applicable tax.*

16. *Cumulative effects of changes in accounting principles.*

17. *Net income or loss.*

18. *Earnings per share data.*

§ 210.7-05 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form—

(1) The schedules specified below as Schedules I and VII shall be filed as of the date of the most recent audited balance sheet for each person or group.

(2) All other schedules specified below as Schedules II, III, IV, V, VI, VIII and IX shall be filed for each period for which an audited income statement is required to be filed for each person or group.

(b) When information is required in schedules for both the registrant and the registrant and its subsidiaries consolidated it may be presented in the form of a single schedule: *Provided*, That items pertaining to the registrant are shown separately and that such single schedule affords a properly summarized presentation of the facts, If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without

making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(c) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

Schedule I—Summary of investments—other than investments in related parties. The schedule prescribed by § 210.12-15 shall be filed in support of caption 1 of the most recent audited balance sheet.

Schedule II—Amounts receivable from related parties, and underwriters, promoters, and employees other than related parties. The schedule prescribed by § 210.12-03 shall be filed with respect to each person among related parties, and underwriters, promoters, and employees other than related parties, from whom an aggregate indebtedness of more than \$100,000 or one percent of total assets, whichever is less, is owed, or at any time during the period for which related audited income statements are required to be filed was owed. This schedule shall not include information which is prescribed by § 210.12-05. For purposes of this schedule, exclude in the determination of the amount of indebtedness all amounts receivable from such persons for purchases subject to usual trade terms, for ordinary travel and expense advances, and for other such items arising in the ordinary course of business.

Schedule III—Investments in, equity in earnings of, and dividends received from related parties. The schedule prescribed by § 210.12-04 shall be filed in support of caption 3(a) of the balance sheet. This schedule may be omitted if (1) neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 17 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period or (2) there have been no material changes in the information required to be filed from that last previously reported.

Schedule IV—Indebtedness of and to related parties—not current. The schedule prescribed by § 210.12-05 shall be filed in support of captions 3(b) and 17 of the balance sheet; however, the required information may be presented separately on Schedule III. This schedule may be omitted if (1) neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 17 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period or (2) there have been no material changes in the information required to be filed from that last previously reported.

Schedule V—Supplementary insurance information. The schedule prescribed by § 210.12-16 shall be filed for each period for which an audited income statement is presented.

Schedule VI—Reinsurance. The schedule prescribed by § 210.12-17 shall be filed for reinsurance ceded and assumed.

Schedule VII—Guarantees of securities of other issuers. The schedule prescribed by § 210.12-08 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is being filed.

Schedule VIII—Valuation and qualifying accounts. The schedule prescribed by § 210.12-09 shall be filed in support of valuation and qualifying accounts included in the balance sheet [see § 210.4-02].

Schedule IX—Short-term borrowings. The schedule prescribed by § 210.12-10 shall be filed in support of caption 16(a)(1) of the balance sheet to report amounts payable to banks for borrowings; factors and financial institutions for borrowings; and holders of commercial paper. The information required by this schedule may be presented in Management's Discussion and Analysis if it results in a more meaningful presentation of the information being provided. If that procedure is followed, the schedule may be omitted if appropriate cross-references are made.

§§ 210.7A-01—210.7A-06 [Removed]

3. 17 CFR 210.7A-01 to 210.7A-06 is proposed to be removed.

4. Section 210.12-01 is proposed to be revised as follows:

Form and Content of Schedules

General

§ 210.12-01 Application of §§ 210.12-01 to 210.12-27.

These sections prescribe the form and content of the schedules required by §§ 210.5-04, 210.6-10, 210.6-13, 210.6-24, 210.6-34, 210.7-05 and 210.9-05.

5. Section 210.12-15 is proposed to be revised as follows:

§ 210.12-15 Summary of investments—other than investments in related parties.

(For insurance companies)

Column A—type of investment ¹	Column B—cost ²	Column C—value	Column D—amount at which shown in the balance sheet ³
Fixed maturities:			
United States Government and government agencies and authorities			
States, municipalities and political subdivisions			
Foreign governments			
Public utilities			
Convertible and bonds with warrants attached			
All other corporate bonds			
Certificates of deposit			
Redeemable preferred stock			
Total fixed maturities			
Equity securities:			
Public utilities			
Banks, trust and insurance companies			
Industrial, miscellaneous and all other			
Nonredeemable preferred stocks			
Total equity securities			
Total fixed maturities and equity securities			

(For insurance companies)

Column A—type of investment ¹	Column B—cost ²	Column C—value	Column D—amount at which shown in the balance sheet ³
Mortgage loans on real estate			
Real estate ⁴			
Policy loans			
Other investments			
Invested cash			
Total investments			

¹ Do not include investments in related parties which are accounted for by the equity method.

² Original cost of equity securities and, as to fixed maturities, original cost reduced by repayments and adjusted for amortization of premiums or accrual of discounts.

³ If the amount at which shown in the balance sheet is different from the amount shown in either column B or C, state the reason for such difference.

⁴ State separately any real estate acquired in satisfaction of debt.

6. 17 CFR 210.12-16 is proposed to be revised with the following:

§ 210.12-16 Supplementary insurance information.

(For insurance companies)

Column A—business segment ¹	Column B—revenue ²			Column C—property and liability premiums written ³ life insurance in force
	Premiums earned	Investment income ⁴	Other income	

¹ The required information shall be given for each segment.

² This column shall be totaled and reconciled to the aggregate of the amounts at captions 1, 2 and 3 of the related income statement.

³ The basis for allocation of net investment income shall be given.

⁴ For property and liability insurance segments, this column shall present premiums written, and, for life insurance segments, this column shall present the face amount of insurance in force. For accident and health business included in either property and liability or life segment, this column shall present premiums written.

7. 17 CFR 210.12-17 is proposed to be revised with the following:

210.12-17 Reinsurance.

(For insurance companies)

Column A	Column B—ceded to other companies	Column C—assumed from other companies	Column D—percentage of amount assumed to respective totals ¹
Life insurance in force			
Life insurance premiums			
Accident and health insurance premiums			
Property and liability insurance premiums			

¹ Give the percentage of the amount assumed to total life insurance in force and total life insurance, accident and health insurance or property and liability insurance premiums written, respectively.

§ 210.12-18 [Removed]

8. 17 CFR 210.12-18 is proposed to be removed.

These amendments are proposed to be effective with respect to annual periods ending after December 15, 1981.

Authority

These amendments are being proposed pursuant to the authority in Sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j, 77s(a)] of the Securities Act of 1933 and Sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d), 78w(a)] of the Securities Exchange Act of 1934.

Pursuant to Section 23(a)(2) of the Securities Exchange Act, the Commission has considered the impact of these proposals on competition and it is not aware at this time of any burden that such rule amendments, if adopted, would impose on competition. However, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

In addition, the Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weight with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the adoption of the proposals published herein.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 30, 1981.

Regulatory Flexibility Act Certification

I, Philip A. Loomis, Jr., Acting Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b) that the proposed amendments to revise Articles 7, 7A and 12 contained in Securities Act Release No. 6306, "Proposed Revision of Financial Statements of Insurance Companies," will not, if promulgated, have a significant economic impact upon a substantial number of small entities. The reason for this certification is that it is anticipated that the effects of the proposed amendments, if adopted, will not be significant for any registrant because the compliance burden is not being increased, on net, and the required information is generally maintained by the affected companies as part of their present accounting records.

Philip A. Loomis, Jr.,

Acting Chairman.

March 30, 1981.

[PR Doc. 81-10633 Filed 4-7-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 274

[Docket No. RM79-3]

Natural Gas Policy Act of 1978; Application for Approval of Alternative Filing Requirements; Oklahoma

April 2, 1981.

AGENCY: Federal Energy Regulatory.

ACTION: Notice of receipt of application for approval of alternative filing requirements; request for comments.

SUMMARY: The Federal Energy Regulatory Commission is announcing the receipt of an application for approval of alternative filing requirements for well determination applications filed under section 103 of the Natural Gas Policy Act of 1978. Applicants seeking eligibility under section 103 of the NGPA must file applications with the jurisdictional agency as is required by § 274.204(f) of the regulations which implemented the NGPA. Alternative requirements are provided for in § 274.207(f). The Federal Energy Regulatory Commission is soliciting comments on the alternative filing requirements requested by the Oklahoma Corporation Commission.

DATE: Comments and request for hearing due April 17, 1981.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: William Bushey, (202) 357-8590.

SUPPLEMENTARY INFORMATION:

In the matter of Natural Gas Policy Act of 1978; receipt of application for approval of alternative filing requirements from Oklahoma Corporation Commission.

Take notice that on February 25, 1981, the Oklahoma Corporation Commission (Oklahoma) filed with the Commission an application for approval of alternative filing requirements pursuant to § 274.207 of the Commission's regulations.

The alternative filing requirements proposed by Oklahoma would replace the requirements found in § 274.204(f) which must be met by persons seeking well determinations for eligibility under section 103 of the Natural Gas Policy Act of 1978 (NGPA). Section 274.204(f) requires that the applicant must submit geological evidence and engineering data regarding the subject well, to demonstrate that the additional well in

the existing proration unit is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit, which cannot be effectively and efficiently drained by any existing well within the proration unit. This is referred to as the "finding of necessity," and is necessary when the applicant has drilled an additional well in a drilling unit established by Oklahoma Statutes, Title 52 O.S. Section 87.1 *et seq.* Oklahoma requests that alternative filing requirements applicable to persons seeking 103 eligibility be approved by the Commission with respect to filings made for wells drilled within statutorily established drilling and spacing units, where increased density orders have been issued by the Oklahoma Corporation Commission and such orders contain a finding of necessity. Oklahoma asserts that the operator should not have to make a repetitive detailed showing of geological and engineering data, as it has already been presented at the hearing for increased density. Absent the alternative filing requirements, Oklahoma must send a letter to the applicant requesting the said information, the applicant is required to review its well file and submit the necessary papers, and there is a further delay in making the determination. Any applicant who has obtained an order containing a finding of necessity has been given a hearing in which testimony from a geologist or an engineer was received together with any pertinent demonstrative evidence consisting of geological or engineering data or both. Should it be necessary for the Commission or any other interested party to review the reasons for the finding of necessity of any particular applicant, the tape of the testimony, and the transcript of the court reporter together with any demonstrative evidence would be available from Oklahoma. Therefore, it is the opinion of Oklahoma that the filing of the increased density order, where a finding of necessity is established and included in the order, negates the need to provide geological and engineering data in support of the Section 103 eligibility determination for each well in an existing proration unit.

Oklahoma further requests that the alternative filing requirements be made effective immediately for all determinations which have not become final as of the day before the issuance of the Commission's order approving the alternative filing requirements.

Interested persons are invited to submit written comments on Oklahoma's application. Comments

should be filed with the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before April 17, 1981. An original and 14 conformed copies should be filed. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during business hours.

Any person wishing to present testimony, views, data or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than April 17, 1981.

Kenneth F. Plumb,
Secretary.

(FR Doc. 81-10062 Filed 4-7-81; 8:45 am)

BILLING CODE 6450-85-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

(Docket No. FEMA-6027)

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance

Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations 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 to either 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585 or Toll Free Line (800) 424-8872. (In Alaska and Hawaii call Toll Free Line (800) 424-9080) Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for

selected locations in the nation, in accordance with Section 110 and Section 206 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 (presently appearing at its former Title 24, Chapter 10, Part 1917.4).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)
Alabama	City of Florence, Lauderdale Co.	Cox Creek	Just upstream of Helton Drive	*517
			Approximately 200 feet downstream of confluence of Hudson and Wilson Creeks.	*548
		Hudson Creek	Just downstream of County Road 16	*555
		Wilson Creek	Just downstream of Kings Bridge Road	*563
		Sweetwater Creek	Just downstream of Union Avenue	*434
			Just upstream of Colorado Avenue	*486
			Just downstream of Broadway Street	*538
		Just downstream of Lee Hwy (U.S. Hwy 72)	*576	
Maps available for inspection at City Hall, 110 West College Street, Florence, Alabama 35630.				
Send comments to Mayor J. Hollie Allen or Mr. Foster Fountain, City Engineer, City Hall, 110 West College Street, Florence, Alabama 35630.				
Alabama	Unincorporated areas of Franklin County	Cedar Creek	Just upstream of Jackson Hwy (U.S. Hwy 43)	*653
			Just downstream of Southern Railway	*655
		Mud Creek	Just downstream of Southern Railway	*653
			Just downstream of Military Road	*656
		Bear Creek	Just downstream of County Road II	*514
			Just upstream of State Hwy 24	*525
		Pain Creek	Just upstream of Dirt Road approximately 4500 feet above Sloss Lake Spillway.	*718
Maps available for inspection at Franklin County Courthouse, North Jackson Street, Russellville, Alabama 35653.				
Send comments to Mr. Jimmy Byars, Chairman of Franklin County Commission or Ms. Ruth Osborne, Chief Clerk, Franklin County Courthouse, North Jackson Street, Russellville, Alabama 35653.				
Alabama	City of Red Bay, Franklin County	Bear Creek	Just upstream of State Hwy 24	*525
			Just downstream of the southernmost crossing of the corporate limits.	*528
Maps available for inspection at City Hall, Second Avenue South, Red Bay, Alabama 35582.				
Send comments to Mayor Ed Bullen or Mr. James Thorn, City Clerk, City Hall, Second Avenue South, Red Bay, Alabama 35582.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)
Alabama	Tuscaloosa County (Unincorporated Areas)	Big Creek	At confluence with Jay Creek	*145
		Black Warrior River	Intersection of River Road and Holt Road	*157
		Black Warrior River Tributary No. 2	4525 feet upstream from confluence with Black Warrior River	*200
		Black Warrior River Tributary No. 3	50 feet downstream from center of a Private Road (approximately 450 feet west of intersection with Rice Mine Road)	*292
		Black Warrior River Tributary No. 3A	150 feet upstream from center of Twin Oaks Road	*220
		Cottontale Creek	50 feet upstream from center of Clements Road	*248
		Cottontale Creek Tributary No. 1	50 feet upstream from center of Butternut Road	*250
		Cottontale Creek Tributary No. 1A	50 feet upstream from center of Interstate Highway 59	*279
		Cottontale Creek Tributary No. 2	Cul-de-sac at the west end of 56th Street East	*263
		Cottontale Creek Tributary No. 3	Cul-de-sac at the west end of 56th Street East	*263
		Cribbs Mill Creek	50 feet upstream from center of Greensboro Avenue (State Highway 69)	*168
		Cribbs Mill Creek Tributary No. 5	1200 feet upstream from center of 30th Avenue East	*271
		Cribbs Mill Creek Tributary No. 6	100 feet upstream from center of Interstate Highway 59 East	*243
		Cypress Creek	Intersection of Interstate Highway 359 and Illinois Central Gulf Railroad	*162
		Hurricane Creek	Confluence with Cottontale Creek	*199
		Mill Creek	Intersection of Creek and center of Illinois Central Gulf Railroad	*149
		Mill Creek Tributary No. 1	50 feet upstream from center of 17th Street	*160
		Mill Creek Tributary No. 2	Intersection of tributary and center of 17th Street	*153
		Mill Creek Tributary No. 3	600 feet upstream from confluence with Mill Creek	*162
		Moody Swamp Tributary No. 1	100 feet upstream from center of Old Fosters Ferry Road	*143
		Moody Swamp Tributary No. 2	100 feet upstream from center of Osment Road	*143
		Moody Swamp Tributary No. 3	Intersection of Southern Railroad and Interstate Highway 359	*171
		North River	Intersection of 2 private roads approximately 1500 feet south of North River Dam	*160
		Rum Creek	25 feet upstream from center of Illinois Central Gulf Railroad	*242
		Rum Creek Tributary No. 1	1600 feet upstream from confluence with Rum Creek	*209
		Rum Creek Tributary No. 2	50 feet upstream from center of U.S. Highway 82	*251
		Tater Hill Creek	100 feet upstream from center of private road	*166
		Tater Hill Creek Tributary No. 1	Intersection of 34th Street and 68th Avenue	*172
		Twomile Creek	50 feet upstream from center of Old Barnes Road	*235
		Twomile Creek Tributary No. 1	150 feet upstream from confluence with Twomile Creek	*159
		Twomile Creek Tributary No. 2	100 feet upstream from center of Shirley Road	*232
		Twomile Creek Tributary No. 2A	50 feet downstream from center of Shirley Road	*265
		Twomile Creek Tributary No. 3	Confluence with Twomile Creek Tributary No. 3A	*193
		Twomile Creek Tributary No. 3A	Confluence with Twomile Creek Tributary No. 3	*193
		Twomile Creek Tributary No. 4	50 feet upstream from center of Hunter Creek Road	*191
		Twomile Creek Tributary No. 5	50 feet upstream from center of Twin Oaks Road	*216
		Twomile Creek Tributary No. 5A	300 feet upstream from confluence with Twomile Creek Tributary No. 5	*219
Maps available for inspection at Tuscaloosa County Courthouse, Tuscaloosa, Alabama. Send comments to Honorable Hardy McCollum, P.O. Box 67, Tuscaloosa, Alabama 35402.				
California	Atascadero (City), San Luis Obispo County	Atascadero Creek	Intersection of Atascadero Creek and center of Sycamore Road	*825
		Graves Creek	20 feet upstream from center of Portola Road	*903
			30 feet upstream from center of Del Rio Road	*811
			20 feet upstream from center of Santa Lucia Road	*956
			At confluence of Graves Creek and Paradise Valley Tributary	*1,009
		North Fork Paloma Creek	20 feet upstream from center of El Camino Real	*898
		Paloma Creek	20 feet upstream from center of Viejo Camino	*894
			210 feet southwest of confluence of Paloma Creek and South Fork Paloma Creek	#1
Maps available for inspection at Department of Public Works, City Hall, Atascadero, California. Send comments to Honorable Robert Wilkins, P.O. Box 747, Atascadero, California 93423.				
California	Calixico (City), Imperial County	New River	At the center of New River and downstream corporate limit	*—41
Maps available for inspection at Planning Department, 408 Heber Avenue, Calixico, California. Send comments to Honorable Fernando Arguelles, 408 Heber Avenue, Calixico, California 92231.				
California	California City (City), Kern County	Tierra Del Sol Creek	Intersection of Bancroft Drive and Mendiburu Road	*2,324
		Cache Creek	Intersection of South College Boulevard and Princeton Avenue	*2,342
			Intersection of Cache Creek Drive and Tamarack Avenue	*2,362
			Rosewood Boulevard over the channel	*2,395
		Yorba Rushe Creek	Intersection of Sally Avenue and Neuralia Road	#1
		Intersection of 71st Street and Greenwood Avenue	#1	
Maps available for inspection at City Manager, 21000 Hacienda Blvd., California City, California. Send comments to Honorable Nancy C. Crews, 21000 Hacienda Blvd., California City, California 93505.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)
California	Holtville (City), Imperial County	Alamo River	100 feet upstream from center of U.S. Highway 80 Bridge	*48
Maps available for inspection at City Clerk, 121 West 5th Street, Holtville, California. Send comments to the Honorable Gary R. Rogers, 121 West 5th Street, Holtville, California 92250.				
Connecticut	East Granby, Town, Hartford County	Farmington River	Downstream Corporate Limits	*110
			Upstream State Route 187	*113
			Upstream Dam	*106
			Upstream State Route 189	*150
			Upstream Corporate Limits	*153
		Salmon Brook	Confluence with Farmington River	*153
			Upstream Floydville Road	*182
			Upstream Corporate Limits	*186
		Stony Brook	Downstream Corporate Limits	*157
			Upstream Corporate Limits	*102
		Sanborn Brook	Confluence with Stony Brook	*159
			Confluence of Creamery and Sheldens Brooks	*161
		Sheldens Brook	Confluence with Creamery and Sanborn Brooks	*161
			Downstream School Street	*169
Maps available for inspection at the East Granby First Selectman's /Building Department Office, Town Hall, East Granby, Connecticut. Send comments to Honorable Frank R. Rothammer, First Selectman of East Granby, Town Hall, East Granby, Connecticut 06026.				
Idaho	Culdesac (City), Nez Perce County	Lapwai Creek	55 feet upstream from the center of 3rd Street	*1,024
			80 feet upstream from the center of Finney Street	*1,679
Maps available for inspection at City Hall, Culdesac, Idaho. Send comments to the Honorable Fred Fox, Box 128, Culdesac, Idaho 83524.				
Idaho	Lewiston (City), Nez Perce County	Lindsay Creek	Intersection of Lindsay Creek and center of Main Street	*758
			Intersection of Lindsay Creek and the upstream corporate limits	*827
			Intersection of Clearwater Avenue and 29th Avenue	#1
Maps available for inspection at City Hall, Drafting Department, 1134 F Street, Lewiston, Idaho. Send comments to the Honorable Delitha Kilgore, P.O. Box 617, Lewiston, Idaho 83501.				
Idaho	Peck (City), Nez Perce County	Big Canyon Creek	110 feet upstream from the center of Lulu Street	*1,049
Maps available for inspection at City Hall, Peck, Idaho. Send comments to the Honorable Mary Lou Deyo, Box 149, Peck, Idaho 83545.				
Illinois	(V) Andalusia, Rock Island County	Mississippi River	About 2,400 feet downstream from the confluence of Hills Creek	*561
			About 2,300 feet upstream of the confluence of Hills Creek	*562
Maps available for inspection at the Village Hall, 221 First Street, Andalusia, Illinois. Send comments to Honorable Wilbur Lartz, Village President, Village of Andalusia, Village Hall, 221 First Street, Andalusia, Illinois 61232.				
Illinois	(V) Hampton, Rock Island County	Mississippi River	Downstream corporate limits	*574
			Upstream corporate limits	*574
Maps available for inspection at the Clerk's Office, Town Hall, 520 First Avenue, Hampton, Illinois. Send comments to Honorable James Severtagard, Village President, Village of Hampton, Town Hall, 520 First Avenue, Hampton, Illinois 61256.				
Illinois	(V) Rapids City, Rock Island County	Mississippi River	At downstream corporate limits	*578
			At upstream corporate limits	*579
Maps available for inspection at the Clerk's Office, Village Hall, 730 17th Street, Rapids City, Illinois. Send comments to Honorable James Barker, Village President, Village of Rapids City, Village Hall, 730 17th Street, Rapids City, Illinois 61278.				
Louisiana	Unincorporated areas of St. Charles Parish	Mississippi River	Parish Line (St. Charles Parish-Jefferson Parish)	*21
			Parish Line (St. Charles Parish-St. John the Baptist)	*24
		Lake Pontchartrain Overland Flooding	Entire Shoreline	*12
		Overland Flooding	Approximately 3500 feet north of the intersection of State Highway 628 and U.S. Highway 61.	*7
			Turtle Pond (Approximately 1/2 mile southwest of the intersection of State Highway 50 and U.S. Highway 61).	*8
			Northeast of the intersection of Lower Guide Levee and U.S. Highway 61.	*9
			In New Sarpy (Approximately 500 feet south of U.S. Highway 61).	*9
		Shallow Flooding (Sheet Flow & Ponding)	In Montz northwest of Norco Oil and Gas Field (Approximately 2,300 feet west of the intersection of U.S. Highway 628 and Illinois Central Gulf Railroad).	#2
			In Destrehan (Approximately 1 mile north of Destrehan High School and 1 mile southeast of New Sarpy).	*2
			At Willowdale Boulevard approximately 7000 feet South of the intersection of U.S. Highway 90 and Willowdale Boulevard.	*4
			In Destrehan (Approximately 1/2 mile northwest of Pecan Grove School).	*7
Maps available for inspection at St. Charles Parish Courthouse, River Road, Hahnville, Louisiana 70057. Send comments to Mr. Kevin M. Frloux, Administrator or Mr. Timothy Vial, Executive Assistant, St. Charles Parish Police Jury, P.O. Box 302, Hahnville, Louisiana 70057.				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)	
Massachusetts	Halifax, Town, Plymouth County	Taunton River	Confluence of Winnetuxet River	*27	
			Cherry Street Bridge (Upstream side)	*28	
		Winnetuxet River	Confluence with Taunton River	*27	
			Upstream Corporate Limits	*29	
		Palmer Mill Brook	Confluence with Winnetuxet River	*29	
			Upstream side of Hayward Street Bridge	*29	
Maps available for inspection at the Halifax Selectmen's Office, Town Hall, Halifax, Massachusetts.					
Send comments to Honorable Alberico E. Gentile, Chairman of the Halifax Board of Selectmen, Halifax Town Hall, Halifax, Massachusetts 02338.					
Missouri	(C) Kimmswick, Jefferson County	Mississippi River	Within corporate limits	*41	
Maps available for inspection at the City Hall, P.O. Box 27, Kimmswick, Missouri.					
Send comments to Honorable Georgia Crow, Mayor, City of Kimmswick, City Hall, P.O. Box 27, Kimmswick, Missouri 63053.					
New Jersey	East Brunswick, Township, Middlesex County	Raritan River	Confluence of South River	*12	
			Upstream Corporate Limits	*12	
		Washington Canal	Confluence with Raritan River	*12	
			Outlet from South River	*12	
		South River	Downstream Corporate Limits	*12	
			Duhamel Lake Dam	*12	
		Lawrence Brook	Confluence of Raritan River	*12	
			Downstream State Route 18	*22	
			Upstream of upstream Westons Mill Dam	*25	
			Upstream Ryders Lane	*27	
			Downstream Riva Avenue	*32	
			Downstream Oakmont Avenue	*53	
			Upstream Corporate Limits	*55	
		Sawmill Brook	Confluence with Lawrence Brook	*27	
			Downstream New Jersey Turnpike	*31	
			Downstream Tices Lane	*36	
			Downstream Kimberly Road	*53	
			Upstream Raritan River Railroad Culvert	*72	
			Upstream Sherwood Avenue	*74	
			Upstream Cranbury Road	*101	
			Approximately 2,500 feet upstream of Cranbury Road	*117	
		Bog Brook	Confluence with Lawrence Brook	*30	
			Approximately 500 feet upstream from Fresh Ponds Road	*37	
		Beaverdam Brook	At Riva Avenue	*54	
			Upstream Fresh Ponds Road	*64	
			Downstream Hardenburg Road	*70	
			Upstream New Jersey Turnpike	*90	
		Irelands Brook	Downstream Riva Avenue	*55	
			Downstream of Bridge Ruins	*65	
			Upstream Fresh Ponds Road	*71	
			Upstream New Jersey Turnpike	*81	
			Upstream Dunhams Corner Road	*83	
			Upstream Fern Road	*92	
		Cedar Brook	Upstream Corporate Limits	*35	
Maps available for inspection at the Township Department of Planning and Community Development, Jean Walling Civic Center, East Brunswick, New Jersey.					
Send comments to Honorable William F. Fox, Mayor of the Township of East Brunswick, Jean Walling Civic Center, East Brunswick, New Jersey 08816.					
New Jersey	Holmdel, Township, Monmouth County	Willow Brook	Confluence with Swimming River Reservoir	*38	
			2,400' upstream of Willow Brook Road	*48	
			1,450' downstream of South Street	*58	
			1,380' downstream of State Route 34	*68	
			150' downstream of Pleasant Valley Road	*78	
			2,230' upstream of Pleasant Valley Road	*88	
			4,000' upstream of Pleasant Valley Road	*98	
		East Branch of Willow Brook	5,300' upstream of Pleasant Valley Road	*107	
			Confluence with Willow Brook	*78	
			2,370' upstream of Pleasant Valley Road	*88	
			3,450' upstream of Pleasant Valley Road	*98	
			4,530' upstream of Pleasant Valley Road	*108	
			Confluence with Willow Brook	*41	
			3,850' upstream of Willow Brook Road	*51	
		Hop Brook	Downstream of Newman Springs Road	*60	
			730' downstream of Access Road	*70	
			2,120' upstream of Access Road	*80	
			Downstream of Roberts Road	*90	
			750' downstream of Roberts Road	*100	
			1,900' upstream of Roberts Road	*110	
			4,030' upstream of Roberts Road	*120	
		Waackaack Creek	4,970' upstream of Roberts Road	*129	
			Downstream corporate limits	*15	
			1,500' downstream of upstream corporate limits	*20	
		Mahoras Brook	Upstream corporate limits	*22	
			Confluence with Waackaack Creek	*18	
			1,080' downstream of State Route 35	*28	
			Upstream Corporate Limits	*38	
			970' upstream of upstream Corporate Limits	*40	
		Maps available for inspection at the Construction Office, Municipal Building, Holmdel, New Jersey.			
Send comments to Honorable James M. Cox, Mayor of the Township of Holmdel, Municipal Building, Holmdel, New Jersey 07733.					

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
New York	Hilburn, Village, Rockland County	Ramapo River	Downstream Corporate Limits	*276	
			Confluence of Tributary to the Ramapo River	*278	
			Downstream of Fourth Street	*283	
		Tributary to the Ramapo River	Upstream of Fourth Street	*287	
			Upstream Corporate Limits	*300	
			Confluence with Ramapo River	*278	
			Upstream of Suffer Road	*281	
			Approximately 40' upstream of State Route 17	*292	
			Upstream of Brook Street	*300	
			Approximately 1,400' upstream of Brook Street	*353	
Maps available for inspection at the Village Hall, 31 Mountain Avenue, Hilburn, New York.					
Send comments to Honorable Brian L. Miele, Mayor of the Borough of Hilburn, 31 Mountain Avenue, Hilburn, New York 10931.					
New York	Newark Valley, Town, Tioga County	East Branch Owego Creek	Downstream Corporate Limits	*507	
			Upstream of Knapp Road	*522	
			Approximately 5,000 feet upstream of Knapp Road	*533	
			Upstream of Silk Street	*553	
			Upstream Corporate Limits (with Village of Newark Valley)	*558	
			Confluence of Wilson Creek	*581	
			Footbridge (upstream side)	*582	
			Upstream of Brown Road	*1,004	
			Upstream Corporate Limits	*1,015	
		West Branch Owego Creek	Downstream Corporate Limits	*584	
			Approximately 2,400 feet upstream of West Creek Road	*512	
			Upstream of Blewer Road	*525	
			Approximately 3,000 feet upstream of Blewer Road	*534	
			At second upstream crossing of West Creek Road	*556	
			Upstream of West Newark Cross Road	*584	
			Approximately 5,000 feet upstream of West Newark Cross Road	*596	
			Upstream Corporate Limits	*1,028	
		Wilson Creek	At confluence with East Branch Owego Creek	*581	
			At Wilson Creek Road	*595	
		Maps available for inspection at the residence of the Town Clerk, Mr. Joe Hutchinson, 20 Brook Street, Village of Newark Valley, New York.			
Send comments to Honorable Gerald Moulton, Town Supervisor of Newark Valley, Box 376, Newark Valley, New York 13811.					
New York	Sloatsburg, Village, Rockland County	Ramapo River	Downstream Corporate Limits	*341	
			Upstream of dam	*354	
			Upstream of Washington Avenue	*375	
			Upstream Corporate Limits	*391	
		Ramapo River Tributary	Downstream of Orange Turnpike	*381	
			Upstream of Orange Turnpike	*386	
			Downstream of Private Drive	*408	
			Upstream Corporate Limits	*413	
		Stony Brook	Confluence with Ramapo River	*355	
			300' downstream of Seven Lakes Road second crossing	*360	
			Upstream of Seven Lakes Road second crossing	*376	
			Upstream of Seven Lakes Road third crossing	*388	
		Nakoma Brook	Upstream Corporate Limits	*390	
			Downstream Corporate Limits	*341	
			Downstream of Wintergreen Road	*354	
			Upstream of first dam	*370	
			Upstream of second dam	*379	
		Nakoma Brook Tributary	Downstream of first weir	*390	
			Upstream of Private Drive	*397	
			Upstream Corporate Limits	*415	
			Confluence with Nakoma Brook	*346	
			Upstream of Brook Street	*355	
			Upstream of Sterling Mine Road	*367	
			Upstream Corporate Limits	*369	
Maps available for inspection at the Village Hall, 97 Orange Turnpike, Sloatsburg, New York.					
Send comments to Honorable Carl R. Wright, Mayor of the Village of Sloatsburg, Village Hall, 97 Orange Turnpike, Sloatsburg, New York 10974.					
North Carolina	Farmville (Town), Pitt County	Little Contentnea Creek	Intersection of Duke Drive and Dale Drive	*62	
			50 feet upstream from center of Seaboard Line Railroad	*66	
Maps available for inspection at City Hall, 124 N. Main Street, Farmville, North Carolina.					
Send comments to Honorable Linwood Mercer, P.O. Box 861, Farmville, North Carolina 27828.					
North Carolina	City of Hendersonville, Henderson Co.	Mud Creek	Just upstream of Ball Park Road	*2,082	
			Just downstream of North Main Street	*2,083	
			Just upstream of U.S. Hwy 64	*2,087	
			Just upstream of Old Spartanburg Road	*2,089	
			Just downstream of Erwood Drive	*2,093	

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)
		Clear Creek	Just upstream of Clear Creek Road	*2,080
		Britton Creek	Just upstream of State Hwy 191	*2,093
			Just upstream of Ridgeview Blvd	*2,098
			Approximately 100 feet at downstream of Blythe Street	*2,110
			Just upstream of Greenwood Drive	*2,139
		Devils Creek	At Diana Road	*2,089
		Balfork Creek	Just upstream of U.S. Hwy 64	*2,087
		Wash Creek	Just downstream of Caswell Street	*2,093
			Just upstream of Spring Street	*2,104
			Just upstream of Third Avenue	*2,133
		Shepherd Creek	Just upstream of Kanuga Road	*2094
Maps available for inspection at City Hall, 145 Fifth Avenue East, Hendersonville, North Carolina 28739.				
Send comments to Mayor Frank Todd or Mr. LaVern Bechtel, City Manager, City Hall, 145 Fifth Avenue East, Hendersonville, North Carolina 28739.				
North Carolina	Town of Hookerton, Greene Co.	Contentnea Creek	At Second Street (extended)	*39
		Rainbow Creek	At confluence with Contentnea Creek	*39
Maps available for inspection at City Hall, 227 East Main Street, Hookerton, North Carolina 29538.				
Send comments to Mayor Harry S. Taylor or Ms. Lillian W. Hardy, Town Clerk, 227 East Main Street, Hookerton, North Carolina 29538.				
North Carolina	Town of Snowhill, Greene Co.	Contentnea Creek	Just upstream of the southeastern-most crossing of Extraterritorial Jurisdiction Limits	*45
			Just upstream of U.S. Hwy 13	*49
Maps available for inspection at Town Hall, 304 North Greene Street, Snowhill, North Carolina 28580.				
Send comments to Mayor Melvin Hallor or Ms. Earlene Sugg, Town Clerk, Town Hall, 304 North Greene Street, Snowhill, North Carolina 28580.				
North Dakota	Pleasant (Township), Cass County	Red River of the North	Area of flooding east of Chicago, Milwaukee, St. Paul and Pacific Railroad in Section 6, T137N, R48W.	*911
Maps available for inspection at Hickson Grain Elevator, Hickson, North Dakota.				
Send comments to Honorable Ronald E. Kyalo, Chairman, Board of Supervisors, Township of Pleasant, Hickson, North Dakota 58044.				
Ohio	(V) Centerburg, Knox County	North Fork Licking River	About 225 feet downstream of White Road	*1,177
			Just upstream of White Road	*1,180
			About 100 feet downstream of Main Street	*1,193
			Just downstream of Conrail	*1,198
			Just upstream of Conrail	*1,203
			About 1,125 feet upstream of Conrail	*1204
Maps available for inspection at the Office of the Village Clerk, Village Hall, 27 North Hartford Avenue, Centerburg, Ohio.				
Send comments to Honorable Frank Reynolds, Mayor, Village of Centerburg, 357 South Hartford Avenue, Centerburg, Ohio 43011.				
Pennsylvania	Collier, Township, Allegheny County	Chartiers Creek	Downstream Corporate Limits	*776
			Downstream of Conrail upstream of Grant Avenue	*779
			Corporate Limits downstream of Chartiers Creek Diversion Channel	*790
			Conrail approximately 1,720 feet downstream of Washington Avenue	*796
			Downstream Diversion Channel Cutoff Culvert	*804
			Upstream Diversion Channel Cutoff Culvert	*815
			Upstream Corporate Limits in Collier	*821
		Robinson Run (Lower)	Confluence with Chartiers Creek	*777
			Upstream Interstate Route 79 (Northbound)	*784
			Downstream Penn Lincoln Parkway	*792
			Upstream Conrail approximately 1,760 feet downstream of confluence of Scotts Run	*807
			Approximately 160 feet downstream of Scotts Run Road extended	*819
			Upstream Walkers Mill Road	*827
			Upstream Conrail approximately 1,240 feet upstream Walkers Mill Road	*835
		Robinson Run (Upper)	Upstream Conrail approximately 4,800 feet downstream of confluence of Pinkertons Run	*862
			Confluence of Pinkertons Run	*868
			Old Nobletown Road	*878
		Campbells Run	Upstream Interstate 79 culvert	*877
			Upstream Robinson Township Water Pollution Control Plant Drive	*894
			Downstream Corporate Limits in Robinson Township	*903
			Upstream Corporate Limits in Robinson Township	*916
			Approximately 800 feet upstream of upstream Corporate Limits in Robinson Township	*925
			Approximately 1,400 feet upstream of upstream Corporate Limits in Robinson Township	*940
			Downstream culvert approximately 2,760 feet downstream of Corporate Limits	*955
			Upstream culvert approximately 2,760 feet downstream of Corporate Limits	*973
			Upstream culvert approximately 840 feet downstream of Corporate Limits	*981
			Upstream Corporate Limits	*986
Maps available for inspection at the Collier Municipal Building, 81 Nobletown Road, Carnegie, Pennsylvania.				
Send comments to Honorable Charles Love, Commission President of Collier, 81 Nobletown Road, Carnegie, Pennsylvania 15106.				
Pennsylvania	Fayette City, Borough, Fayette County	Monongahela River	Downstream Corporate Limits	*764
			Upstream Corporate Limits	*764

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)
		Downers Run.....	Confluence with Monongahela River.....	764
			Approximately 320 feet downstream of Brightwell Avenue.....	764
			Corporate Limits.....	766
Maps available for inspection at the Post Office, Main Street, Fayette City, Pennsylvania.				
Send comments to Honorable Norman Humphries, Mayor of Fayette City, 237 Main Street, Fayette City, Pennsylvania 15438.				
Pennsylvania	Lower Salford, Township, Montgomery County	West Branch Skippack Creek	Morris Road.....	213
			Approximately 2,050 feet downstream of Stover Road.....	225
			Stover Road.....	237
			Alderfer Road.....	248
			Approximately 2,000 feet upstream of Alderfer Road.....	265
			Approximately 1,500 feet downstream of Yoder Road.....	278
			Yoder Road.....	290
		Indian Creek	Downstream of Indian Creek Road.....	198
			Confluence of Tributary 1.....	205
			Downstream of State Route 63.....	212
			Upstream of State Route 63.....	221
			Upstream Corporate Limits.....	225
		East Branch Perkiomen Creek	Downstream Corporate Limits.....	155
			Approximately 3,000 feet downstream of Camp Wawa Road.....	165
			Old Skippack-Salfordville Road.....	183
			Upstream of Freeman School Road.....	195
			Upstream Corporate Limits.....	199
			2nd upstream Corporate Limits.....	206
Maps available for inspection at Lower Salford Township Building, 474 Main Street, Harleysville, Pennsylvania.				
Send comments to Honorable Daniel W. Roth, Chairman of the Lower Salford Board of Supervisors, 474 Main Street, Harleysville, Pennsylvania 19438.				
Pennsylvania	Norristown, Borough, Montgomery County	Schuylkill River	Downstream Corporate Limits.....	75
			Upstream Corporate Limits.....	80
		Stony Creek	Confluence with Schuylkill River.....	79
			Upstream Markley and Elm Streets.....	84
			Upstream Stenger Street.....	93
			Upstream Dam.....	97
			Approximately 1,680' upstream Dam.....	106
			Confluence with Tributary to Stony Creek.....	115
			Approximately 165' upstream of confluence of Tributary to Stony Creek.....	116
		Tributary to Stony Creek	Confluence with Stony Creek.....	115
			Approximately 780' upstream of confluence with Stony Creek.....	123
		Sawmill Run	Upstream Fomance Street Dam.....	143
			Downstream Johnson Highway.....	158
Maps available for inspection at the Borough Building, 235 East Airy Street, Norristown, Pennsylvania.				
Send comments to Honorable John Marberger, Mayor of Norristown, 235 East Airy Street, Norristown, Pennsylvania 19401.				
Pennsylvania	Perry, Township, Fayette County	Youghiogheny River	Downstream Corporate Limits.....	790
			Upstream Corporate Limits.....	810
		Washington Run	Downstream Corporate Limits.....	965
			Confluence with Tributary A.....	984
			Upstream of Front Street.....	995
			Approximately 1,380' upstream of Front Street.....	1,006
		Tributary A	Confluence with Washington Run.....	984
			Approximately 310' upstream of Front Street.....	1,011
Maps available for inspection at the Perry Municipal Building, Star Junction, Pennsylvania.				
Send comments to Honorable Joseph Volpe, Chairman of the Perry Board of Supervisors, Star Junction, Pennsylvania.				
Pennsylvania	Perryopolis, Borough, Fayette County	Washington Run	Downstream Corporate Limits.....	862
			Approximately 500' upstream of Corporate Limits.....	873
			Approximately 900' upstream of Corporate Limits.....	883
			Approximately 450' downstream of Straton Road.....	893
			Approximately 250' downstream of Straton Road.....	903
			Downstream side of Straton Road.....	913
			Approximately 300' downstream of Strawn Road.....	922
			Upstream of Strawn Road.....	931
			Approximately 640' downstream of Cemetery Road.....	941
			Upstream of Private Drive.....	947
			Downstream of Liberty Street.....	951
			Upstream of Liberty Street.....	958
			Downstream of Access Road.....	962
			Upstream Corporate Limits.....	965
		Tributary A	Confluence with Washington Run.....	957
			Downstream of State Route 51.....	959
			Upstream of State Route 51.....	962
			Downstream of Quaker Church Road.....	966
			Upstream Corporate Limits.....	968
Maps available for inspection at the Municipal Building, 201 East Independent Street, Perryopolis, Pennsylvania.				
Send comments to Honorable Alfred Orsini, Mayor of Perryopolis, P.O. Box 326, Perryopolis, Pennsylvania 15473.				
Pennsylvania	Redstone, Township, Fayette County	Redstone Creek	Approximately 300' downstream of T.R. 422.....	770
			Upstream of upstream Conrail crossing.....	784
			Approximately 2,400' upstream of upstream Conrail crossing.....	789
		Dunlap Creek	Main Street (Upstream).....	943

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Pennsylvania	Robinson, Township, Allegheny County	Ohio River Back Channel	State Route 166 (Upstream)	*951
			T.R. 750 (Downstream)	*956
			T.R. 613 (Upstream)	*964
			L.R. 26154 (Upstream)	*967
			Confluence with Dunlap Creek	*967
			Approximately 2,925' above confluence with Dunlap Creek	*974
			Approximately 4,825' above confluence with Dunlap Creek	*982
Pennsylvania	Robinson, Township, Allegheny County	Ohio River Back Channel	Downstream Corporate Limits	*718
			Approximately 2,200 feet upstream of Interstate 79 Exit Ramp	*719
			Montour Run	
			Downstream Corporate Limits	*718
			Statia Street, extended (downstream)	*719
			State Routes 50 and 51 (upstream)	*720
			Approximately 3,600 feet upstream State Routes 50 and 51	*731
			Approximately 4,600 feet downstream of Sharon Grade Road	*747
			Sharon Grade Road (downstream)	*766
			Hickman Road (downstream)	*815
			Montour Railroad (downstream)	*822
			Confluence with Ohio River	*719
			Interstate 79 culvert (upstream)	*723
			State Routes 51 and 50 culvert (downstream)	*729
			State Routes 51 and 50 culvert (upstream)	*737
			Approximately 250 feet upstream of State Routes 50 and 51 culvert	*742
			Chartiers Creek	
			Downstream Corporate Limits	*738
			First Corporate Limits	*739
			Second Corporate Limits	*747
			Ingram Avenue (downstream)	*748
			Tributary A	
			Downstream Corporate Limits	*768
			Approximately 1,550 feet upstream from corporate limits	*786
			Approximately 2,400 feet upstream from Corporate Limits	*819
			Campbells Run	
			Downstream Corporate Limits	*816
			Interstate 79 culvert (downstream)	*837
			Approximately 400 feet upstream of Interstate 79 culvert	*878
			Approximately 1,175 feet downstream of Campbells Run Road first crossing	*891
			First crossing Campbells Run Road (upstream)	*905
			Upstream Corporate Limits	*990
			Approximately 1,700 feet upstream Corporate Limits	*1,004
			Approximately 400 feet upstream McMichael Road, extended	*1,027
			Approximately 550 feet upstream of Devassie Road, extended	*1,087
Pennsylvania	Scott, Township, Allegheny County	Chartiers Creek	Downstream Corporate Limits	*763
			Downstream Carothers Avenue approximately 500 feet upstream of Corporate Limits	*771
			Downstream Hiland Street extended	*781
			Upstream Pittsburgh and Washington Pike extended	*790
			Upstream Corporate Limits	*795
			Whiskey Run	
			Downstream Corporate Limits	*772
			Downstream Norland Avenue extended	*779
			Upstream Nobletown Road	*769
			Downstream culvert downstream of Penn Lincoln Parkway	*793
			Upstream Penn Lincoln Parkway	*805
			Upstream Corporate Limits	*818
			Upstream Access Road upstream of culvert	*817
			Downstream Charles Drive	*827
			Approximately 530 feet upstream of Charles Drive	*835
			Approximately 160 feet downstream of Hope Hollow Road	*845
			Upstream Hope Hollow Road	*853
			Approximately 90 feet downstream culvert (Green Tree Road)	*866
			Downstream culvert (Green Tree Road)	*877
			Approximately 400 feet upstream of downstream face of culvert	*889
			Approximately 375 feet upstream of culvert	*900
			Approximately 750 feet upstream of culvert	*906
			Confluence with Chartiers Creek	*786
Pennsylvania	Scott, Township, Allegheny County	Chartiers Creek	Downstream Green Tree Road	*796
			Downstream culvert (Norfolk and Western Railroad)	*815
			Upstream culvert (Norfolk and Western Railroad)	*821
			Upstream Private Drive approximately 730 feet upstream of culvert	*829

Maps available for inspection at the Municipal Building, Ewings Mill Road, Robinson, Pennsylvania.

Send comments to Honorable John L. Butya, Commission President of Robinson, P.O. Box 15644, Pittsburgh, Pennsylvania 15244.

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground,*Elevation in feet (NGVD)
			Downstream Private Drive approximately 190 feet downstream of Old Scrubgrass Road.	*839
			Upstream Old Scrubgrass Road	*849
			Upstream Private Drive approximately 700 feet upstream of Old Scrubgrass Road.	*859
			Downstream Private Drive approximately 1,130 feet upstream of Old Scrubgrass Road.	*875
			Upstream Private Drive approximately 1,750 feet upstream of Old Scrubgrass Road.	*886
			Approximately 2,040 feet upstream of Old Scrubgrass Road.	*893
			Approximately 2,400 feet upstream of Old Scrubgrass Road.	*904
			Approximately 2,830 feet upstream of Old Scrubgrass Road.	*914
			Approximately 1,900 feet downstream of Raven Drive	*914
			Approximately 1,500 feet downstream of Raven Drive	*923
			Downstream Private Drive approximately 1,000 feet downstream of Raven Drive.	*933
			Approximately 575 feet downstream of Raven Drive	*950
			Downstream Private Drive approximately 200 feet downstream of Raven Drive.	*966
			Approximately 110 feet downstream of Raven Drive	*967
		Painters Run	Downstream Corporate Limits	*853
			Upstream Corporate Limits in Upper St. Clair Township.	*867
			Upstream Corporate Limits	*869
Maps available for inspection at the Scott Public Works Building, 2600 Old Greentree Road, Carnegie, Pennsylvania.				
Send comments to Honorable Harry J. Tinney, President of the Scott Board of Commissioners, 2600 Old Greentree Road, Carnegie, Pennsylvania 15106.				
Pennsylvania	Skipack, Township, Montgomery County	Perkiomen Creek	Downstream Corporate Limits	*129
			Upstream Grateford Road	*130
		East Branch Perkiomen Creek	Confluence of East Branch Perkiomen Creek	*138
			Confluence with Perkiomen Creek	*138
			Approximately 4,200 feet upstream of confluence with Perkiomen Creek.	*145
			Upstream Corporate Limits	*154
		Zacharias Creek	Stump Hill Road	*158
			Upstream Corporate Limits	*165
		Tributary 1 to Skipack Creek	Approximately 250 feet downstream of Old Evansburg Road.	*162
			Upstream of Collegeville Road	*182
			Private Road approximately 2,200 feet upstream of Collegeville Road.	*193
			State Route 73	*208
Maps available for inspection at the Township Municipal Building, Skipack, Pennsylvania.				
Send comments to Honorable Nancy Epley, Chairperson of the Skipack Board of Supervisors, Box 164, Skipack, Pennsylvania 19474.				
Pennsylvania	South Fayette, Township, Allegheny County	Chartiers Creek	Downstream Corporate Limits	*817
			Interstate Route 79 upstream	*824
			Conrail bridge upstream	*839
			Mayview Road upstream	*841
			Conrail bridge upstream	*853
			Upstream of Boyce Road	*857
			Upstream Corporate Limits	*860
		Millers Run	Confluence with Chartiers Creek	*819
			Koppers Entrance upstream	*827
			Conrail upstream	*837
			Millers Run Road upstream (first crossing)	*852
			Morgan Hill Road upstream	*864
			Millers Run Road upstream (second crossing)	*872
			Norfolk and Western Railroad upstream	*891
			Parks Road upstream	*911
			Upstream corporate limits	*925
		Robinson Run	Mevey Avenue	*922
			Access Road upstream	*930
			Cemetery Hill Road	*949
			Upstream Corporate Limits	*960
Maps available for inspection at the South Fayette Township Building, Millers Run Road, Morgan, Pennsylvania.				
Send comments to Honorable Leonard J. Desmet, President of the South Fayette Commissioners, Drawer 515, Morgan, Pennsylvania 15064.				
Pennsylvania	Trappe, Borough, Montgomery County	Donny Brook	Corporate Limits	*188
			Downstream of West First Avenue	*199
			Downstream of Clayhor Avenue	*214
			Upstream of West Third Avenue	*225
			Upstream of Bronson Circle extended	*235
			Borough Line Road	*252
		Buckwalter Tributary	Corporate Limits	*164
			Confluence of Bonnie Brook	*180
			Approximately 980 feet upstream of confluence of Bonnie Brook.	*188
Maps available for inspection at the Borough Building, Trappe, Pennsylvania.				
Send comments to Honorable Arturo Lopez, Council President of Trappe, 14 Main Street, Trappe, Pennsylvania 19426.				
Pennsylvania	Upper Hanover, Township, Montgomery County	Perkiomen Creek	Downstream Corporate Limits	*290
			Upstream Church Road	*297
			Upstream Fruitville Road	*313

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)
Pennsylvania		Hosensack Creek	Upstream Peavy Road	*321
			Confluence of Hosensack Creek	*333
			Upstream Palm Hill Road	*338
			Downstream Conner Road	*344
			Upstream Corporate Limits	*355
			Confluence with Perkiomen Creek	*333
			Downstream Conrail	*337
			Approximately 3,800' upstream Conrail	*349
		Macoby Creek	Downstream Corporate Limits	*292
			Upstream Hendricks Road	*294
			Confluence of Stony Run	*297
		Macoby Creek Branch	Upstream James Road	*309
			Upstream Saint Pauls Church Road	*310
			Upstream 11th Street	*317
			Upstream Buck Road	*328
			Downstream Otts Road	*335
			Upstream Otts Road	*340
			Confluence of Macoby Creek Branch	*340
			Approximately 1,450' upstream State Route 663	*350
			Upstream Tagart Road	*365
			Approximately 1,700' downstream Kraussdale Road	*375
		Stony Run	Upstream Kraussdale Road	*385
			Approximately 550' upstream Kraussdale Road	*388
			Confluence with Macoby Creek	*340
			Approximately 1,440' upstream State Route 663	*350
			Upstream Quakertown Road	*360
		Macoby Creek Branch	Approximately 490' upstream Quakertown Road	*363
			Confluence with Macoby Creek	*297
			Approximately 1,600' upstream confluence with Macoby Creek	*307
			Approximately 860' downstream Gerryville Pike	*320
			Downstream Gerryville Pike	*329
			Approximately 540' upstream Gerryville Pike	*336

Maps available for inspection at the Upper Hanover Township Building, Pillsbury Road and State Street, East Greenville, Pennsylvania.

Send comments to Honorable Donald Hoffman, Chairman of the Upper Hanover Board of Supervisors, Township Building, Pillsbury Road and State Street, East Greenville, Pennsylvania 18041.

Pennsylvania	Washington, Township, Fayette County	Monongahela River	Downstream Corporate Limits	*783
			Upstream Corporate Limits	*785
		Downers Run	Corporate Limits	*789
			Footbridge (upstream)	*775
			Johnson Hollow Road (downstream)	*789
			Approximately 880 feet upstream of Johnson Hollow Road	*799
		Mill Run	Confluence with Lutz Run	*925
			First Private Drive (downstream)	*942
			Township Route 434 (downstream)	*964
			Culvert (upstream)	*973
			Second Private Drive (upstream)	*1,001
		Lutz Run	Fourth Private Drive (downstream)	*1,015
			Corporate Limits	*1,020
			Confluence with Mill Run	*925
			Legislative Route 26016 (upstream)	*930
			Approximately 2,100 feet upstream of Legislative Route 26016	*949
		Little Redstone Creek	Private Drive (downstream)	*972
			Approximately 600 feet upstream of Private Drive	*980
			Confluence with Monongahela River	*764
			Confluence of Tributary A	*770
			State Route 206 (upstream)	*772
		Tributary A	Approximately 750 feet downstream of upstream Corporate Limits	*782
			Upstream Corporate Limits	*787
			Confluence with Little Redstone Creek	*770
			State Route 201 upstream crossing (upstream)	*781
			Corporate Limits	*790

Maps available for inspection at the Washington Municipal Building, 1390 Fayette Avenue, Belle Vernon, Pennsylvania.

Send comments to Honorable David Summers, Jr., Chairman of the Washington Board of Supervisors, 905 Park Avenue, Belle Vernon, Pennsylvania 15012.

Rhode Island	Exeter, Town, Washington County	Queens Fort Brook	120' upstream of confluence with Queen River	*130
			2,460' downstream of Dawley Road	*140
			Upstream of Dawley Road	*150
			Upstream of Sloucmville Road	*156
			680' Upstream of Sloucmville Road	*159
		Chipuxet River	Downstream Corporate Limits	*100
			2,100' downstream of Yawgoo Valley Road	*105
			Upstream of Yawgoo Valley Road	*111
			1,485' upstream of Yawgoo Valley Road	*112

Maps available for inspection at the Exeter Town Hall, 10 Rod Road, Exeter, Rhode Island.

Send comments to the Honorable Paul Pierce, Jr., President of the Exeter Town Council, Exeter Town Hall, 10 Rod Road, Exeter, Rhode Island 02822.

Virginia	Stanley, Town, Page County	Tributary to Mawksbill Creek	Downstream Corporate Limits	*986
			Downstream opening of long culvert under State Route 689	*1,019
			Upstream of State Route 689	*1,030
			Downstream of Private Road	*1,047

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground.*Elevation in feet (NGVD)
			Upstream of Judy Lane (State Route 623).....	*1,095
			Upstream Corporate Limits.....	*1,078
Maps available for inspection at the Town Office, Stanley, Virginia.				
Send comments to Honorable Roger Keyser, Mayor, Town of Stanley, Stanley, Virginia 22851.				
Virginia.....	Vienna, Town, Fairfax County.....	Wolftrap Creek.....	Downstream Corporate Limits.....	*358
			East Street (Upstream side).....	*356
			Echols Street (Upstream side).....	*376
			Approximately 1,300' upstream of Echols Street.....	*386
			Follin Lane (upstream side).....	*395
			Upstream Corporate Limits.....	*405

Maps available for inspection at the Town Hall, 127 Center Street, South, Vienna Virginia 22180.

Send comments to Honorable Charles A. Robinson, Jr., Mayor of Vienna, 127 Center Street, South, Vienna, Virginia 22180.

[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 30, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10591 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5966]

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 Foster, McKean County, Pennsylvania, previously published at 45 FR 85120 on December 24, 1980.

EFFECTIVE DATE: April 8, 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 Foster, McKean County, Pennsylvania, previously published at 45 FR 85120 on December 24, 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 the use of different scales, as noted on profile 07 of the Flood Insurance Study for the Township of Foster, certain locations under the source of flooding for Kendall Creek were incorrectly stated. As they appear below, they correctly correspond to the study and maps for the Township of Foster.

Source of flooding	Location	Elevation in feet (NGVD)
Kendall Creek	Approximately 1,700' upstream of confluence of Tributary to Kendall Creek	1,591
	Approximately 4,000' upstream of State Route 246	1,614

(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 25, 1981.

Richard W. Krimm,
Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10524 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5973]

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 Town of Newfane, Niagara County, New York, previously published at 46 FR 8039 on January 26, 1981.

EFFECTIVE DATE: April 8, 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 Town of Newfane, Niagara County, New York, previously published at 46 FR 8039 on January 26, 1981, 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 distance downstream of State Route 18 with an elevation of 256 feet (NGVD) under the Source of Flooding of Keg Creek was incorrectly listed. In order to correctly correspond with the Town of Newfane's Flood Insurance Study and Rate Maps, the location should read "Approximately 75' downstream of State Route 18"; the listed elevation remains unchanged.

(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 30, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10525 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5973]

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 Village of Tarrytown, Westchester County, New York, previously published at 46 FR 8040 on January 26, 1981.

EFFECTIVE DATE: April 8, 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 Village of Tarrytown, Westchester County, New York, previously published at 46 FR 8040 on January 26, 1981, 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 under the Source of Flooding of Sunnyside Brook in the Village of Tarrytown, New York, to be more easily identified with the corresponding Flood Insurance Study (profile) and Rate Map, the locations and elevations listed below have been amended to read as follows. The remainder of the Notice of Proposed Base Flood Elevations was correct as published.

Source of flooding	Location	Elevation in feet (NGVD)
Sunnyside Brook	Approximately 38' upstream of Private Road (which is approximately 390' upstream of the upstream crossing of West Sunnyside Lane.	91
	Approximately 52' downstream of Sunnyside Lane.	188

(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 25, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10529 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5911]

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 Village of Warsaw, Wyoming County, New York, previously published at 45 FR 70010 on October 22, 1980.

EFFECTIVE DATE: April 8, 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 Village of Warsaw, Wyoming County, New York, previously published at 45 FR 70010 on October 22, 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 under the Source of Flooding of Crystal Brook in the Village of Warsaw, New York, to be more easily identified with the corresponding Flood Insurance Study (profile) and Rate Map, the locations and elevations listed below have been amended to read as follows. The remainder of the Notice of Proposed Base Flood Elevations was correct as published.

Source of flooding	Location	Elevation in feet (NGVD)
Crystal Brook	Confluence with Oatka Creek.	1,006
	Upstream of Oatka Street.	1,027
	Approximately 500' upstream of Liberty Street.	1,044

(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 25, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10527 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-5966]

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 City of Buffalo, Erie County, New York, previously published at 45 FR 85118 on December 24, 1980.

EFFECTIVE DATE: April 8, 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 City of Buffalo, Erie County, New York, previously published at 45 FR 85118 on December 24, 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, two location descriptions under the Source of Flooding of Scajaquada Creek should be amended to more accurately reflect the City of Buffalo's Flood Insurance Study (profile) and Rate Map, which were correct as published.

Source of flooding	Location	#Depth in feet above ground. Elevation in feet (NGVD)
Scajaquada Creek	Most downstream	*581
	Conrail Bridge	*609
	Approximately 3,000' upstream from most downstream Private Road.	

(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 30, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-10528 Filed 4-7-81; 8:45 am]

BILLING CODE 6716-03-M

44 CFR Part 67

[Docket No. FEMA 6026]

National Flood Insurance Program; Proposed Base Flood Elevations for the City of Jackson, Hinds County, Miss.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations described below.

The proposed base flood elevations will be the basis for the flood plain management measures that the community is required to either 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations are available for review at the Mayor's Office:

Send comments to: The Honorable Dale Danks, Jr., Mayor, City of Jackson, 220 South President Street, Jackson, Mississippi 39205.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570 or toll free line, (800) 424-8872 or (800) 424-8873.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevation (100-year flood) for the City of Jackson, Mississippi 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).

The base flood elevations together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed 100-year flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet (NGVD)
Baker's Creek	Private Road	283
	Illinois Central Gulf Railroad	296
	Corporate Limit Line	302
	Upstream of McRaven Road	
Tributary 2 to Baker's Creek	Confluence with Baker's Creek	283
	Shaw Road	315
	U.S. Highway 80	331

(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 30, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-10532 Filed 4-7-81; 8:45 am]

BILLING CODE 6716-03-M

44 CFR Part 67

[Docket No. FEMA-6025]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Springfield, Sarpy County, Nebr.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either 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).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zones and base flood elevations are available for review at the Office of the City Clerk, City Hall, 170 North Third, Springfield, Nebraska.

Send comments to: The Honorable William H. Hahn, Mayor, City of Springfield, 170 North Third, Springfield, Nebraska 68059.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator; Program Implementation and Engineering Office; National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570 or toll free line (800) 424-8872, (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Springfield, Nebraska, 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 67.

These zones and base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed addition in base (100-year) flood elevations for the extraterritorial jurisdiction limits are as follows:

Source of flooding	Location	Elevation National Geodetic Vertical Datum
Springfield Creek	At the southernmost extraterritorial limits.	1,029
	At the confluence with Turtle Creek.	1,032
	Approximately 1,200 feet downstream of Springfield corporate limits.	1,044
	Approximately 100 feet downstream of Springfield corporate limits.	1,046
	Approximately 200 feet upstream of Springfield corporate limits.	1,056
	Just north of Plattview Road.	1,060
	Approximately 2,100 feet upstream of Plattview Road.	1,063
	At the northernmost extraterritorial limits.	1,073

(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 30, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-10533 Filed 4-7-81; 8:45 pm]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6009]

National Flood Insurance Program; Proposed Base Flood Elevations and Zone Designations for the City of Elk River, Sherburne County, Minn.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either 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).

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone

designations are available for review at 505 UPA Drive, Elk River, Minnesota.

Send comments to: The Honorable Richard Hinkle, City of Elk River, 505 UPA Drive, Elk River, Minnesota 55330.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570 or toll free line (800) 424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevations and zone designations for the City of Elk River, Minnesota, 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).

Zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed flood elevations and zones for selected locations are:

Source of Flooding	Location	Elevation in feet (NGVD)	Zones
Elk River	Between upstream corporate limits and Lake Orono dam.	884-877	A7, B
	Between Lake Orono dam and confluence with Mississippi River.	888-867	A9, B
Mississippi River	Between upstream corporate limits and confluence with Elk River.	874-867	A9, B, C
	Between confluence with Elk River and U.S. Route 169.	867-863	A9, A, B, C
	Between U.S. Route 169 and downstream corporate limits.	863-856	A9, A, B

(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 9, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-10533 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-35]

Implementation of Requirements of the International Maritime Satellite Communications Act; Order Extending Time of Filing Reply Comments

AGENCY: Federal Communication Commission.

ACTION: Proposed Rule; Extension of reply comment period.

SUMMARY: This Order extends the time for filing reply comments in response to the Commission's Further Notice of Proposed Rulemaking in Docket No. 79-35 on implementation of the requirements of the International Marine Satellite Communications Act from April 3, 1981 to April 17, 1981. The extension was granted pursuant to a request filed by Communications Satellite Corporation.

DATE: Reply comments shall be filed on or before April 17, 1981.

ADDRESS: Reply comments should be submitted to: The Secretary, Federal Communication Commission, 1919 M Street, NW., Washington, D.C. 20556.

FOR FURTHER INFORMATION CONTACT: James L. Ball/Glenn E. deChabert, International Facilities Planning Division, Common Carrier Bureau, Federal Communication Commission, Washington, D.C. 20554 (202) 632-3214/632-4047.

SUPPLEMENTARY INFORMATION:

Order

Adopted: March 30, 1981.

Released: April 2, 1981.

See also 46 FR 3929.

1. The Communications Satellite Corporation (Comsat) has filed a request for a fourteen-day extension of time, from April 3, 1981, until April 17, 1981, to file reply comments in the Commission's Further Notice of Proposed Rulemaking, CC Docket No. 79-35, FCC 80-744, released December 29, 1980. The Commission's Further Notice requests comments and replies on regulatory safeguards which would ensure that Comsat's participation in the International Maritime Satellite Consortium (INMARSAT) will not

adversely affect its participation in INTELSAT.

2. Comsat states that the extension it requests is justified because key personnel who participated in the preparation of Comsat's initial comments in this proceeding will not be available to review and respond to the comments filed by other parties prior to the April 3, 1981 filing date for reply comments.

3. We will grant Comsat's request. Under the circumstances it presents, a fourteen-day extension is reasonable. Such an extension will facilitate the development of a complete record in this proceeding.

4. Accordingly, it is ordered, pursuant to authority delegated in § 0.291 of the Commission's Rules and Regulations, 47 CFR § 0.291 (1979), that the request of Communications Satellite Corporation for an extension to file reply comments in CC Docket No. 79-35 is granted.

5. It is further ordered, that parties shall file reply comments in this proceeding on or before April 17, 1981.

Federal Communications Commission,

Willard L. Demory,

Assistant Bureau Chief, International Common Carrier Bureau.

[FR Doc. 81-10590 Filed 4-7-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 22

[CC Docket No. 20870]

Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Further Notice of Proposed Rulemaking on regulatory policies and procedures for the domestic public land radio service that appeared in the *Federal Register* March 9, 1981, 46 FR 15749. This action is necessary to specify the date that interim procedures take effect.

FOR FURTHER INFORMATION CONTACT: John Buscemi, Mobile Services Division, (202) 632-6450.

In the matter of regulatory policies and procedures for the Domestic Public Land Mobile Radio Service, CC Docket 20870, 46 FR 15749, March 9, 1981.

Released: March 31, 1981.

1. The Further Notice of Proposed Rulemaking released March 6, 1981 should be corrected as set forth below:

(a) On 46 FR 15754, add the following sentence at the end of paragraph 31: It is further ordered that the interim procedures discussed herein shall become effective June 1, 1981, and will apply to all applications for two-way frequencies received on or after that date.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-10513 Filed 4-7-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[Docket No. 18505; FCC 81-144]

Inquiry Into Possible Change in TV Signal Specifications Contained in Specific Sections of the Commission's Rules To Facilitate International Program Exchange

AGENCY: Federal Communications Commission

ACTION: Withdrawal of notice of inquiry.

SUMMARY: This action terminates an old proceeding concerning the possibility of using portions of the vertical blanking interval for TV test signals during international program broadcasts. The matters of major concern have been resolved in other proceedings.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20544.

FOR FURTHER INFORMATION CONTACT: Herbert Zeiler, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

In the matter of Inquiry into possible change in TV signal specifications contained in §§ 73.682 and 73.699 of the rules to facilitate international program exchange, Docket No. 18505, 34 FR 5961, March 26, 1969.

Memorandum Opinion and Order

Adopted: March 26, 1981.

Released: April 3, 1981.

By the Commission: Chairman Ferris not participating.

1. A *Notice of Inquiry* in the above-entitled matter was released by the Commission on March 25, 1969. The purpose of the *Inquiry* was to solicit comments on the possibility of making changes in certain television broadcast standards to facilitate the international exchange of programs by satellite and other means. Of primary concern was the selection of specific lines in the

vertical blanking interval ¹ for international test signals. Changes to conform other domestic broadcast standards with those of other countries using the 525 line transmission system were also discussed.

2. Comments in response to the *Notice* were filed by American Broadcasting Companies, Inc. (ABC); Satellite Technical and Operational Committee-Television (STOC-TV); Electronic Industries Association (EIA); Philco-Ford Corporation; National Broadcast Company, Inc. (NBC); KUTV, Inc.; Telemation Inc.; Columbia Broadcasting System, Inc. (CBS); American Telephone and Telegraph Company (AT&T); Public Broadcasting Service (PBS); and Ad Hoc Committee on Television Broadcast Ancillary Signals, Joint Committee for Inter-Society Coordination.

3. It appears that other events and the passage of time make further action in this proceeding unnecessary. Internationally, line 17 is now routinely used for test signals during programs transmitted between countries.² Domestically, lines 17 and 18 of the vertical blanking interval have been authorized for test signals (Docket 19907, 49 F.C.C. 2d 884). Thus, the items of major concern at this time of the *Notice* have been resolved in other rule making proceedings or administrative forums. The other matter, that of conforming certain of our signal specifications to those of other countries using CCIR 525 standards in order to achieve compatibility, received little attention. What comments there were urged the Commission to act with caution before making any modifications. Accordingly, we see no benefit in proposing any compatibility changes at this time. Matters requiring

further attention can be addressed in separate rule makings, if necessary, where "fresh" comments can be requested.

4. In view of the foregoing, it is ordered, That the proceeding in Docket No. 18505 is terminated.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-10512 Filed 4-7-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 83

[Gen. Docket No. 78-277; FCC 81-124]

Use of Scanning Type Receivers to Meet Multiple Watch Keeping Requirements on Certain Vessels Fitted With VHF Installations in the Maritime Mobile Services

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The attached order terminates a proceeding which proposes to amend the rules to provide for the use scanning type receivers on certain vessels fitted with VHF installations. This action is being taken because previous rule makings have superseded its necessity. No effect on the Maritime Mobile Services is foreseen by this action.

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

FOR FURTHER INFORMATION CONTACT: Charles D. Fisher, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

By the Commission: Chairman Ferris not participating.

In the matter of an amendment of Part 83 to provide for the use of scanning type receivers to meet multiple watch keeping requirements on certain vessels fitted with VHF installations in the Maritime Mobile Services, Gen. Docket

No. 78-277, Order (Proceeding terminated).

Adopted: March 26, 1981.

Released: April 1, 1981.

1. On September 1, 1978, the Commission released a Notice of Proposed Rulemaking (NPRM) (43 FR 40889; September 13, 1978) which would allow the use of scanning type receivers. This action was originally undertaken to provide relief from multiple watch requirements on certain vessels fitted with VHF installations. At the same time, the Intergovernmental Maritime Consultative Organization's (IMCO's) Subcommittee on Radiocommunications was considering whether or not to require VHF multiple watches and comments to this NPRM were solicited to aid the members of the U.S. Delegation.

2. Since adoption of the NPRM, a Report and Order ¹ in another proceeding has been adopted which provided relief to the multiple watch by waiving a required watch on the frequency 156.8 MHz. Also, IMCO is no longer considering the matter of multiple watches and no recommendation has been made that these watches be required. Because of these events, the Commission has found it unnecessary to proceed with this Docket.

3. Accordingly, it is ordered, That under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, That this proceeding is terminated.

4. Regarding questions covered in this matter contact Charles D. Fisher, (202) 632-7175.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-10519 Filed 4-7-81; 8:45 am]

BILLING CODE 6712-01-M

¹ Report and Order, FCC Docket No. 79-139, Adopted December 4, 1979, 44 FR 73095.

¹ The period of time during which synchronizing pulses are transmitted to control the vertical scanning of the television picture. During this interval picture information is not transmitted.

² CCIR Recommendation 473-2 (525 line systems), Volume XII, 1978.

Notices

Federal Register

Vol. 46, No. 67

Wednesday, April 8, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Official Agency Voluntary Cancellation; Request for Applications for Official Agency Designation

AGENCY: Federal Grain Inspection Service.

ACTION: Notice and Request for Applications.

SUMMARY: This notice announces that the Idaho Department of Agriculture, Boise, Idaho, voluntarily canceled its designation as an official agency effective 12 p.m., May 31, 1981. The Federal Grain Inspection Service (FGIS) requests applications for designation as a replacement agency for the geographic area serviced by the Idaho Department of Agriculture.

EFFECTIVE DATE: Applications to be postmarked on or before April 23, 1981.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, Auditors Building, Room 2405, Washington, D.C. 20250; (202) 447-8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in the Presidential Memorandum of January 29, 1981, regarding postponement of pending regulations and as defined in Executive Order 12291; therefore, neither document applies to this action.

The Idaho Department of Agriculture (the Agency), Boise, Idaho, was designated as an official agency under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the Act), for the performance of official grain inspection functions on July 1, 1978. The Agency has requested voluntary

cancellation of its designation effective 12 p.m., May 31, 1981.

The Agency is presently performing official inspection services in its assigned geographic area and will continue to do so until 12 p.m., May 31, 1981. This assigned geographic area is the southern half of the State of Idaho up to the northern boundaries of Adams, Valley, and Lemhi Counties.

Under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder, interested parties are hereby given opportunity to apply for designation as the official agency to perform official inspection services under the Act, not including official weighing, for the geographic area presently assigned to the Agency, as described above. The new designation will terminate on November 30, 1982. Parties wishing to apply for the designation should contact the Director, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than April 23, 1981, to be eligible for consideration.

In order to be qualified for designation, applicants must meet all criteria contained in Section 7(f)(1)(A) of the Act. In making a determination as to which applicants are qualified to provide official inspection services in the geographic area serviced by the Agency, consideration will be given to applications submitted and all other information available to the Administrator. All applications submitted pursuant to this notice will be made available for public inspection at the Office of the Director, Compliance Division, during regular business hours. (Section 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Done in Washington, D.C. on April 3, 1981
J. T. Ashier,

Director, Compliance Division.

[FR Doc. 81-10626 Filed 4-7-81; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will meet at 10:00 a.m., May 19, 1981, at the Federal Building, 301 West Congress, Room 7X, Tucson, Arizona. The purpose of this meeting is to discuss allotment

management planning and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602-792-6418. Written statements will be filed with the board before or after the meeting.

The board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

K. R. Weissenborn,
Forest Supervisor.

April 1, 1981.

[FR Doc. 81-10621 Filed 4-7-81; 8:45 am]

BILLING CODE 3410-11-M

Geothermal Leasing on Portions of the Gifford Pinchot NF Lewis and Skamania Counties, Washington

A Final Environmental Impact Statement (FEIS) which addressed geothermal leasing on portions of the Gifford Pinchot National Forest was completed in 1979. A Record of Decision, dated May 15, 1979, contained my decision to adopt Alternative No. 4 which approved leasing on 85 percent of the study area (development permitted on 39 percent, surface occupancy restricted on 46 percent) and denied leasing on 15 percent.

In light of the Forest Service mission, as defined by legislative mandate of the Multiple Use Sustained-Yield Act of 1960, the Geothermal Steam Act of 1970, and the Energy Security Act of 1980, I have reconsidered the analysis. It appears that the May 15 decision was too restrictive and did not present a proper balance of values. In effect, the decision excluded reasonable operations to discover and possibly develop and utilize geothermal resources without justification based on the type or degree of operations to be expected. Lease applicants responded with appeals, withdrawals of applications, and refusals of offered leases which confirms that the previous decision was a deterrent to development.

In reconsideration of (1) the need for access to large areas to encourage geothermal leasing and exploration, (2) the small percentage of the total area likely to be disturbed and even smaller area actually developed, (3) the

flexibility for siting specific exploratory and development operations, (4) the control available through the regulations for environmental protection during operations, including approval authority for all future specific operations, and (5) the high potential per-acre value of geothermal resources relative to surface values, I find no justification for large-scale denial of leasing or use of highly restrictive stipulations.

After reassessment and reevaluation of the information and analysis presented in the FEIS, it is my decision to rescind my May 15, 1979, Record of Decision and adopt Alternative 2 for geothermal leasing on National Forest System land, subject to the following modifications:

1. The Steamboat Mountain Research Natural Area is excluded because responsibility for leasing decisions in Research Natural Areas lies with the Chief of the Forest Service.

2. Sections 1, 12, and 13 of T. 8 N., R. 9 E., and Sections 6, 7, and 18 of T. 14 N., R. 11 E., are reinstated as leasable because they were allocated to non-wilderness status by the President's announcement on April 16, 1979, following the RARE II study.

3. Further Planning Areas (small portions of 13 sections) are reinstated as leasable in accordance with the RARE II Final Environmental Impact Statement adopted January 4, 1979, and the President's announcement on April 16, 1979.

4. All approved leases shall contain a notice to clarify to the lessee and any other interested party that (1) commensurate with operating regulations, all subsequent surface-disturbing operations are subject to approval and (2) such approval authority will be exercised to prevent unnecessary damage to other resources and environmental values, subject to the lessee's right of reasonable access for exploration and development.

Alternative 2 provides for leasing of 98 percent of the study area as identified in the FEIS. Restrictive surface occupancy leases would insure protection of sensitive areas if environmental damage cannot be prevented or mitigated. Standard leases would be issued on non-critical areas. The other alternatives considered included: (1) leasing all of the study area, (2) protecting developed recreation sites and sensitive areas with restrictive surface occupancy, (3) denying leasing on sensitive areas and restricting surface occupancy near scenic trails and visitor areas, (4) denying leasing on all sensitive and scenic areas and restricting leasing to area with high geothermal potential, and (5) denying all

leasing. Alternative 2 is most responsive to the social and economic needs of the affected area. It is also environmentally preferable to the other alternatives, when the physical, biological, economic, and social factors are weighed in balance.

Alternative 2 is responsive to the Energy Security Act of 1980 and the Nation's need for energy but still insures protection of other resources in the Forest.

I recognize that this leasing alternative has potential for more environmental impacts than the "no leasing" and other restrictive alternatives. However, the FEIS indicates that the impacts are likely to be low, considering the future administrative control available, and I believe the potential social and economic benefits of geothermal resource development justify the risks.

Implementation of this plan will take place 45 days from the date of this Record of Decision. This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19. A notice of appeal must be filed on or before May 26, 1981.

Dated: March 30, 1981.

James F. Torrence,

Acting Regional Forester, P.O. Box 3623,
Portland, OR 97208.

[FR Doc. 81-10900 Filed 4-7-81; 8:45 am]

BILLING CODE 3410-11-M

Site Preparation Project for 1981 Mt. Adams Ranger District; Gifford Pinchot National Forest

An Environmental Assessment that discusses proposed program for site preparation treatment of 858 acres of National Forest Land within Skamania and Klickitat County of the state of Washington is available for public review at the Mt. Adams Ranger Station, Trout Lake, Washington, and the Supervisor's Office of the Gifford Pinchot National Forest, Vancouver, Washington. The aerial application of 2,4-D is considered to be of National concern.

Based on the analysis and evaluation described in the Environmental Assessment, it is my decision to adopt Alternative No. 1 for 78 acres, Alternative No. 2 for 97 acres, Alternative No. 3 for 625 acres, and Alternative No. 4 for 58 acres. The alternatives considered were: (1) no treatment; (2) mechanical treatment with a V-plow mounted on a D-3 cat or D-4—D-6 cat with a brush blade; (3) Chemical treatment using Roundup, Krenite, 2,4-D, Velpar, or Tordon 10K, depending on the target species, and; (4) Manual

treatment by hand scalping, brushing or broadcast burning. A discussion of these alternatives may be found in Section IV through VI of the site Preparation Project for 1981 Environmental Assessment.

The preferred alternative consists of treating 282 acres with chemical Roundup and spot application 262 acres with chemical Roundup aerial broadcast application, 47 acres chemical 2,4-D aerial broadcast application, 34 acres chemical Tordon 10K handspot application, 58 acres manual treatment, 97 acres treatment by mechanical methods, and 78 acres considered for no treatment.

The preferred alternative provides the best combination of physical, biological, social, and economic benefits, and is also considered to be the environmentally preferable alternative.

I have determined, based on the Environmental Analysis, that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors: (a) there are no irreversible resource commitments or irretrievable loss of timber production; (b) there are no apparent adverse cumulative or secondary effects; (c) the physical and biological effects are limited to the area of planned development and use; and (d) no endangered plants or animals are known to exist within the effected area.

Project implementation may take place immediately upon the date of this decision for all treatments except 2,4-D. The 2,4-D treatment may be implemented 30 days after publication of this notice in the Federal Register.

This decision is subject to administrative review (appeal) pursuant to 36 CFR 211.19.

Dated: March 27, 1981.

Duane G. Tucker,

Deputy Forest Supervisor.

[FR Doc. 81-10590 Filed 4-7-81; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Steel Trigger Price Mechanism Product Coverage

AGENCY: International Trade Administration, Commerce.

ACTION: Announcement of the Department of Commerce's decisions with respect to certain requests for

expansion or deletion of trigger price product coverage.

SUMMARY: Since the reinstatement of the steel trigger price mechanism (TPM) on October 21, 1980, the Department of Commerce has given public notice of numerous requests for changes in trigger price product coverage. The Department is announcing the decisions it has made with respect to most of the requests previously announced.

FOR FURTHER INFORMATION CONTACT: Thomas A. Ehrgood, Jr., Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Introduction

The Department of Commerce (the "Department") gave notice in the *Federal Register* of October 8, 1980 (45 FR 66833) of its intention to reinstate the steel trigger price mechanism ("TPM"). In that notice, the Department announced that it would retain the product coverage that was in effect at the time of the TPM's suspension in March 1980, but that it would consider requests for expansion or deletion of trigger price coverage with respect to specific products.

Since the October 8, 1980 notice, three notices have appeared in the *Federal Register* with regard to product coverage change requests.¹

This *Federal Register* notice contains three parts. Part I discusses TPM product coverage generally. Part II describes the procedures followed by the Department in reviewing and deciding upon product coverage change requests. Finally, Part III sets forth the Department's decisions with respect to most of the product coverage change requests previously announced.

I. TPM: Product Coverage

The TPM was established in 1978 as a system designed to monitor the importation into the United States of all basic steel mill products. For TPM purposes, basic steel mill products were defined as those products falling within the American Iron and Steel Institute's ("AISI") first thirty-two import product categories.²

With minor exceptions,³ all imports of products falling within the first thirty-two AISI import product categories require that the importer present to Customs Service import specialists a Special Summary Steel Invoice ("SSSI").

The significance of trigger price product coverage lies in the fact that, despite the above-stated requirement regarding presentation of SSSIs with respect to imports of all products falling within the first thirty-two AISI import product categories, the Department has not developed trigger prices for all the products falling within those categories.⁴ The Department does not systematically review the import prices of basic steel mill products for which no trigger prices have been established.

The criterion by which product coverage, i.e. trigger price coverage, was initially determined related to quantity import levels: the Treasury Department's objective in 1978 was to develop trigger prices for all basic steel mill products then entering the United States in significant quantities. The practical result was that trigger prices were established for the great majority of basic steel mill products.

Some of the reasons for the exclusion of individual basic steel mill products from trigger price coverage were (1) low import levels; (2) no domestic production of the product; (3) insignificant import levels relative to

domestic consumption; and (4) unavailability of Japanese cost of production data. The exceptions were narrowly limited.

In the years since the TPM's adoption in 1978, there have been minor modifications in trigger price product coverage. Such modifications have been made either to correct an initial, unwarranted omission or because relevant circumstances had changed in such a way as to warrant expansion or reduction of trigger price coverage.

II. Procedures for Reviewing Requests for Product Coverage Changes

In the October 8, 1980 notice announcing the prospective reinstatement of the TPM, the Department indicated that it would improve the administration of the TPM, "particularly emphasizing the transparency and regularity of its application." In keeping with the objective of making the administration of the TPM more transparent, the Department decided that it would modify the manner in which it (and the Department of the Treasury before it) had made changes in trigger price product coverage. Whereas, in the past, product coverage changes had been made without prior notice to the public, the Department concluded that both it and the public would be better served by publishing notice, as a general rule, in the *Federal Register*. Thus, the Department will ordinarily publish in the *Federal Register* a notice that it has received a request for a product coverage change. Such notice will invite interested parties to submit comments within thirty days of *Federal Register* publication. Both requests and comments on such requests, in non-confidential versions where appropriate, will be maintained in a public file. Notice of the Department's final decision will also be published in the *Federal Register*.

All written submissions, both original requests and comments on such requests, should be specific with respect to the product involved and should provide detailed information with respect to domestic market structure, foreign import penetration levels, price levels, and any other economic factors pertinent to the product coverage change request. Where a submission contains confidential information, a non-confidential version should also be submitted.

Although the Department has decided to give the notices described above, it is not the Department's intention to adopt a formal rulemaking procedure for

7. Wheels and axles.
8. Concrete reinforcing bars.
9. Bar shapes under 3 inches.
10. Bars, hot rolled, carbon.
11. Bars, hot rolled, alloy.
12. Bars, cold finished.
13. Hollow drill steel.
14. Welded pipe and tubing.
15. Other pipe and tubing.
16. Round and shaped wire.
17. Flat wire.
18. Bale ties.
19. Galvanized wire fencing.
20. Wire nails.
21. Barbed wire.
22. Black plate.
23. Tin plate.
24. Terne plate.
25. Sheets, hot rolled.
26. Sheets, cold rolled.
27. Sheets, coated (including galvanized).
28. Sheets, coated, alloy.
29. Strip, hot rolled.
30. Strip, cold rolled.
31. Strip, hot and cold rolled, alloy.
32. Sheets, other, electric coated.

³E.g., steel entered under a Temporary Importation Bond, certain imports into Foreign Trade Zones, and defense shipments.

⁴Trigger prices are based on cost of production data furnished to the Department by Japan's Ministry of International Trade and Industry. The data represents costs of production of the six largest Japanese steel producers, as well as costs of production incurred by selected Japanese producers in the production of specific steel products.

¹45 FR 69527 (October 21, 1980); 45 FR 76722 (November 20, 1980); 46 FR 8637 (January 27, 1981).

²The following are the first thirty-two AISI import product categories:

1. Ingots, blooms, billets, slabs, etc.
2. Wire rods.
3. Structural shapes, plain, 3 inches and over.
4. Sheet piling.
5. Plates.
6. Rail and track accessories.

review of product coverage change requests.

The procedure followed with respect to individual requests will vary depending upon individual circumstances. The Department intends to retain with respect to product coverage change procedures the degree of flexibility and discretion that is consistent with the overall discretionary nature of the TPM itself.

III. Decisions

Set forth below are decisions the Department has made with respect to product coverage change requests:

A. Oil Country Tubular Goods

The Department gave notice in the *Federal Register* of October 21, 1980 (45 FR 69527, 69528) that it had received a request to delete oil country tubular goods ("OCTG") from trigger price coverage. OCTG comprises numerous steel products falling within AISI import product categories 14 (welded pipe and tubing) and 15 (other pipe and tubing).

Parties seeking deletion of OCTG from trigger price coverage presented numerous arguments in support of the deletion request, the three most significant of which were the following:

1. Insofar as U.S. producers of OCTG are currently operating at full capacity and are achieving record profits in their OCTG sales, continued trigger price coverage confers no essential benefit on U.S. OCTG producers;

2. Continued trigger price coverage constitutes a disincentive to sales by foreign producers of OCTG into the United States; and

3. Continued trigger price coverage artificially raises the prices of OCTG, thereby undermining the ability of the United States to increase domestic energy production.

In the Department's view, the above arguments are unpersuasive. First, and most important, the Department is aware that numerous domestic steel producers have invested, or are actively considering investment, in facilities designed to produce OCTG. One important way in which the TPM can achieve the objective of ensuring that the establishment of a domestic industry will not be materially retarded by unfair trade practices is by reducing investment uncertainty arising out of concern about the effects of future, potential unfair trade practices. The Department cannot predict when or if current OCTG market conditions may change in such a way as to create the economic conditions that may lead to sales in the United States of foreign-produced OCTG at unfairly low prices. Given the impossibility of predicting

future market conditions with certainty, the Department is unwilling to take any actions that might reduce domestic producers' incentives to make capital investments designed to increase domestic OCTG production capacity.

The argument that trigger price coverage constitutes a disincentive to sales by foreign producers into the United States market is also unpersuasive. The public, including foreign producers, is aware that the TPM is not intended to limit the quantity of steel imports into the United States, but, rather, is intended to monitor sales of foreign-produced steel at unfairly low prices. The current high demand in the United States for OCTG, both domestic- and foreign-produced, has, according to information available to the Department, given rise to domestic price levels generally above applicable trigger price levels. Under such market conditions, there is little likelihood that OCTG sales in the United States will lead to the Department's initiation of antidumping investigations.

The argument that trigger prices are inflationary is also unpersuasive in light of the Department's information with respect to current U.S. OCTG price levels.

For the reasons stated above, the Department has decided not to delete OCTG from trigger price coverage. However, the Department believes it important to clarify the application of the surge provisions of the reinstated TPM to OCTG. Under the surge provisions, the Department will, when certain criteria are met, review surges in imports of specific steel products to determine whether the surge is caused by dumping or subsidization. In the case of OCTG, it appears that current high import levels are a function of short supply. Accordingly, the Department does not expect, under current circumstances, to take action under the surge provisions of the TPM with respect to OCTG imports.

B. Wire Nails

The Department gave notice in the *Federal Register* of October 21, 1980 (45 FR 69527, 69528) that it had received a request to delete steel wire nails from trigger price coverage. Steel wire nails fall within AISI import product category 20.

Trigger prices covering wire nails were originally established in 1978 because of their importance to U.S. industry and because they were imported in significant quantities. Those circumstances have not changed.

The parties requesting deletion of wire nails from trigger price coverage have relied in large part on the recent

decision of the International Trade Commission ("ITC") concerning steel wire nails from Korea.⁵ In that decision, by a 3-2 majority, the ITC found that:

The domestic industry producing steel wire nails, whether considered on a national or regional basis, is not being materially injured, and is not threatened with material injury, by reason of the imports of those nails from Korea which are covered by the LTFV determination of the U.S. Department of Commerce." (Emphasis added) *

Parties requesting deletion have argued that the Department of Commerce should read the ITC decision as constituting a binding determination that the domestic nail industry is not vulnerable to potential unfair trade practices. For the reasons stated below, the Department does not view the ITC decision as conclusive with regard to the vulnerability of the domestic wire nail industry to injury from unfair trade practices.

First, the ITC's focus was narrowly restricted as to both time and imports. With respect to the time period covered, the Department of Commerce had analyzed U.S., Korean, and third country sales made during the period December 1, 1978 through March 31, 1979. With respect to total imports investigated, the less than fair value ("LTFV") sales upon which the ITC decision was based represented approximately 25 percent only of total Korean exports to the United States during the investigation period. Further, total Korean exports to the United States represented approximately 25 percent only of total foreign-produced nail exports during the period.⁷ Had there been a greater number of LTFV sales during the relevant period, the ITC decision might well have been different.

Second, although by a 3-2 majority the ITC failed to find that the imports covered by the Department's LTFV determination were the cause of injury to the domestic industry, the commissioners unanimously found declining profits, declining domestic shipments, and price undercutting by LTFV imports. Thus, although the ITC did not find material injury by reason of the particular Korean imports involved, there was no disagreement that the domestic nail industry was in a depressed condition.

The TPM, in the words of the Solomon Report, is "a device for applying the resources of the Department of Commerce to a constant monitoring of

⁵ Certain Steel Wire Nails from the Republic of Korea, USITC Pub. 1088 (August 1980).

⁶ *Id.* at 21.

⁷ *Id.* at A-30, Tables 16 and 17.

imports affecting a particularly sensitive industry viewed as a whole." The stated intent to provide constant monitoring of the "sensitive" steel industry as a whole would be inconsistent with a decision to terminate the monitoring of nail imports where two of five ITC commissioners have so recently found injury, and where the three remaining commissioners have identified strong indicia of economic vulnerability.

Some of the parties requesting deletion urged that the Department delete trigger prices with respect to individual wire products that are not currently being produced in significant quantities by domestic producers. Insofar as the domestic nail industry shifts production among individual nail products on a continuing basis, the Department considers that a decision to temporarily delete trigger prices on case-by-case bases, for potentially short periods of time, would be administratively infeasible.

Accordingly, the Department has decided not to delete wire nails from trigger price coverage.

C. Grain Oriented Electrical Steels

The Department gave notice in the *Federal Register* of October 21, 1980 (45 FR 69527, 69528) that it had received a request to expand current trigger price coverage of grain oriented electrical steels. Such products fall within AISI category 26 (cold rolled sheets).

The Department was asked to make three changes in its current trigger price coverage of this produce, all of which relate to extras set forth at page 26-1 of the Second Quarter 1981 TPM Price Manual. The first change requested was that the current coverage of grade extras be enlarged by addition of grades M-1H and M-0H. The second change requested was that grade extras be expanded to include all thicknesses, rather than only the thicknesses currently covered. Finally, the Department was asked to expand the size extras to cover grain oriented electrical steel in sheets wider than 34 inches.

The Department has decided to deny the requests to expand trigger price coverage to new grades and thicknesses. The Department has determined that such expansions would result in trigger price coverage of grain oriented electrical steel products that domestic producers neither produce currently nor have plans for producing in the future. Further, parties requesting expansion

have failed to demonstrate that the grades and thicknesses with respect to which they requested expanded coverage are substitutable for the grades and thicknesses produced domestically.

With respect to width extras, the Department has decided to expand trigger price coverage to include widths over 34 inches. The parties requesting such change have made a persuasive case that, despite the absence of domestic production of sheets wider than 34 inches, the restriction of trigger price coverage to widths 34 inches and below unnecessarily permits the importation into the United States of unfairly low priced substitutable products. Both electrical steel sheets 34 inches and less in width and electrical steel sheets greater than 34 inches are generally slit into narrower widths before they are used.

The effective date of expanded coverage will be announced by subsequent *Federal Register* publication.

D. Wire Rod

The Department gave notice in the *Federal Register* of October 21, 1980 (45 FR 69527, 69528) that it had received a request to delete wire rod from trigger price coverage. Wire rod products fall within AISI category 2 (wire rod).

Following the October 21, 1980 notice, the Department received additional, more specific requests to delete the following two wire rod products from trigger price coverage: (1) SAE 52100 hot rolled rods (p. 2-13, Second Quarter 1981 TPM Price Manual),⁹ and (2) AISI grade 9254 spheroidized annealed, Si-Mn-Cr high carbon valve spring quality wire rod, (p. 2-12, Second Quarter 1981 TPM Price Manual). Notice of such requests appeared in the *Federal Register* of November 20, 1980 (45 FR 76722, 76725).

Shortly after the adoption of the TPM in early 1978, the Department of the Treasury held hearings regarding trigger price coverage of wire rod. Those hearings were held on March 28 and 29, 1978, and, on April 13, 1978, detailed findings supporting the original inclusion of the product were released.

In its findings, Treasury determined that it was appropriate to include wire rod under the TPM and that its characterization as a "semi-finished"

product did not distinguish it from other covered products. Treasury also found that the questioned capacity of the U.S. industry to meet the total domestic demand for wire rod did not alleviate the need to deal with unfairly priced imports. Finally, Treasury found that the wire rod trigger price was based on the best evidence of the costs of production of the Japanese industry producing that product.

In their recent request that the Department of Commerce delete wire rods generally from trigger price coverage, parties seeking such deletion have failed to present any evidence or arguments that would lead the Department to reverse Treasury's 1978 decision supporting the original inclusion of that product. Accordingly, the Department has decided to deny the requests seeking deletion of all wire rods from trigger price coverage.

With respect, however, to request for removal of trigger prices covering SAE 52100 hot rolled rod ("bearing quality wire rod"¹⁰) the Department has received detailed submissions demonstrating that continued trigger price coverage of this product is unwarranted. Accordingly, trigger price coverage for such product is deleted effective immediately.

Bearing quality wire rod is used in the manufacture of ball bearings and cylindrical roller bearings, including the balls or rollers contained in those bearings. Fine surface quality and freedom from inclusions required for bearing quality wire rod used in the manufacture of balls and rollers is of critical importance in the successful functioning of the bearing. The rolling elements are subject to high stress repeatedly applied as the bearing turns under a load, and any defect on or near the surface acts as a stress concentration factor and may cause a premature failure of the bearing.

In addition to stringent surface quality requirements, bearing quality wire rod is extremely energy intensive. In order for the product to meet bearing manufacturing requirements, the rod requires 18-20 hours to anneal, depending on furnace capacity and load size.

Representatives of the U.S. bearing industry have requested deletion of bearing quality wire rod on the ground that continued trigger price coverage of the product does not benefit a U.S. industry.

Two domestic producers have opposed the request for deletion on the ground that they are producers of

⁹ Report to the President: A Comprehensive Program for the Steel Industry, White House Press Release, December 6, 1977, at 14.

¹⁰ Page 2-13 sets forth trigger prices for high carbon chromium steel wire rods, grades 52100, 51100, and 50100. Since the differences between the grades are minor—51100 and 50100 grades represent only slight modifications of 52100—the Department has treated the request for deletion of the 52100 grade as a request for deletion of all three grades. Further, since all, or virtually all, imported wire rod covered by page 2-13 is bearing quality, spheroidized annealed wire rod, the Department is treating the request as a request for deletion of the entire page.

¹⁰ See footnote 9, *Supra*.

bearing quality wire rod. One producer, a major integrated producer, has implicitly acknowledged its unwillingness to supply the product except at prices well above current trigger price levels. The other producer, a small wire rod producer, has, in several submissions to the Department, failed to demonstrate that it is currently capable of being a reliable domestic source for bearing quality wire rod. Significantly, this producer has failed to demonstrate that it has been a reliable supplier of bearing quality wire rod at any time during the period since 1978 when trigger prices have covered the product.

In addition to failing to demonstrate that they are reliable, actual producers of bearing quality wire rod, neither producer opposing deletion of the product from trigger price coverage submitted evidence of plans to expand or modernize its facilities in order to develop the capability to become a viable, competitive producer of the product in the future. In sum, the opponents of deletion have failed to demonstrate that trigger price coverage benefits the U.S. steel industry, or any segment thereof.

With respect to request for deletion of AISI grade 9254 spheroidized annealed, Si-Mn-Cr high carbon valve spring quality wire rod ("valve spring quality 9254 rod") from trigger price coverage, domestic purchasers of the product have requested deletion on grounds similar to those underlying the request for deletion of bearing quality wire rod. Such parties have claimed that they have been unsuccessful, despite repeated attempts, to locate domestic sources for valve spring quality 9254 rod, and that, as a result, they are wholly reliant on foreign producers.

For a reason unrelated to the accuracy of the claims that valve spring quality 9254 rod is not produced domestically, the Department will not grant the deletion request. The reason for the Department's decision is that valve spring quality 9254 rod is covered by a trigger price that applies equally to valve spring quality, brake quality, and commercial quality 9254 rod. The Department has determined that there is not a sufficiently clear delineation between the different types of 9254 rod to permit the deletion of trigger price coverage for one type while retaining trigger price coverage for the others.

E. Wire and Wire Products

The Department gave notice in the Federal Register of October 21, 1980 (45 FR 69527, 69528) that it had received requests to expand trigger price coverage of specialty wire products. By

subsequent notice in the Federal Register of November 21, 1980 (45 FR 76722, 76725), the Department gave notice of additional, specific requests for (1) expansion of trigger price coverage to "SAE 52100 Drawn Wire" and (2) deletion of trigger prices covering "52100 Bearing quality steel wire." ¹¹ Finally, the Department gave notice in the Federal Register of January 27, 1981 (46 FR 8637) of a request to expand trigger price coverage to bale ties, hardware cloth (2, 4, and 8 mesh), light welded mesh, and paper clips.

The October 21, 1980 notice requests to expand trigger price coverage of specialty wire is considered by the Department to constitute notice of requests to add trigger prices for the following wire products:

1. Music spring quality wire;
2. Chromium-vanadium alloy steel valve spring quality wire;
3. Chromium-silicon alloy steel valve spring quality wire;
4. Modified chromium-vanadium alloy steel valve spring quality wire;
5. Chromium-silicon alloy steel spring wire;
6. Chromium-vanadium alloy steel spring wire;
7. Brass-plated high carbon hydraulic hose wire;
8. Wire tire cord;
9. Oil tempered regulator spring steel in coils;
10. Prestressed concrete strand;
11. ASCR core strand;
12. Utility strand or guy strand;
13. Welded wire fabric;
14. Wire reinforcing mesh;
15. Wire rope;
16. Hardware cloth;
17. Light welded mesh; and
18. Paper clips.

Of the wire products listed above, the first seven are wire products falling within AISI import product category 16 (round and shaped wire). Wire tire cord (number 8 above) falls within different AISI import product categories depending upon whether it is in one or more strands: if one strand, wire tire cord falls within category 16; if more than one strand, wire tire cord falls within category 38 (wire rope) or 39 (wire strand). Oil tempered regulator spring steel in coils (number 9 above) falls within category 17 (flat wire). None of the remaining wire products on the list (numbers 10-18) falls within any of the first thirty-two AISI import product categories.

¹¹ Since SAE 52100 wire is currently covered by trigger prices set forth at pp. 16-13 and 16-4 of the Second Quarter 1981 Price Manual, the Department has disregarded the request that trigger price coverage be expanded to cover that product.

As indicated in Part I above, trigger price coverage is limited to basic steel mill products as defined by AISI's first thirty-two import product categories. Accordingly, the Department will not expand trigger price coverage to include the wire products listed at numbers 10-18 above.

The Department has also decided to deny the requests to expand trigger price coverage to oil tempered regulator spring steel in coils, which is an AISI category 17 wire product. At the time of the TPM's adoption, category 17 wire products were not being imported in significant enough quantities to warrant trigger price coverage. The Department's review indicates that there are still only minor amounts of this product imported into the United States and that these imports represent only a small portion of the U.S. consumption of oil tempered regulatory spring steel coils. Moreover, the Department has not obtained any other evidence relevant to trigger price coverage oil tempered regulatory spring steel in coils that would lead the Department to reverse Treasury's decision not to establish trigger prices for category 17 wire products. Accordingly, the Department is not expanding trigger price coverage to this product.

With respect to music spring quality wire, a category 16 wire product, parties requesting trigger price coverage have made a persuasive case that such coverage is warranted. In addition to showing that music spring quality wire is imported in quantities representing more than one half of apparent domestic consumption, parties seeking trigger price coverage have demonstrated that the remaining four domestic producers of music spring quality wire have steadily lost sales by reason of competition from low-priced imports. One of the producers, which operates a plant in Massachusetts producing only music spring wire, has received trade adjustment assistance with respect specifically to economic hardships attributable in part at least to import trade practices.

As soon as the Department has calculated trigger prices for music spring wire, it will announce, by Federal Register notice, the applicable trigger price levels and the effective dates of the new prices.

The parties that have requested expanded coverage of the category 16 wire products set forth in the list above at numbers two through seven have provided the Department with information and data suggesting that expanded trigger price coverage may be warranted. Those parties have been

asked by the Department to supply further information supporting their requests. A final decision with respect to the requests for expanded coverage will be made following receipt of the additional information.

Wire tire cord—number 8 on the list above—falls within category 16 when a single strand, and within categories 38 or 39 when in multiple strands. Insofar as single strand and multiple strand wire tire cord are integrally related, and since the Department will not add trigger prices for wire tire cord in a multiple strand because the multiple strand product is not a basic steel mill product, the Department has concluded that it would be inappropriate to add a trigger price for the single strand product.

The Department received a request to modify its trigger price coverage of galvanized iron round wire, AISI 1008 Type I coating, #8 gauge (p. 16-5, Second Quarter 1981 TPM Price Manual). The party requesting this modification believed that the Department restricted trigger price coverage to Type I coating, and requested that trigger price coverage be expanded to include common quality coating. Such a change is unnecessary since trigger price coverage already provides for a substantial negative adjustment to the base price where there is a "regular or commercial coating extra."

Finally, the Department has decided to delete from trigger price coverage high carbon chromium steel drawn wire in coil, AISI 52100, 50100, 51100, suitable for use in manufacture of ball or roller bearings (p. 16-13, Second Quarter 1981 TPM Price Manual). Such deletion is effective immediately. The decision is consistent with the Department's decision to delete bearing quality wire rod from trigger price coverage. That decision was based on the absence of domestic production of bearing quality wire rod, from which bearing quality wire is drawn.

F. Bearing Quality Steel Bar

The Department gave notice in the *Federal Register* of November 20, 1980 (45 FR 69527, 69528) that it had received a request to delete trigger prices covering "52100 bearing quality steel * * * bar (5-30 mm) for ball bearing production" (pp. 11-5 and 12-5, Second Quarter 1981 TPM Price Manual).

The Department has decided to deny the request because, as representatives of the domestic bearing industry have acknowledged, there is a domestic supply of bearing quality 52100 bar products.

G. Pipe Over 40 feet in length

The Department gave notice in the *Federal Register* of November 20, 1980 (45 FR 76722, 76725) of a request to expand trigger price coverage of large diameter pipe to include pipes 40 feet and longer in length. The request, more specifically, was for a modification of the table set forth at page 14-2 of the First Quarter 1981 TPM Price Manual, which sets forth freight charges on pipe and tube products. As of the first quarter of 1981, the table did not establish freight charges for pipe and tube products over 40 feet in length.

The Department has determined that pipe over 40 feet in length is imported in sufficient quantity to warrant a change in trigger price coverage. This extended coverage will be effective starting with the second quarter of 1981. The freight table set forth at page 14-2 of the Second Quarter 1981 TPM Price Manual reflects the extended coverage.

Lightwall Sprinkler Pipe

The Department gave notice in the *Federal Register* of November 20, 1980 (45 FR 76722, 76725) that it had received a request to expand trigger price coverage of lightwall sprinkler pipe. Current trigger price coverage of lightwall sprinkler pipe is set forth at page 14-21 of the Second Quarter 1981 TPM Price Manual.

Lightwall sprinkler pipe is a light-gauge ERW standard pipe produced in wall thicknesses smaller than those of Schedule 40 ERW pipe. Trigger prices for such pipe were initially established as of the first quarter of 1980.

Current trigger price coverage does not include lightwall pipe in outside diameters larger than 3½ inches.

The Department has been asked to expand coverage to include lightwall pipe in outside diameters of 4, 4½, 5½, and 6½ inches.

Consistent with the Department's intention to provide comprehensive monitoring under the TPM, and in view of significant imports of larger diameter lightwall pipe not currently covered by trigger prices, the Department has determined that expanded trigger price coverage is warranted. As soon as the Department has calculated trigger prices for these products, it will announce, by *Federal Register* notice, the applicable trigger price levels and their effective dates.

Dated: April 2, 1981.

John Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-10505 Filed 4-7-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council's, Education and Information Subcommittee and Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-285), has established Education and Information and Administrative Subcommittees to assist the Council in carrying out its responsibilities.

The Education and Information Subcommittee will meet to consider the color-slide narrated presentation on Council activities, as well as matters related to the Council's newsletter. The Council's Administrative Subcommittee will meet to consider matters related to the Council's administrative operations. These meetings are open to the public.

DATES: The Education and Information Subcommittee meeting will convene on Tuesday, April 28, 1981, at approximately 10 a.m., and will adjourn at approximately 3 p.m.; the Administrative Subcommittee meeting will also convene on April 28, 1981, at approximately 3 p.m., and adjourn at approximately 5 p.m., and reconvene on Wednesday, April 29, 1981, at approximately 9 a.m., and adjourn at approximately noon.

ADDRESS: The meetings will take place at the Council Headquarters, Banco de Ponce Building, Suite 1108, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753-4926.

Dated: April 3, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-10036 Filed 4-7-81; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service Marine Mammals; Fish Import Certification From Norway

Regulations established in accordance with the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 *et seq.* (45 FR 72178-72196, October 31, 1980) provide that a nation may certify that vessels fishing under its flag are (1) fishing in conformance with U.S. regulations, or (2)

if not in conformance, were not fishing in a manner prohibited for U.S. fishermen under these regulations. This certification is necessary in order to permit the importation into the United States of certain of its fish and fish products.

The Assistant Administrator for Fisheries, National Marine Fisheries Service, has received and accepted a certification from the Government of Norway that vessels fishing for salmon and halibut under Norwegian flag are fishing in conformance with U.S. regulations is regard to the taking of marine mammals incidental to commercial fishing operations. Therefore, salmon and halibut from Norway are hereby exempt from the provisions of § 216.24(e)(3) and may be exported to the United States without an accompanying Standard Form 369-1 (Fisheries Certificate of Origin).

Copies of the certification are on file and available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Dated: April 2, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-10642 Filed 4-7-81; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will hold public meetings to discuss Council Standard Operating Procedures and Practices and recent amendments to the Magnuson Fishery Conservation and Management Act. Though no formal actions are anticipated, the Council may also discuss its fishery management plans for king crab, salmon, Tanner crab, herring, and groundfish of the Bering, Aleutians, and Gulf of Alaska and may also consider various contracts and research proposals. A detailed agenda will be sent to the public around April 8, 1981. In addition, the Council's Scientific and Statistical Committee and Advisory Panel will not meet in April.

DATES: The meetings will convene on Thursday, April 23, 1981, at approximately 9 a.m., and will adjourn at approximately 5 p.m., on April 24, 1981.

ADDRESS: The meetings will take place at the Council's Headquarters Conference Room, 333 West Fourth Avenue, Anchorage, Alaska. The meetings may be lengthened or shortened, depending upon progress on the agenda.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

Dated: April 3, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-10637 Filed 4-7-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council's Anchovy/Jack Mackerel Subpanel; Amended Notice

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Pacific Fishery Management Council's (PFMC) Anchovy/Jack Mackerel Subpanel meeting amendment.

SUMMARY: The scheduled public meeting on April 7, 1981, of the PFMC's Anchovy/Jack Mackerel Subpanel, published in the *Federal Register*, March 13, 1981 (46 FR 16700), has been amended as follows:

From: Convening on Tuesday, April 7, 1981.
To: Convening on Tuesday, April 28, 1981.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, Telephone: (503) 221-6352.

Dated: April 3, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-10638 Filed 4-7-81; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council, Its Pink Shrimp Subpanel and Its Scientific and Statistical Committee; Public Meetings With a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Pub. L. 94-409, notice is hereby given of public meetings with a partially closed session of the Pacific Fishery Management Council. The Council's Scientific and Statistical Committee (SSC) and Pink Shrimp

Subpanel will also hold separate and open public meetings. The Council, its SSC and Pink Shrimp Subpanel were established by Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Pub. L. 94-265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

Meeting Agendas:

Council (open meeting)—consideration of the draft pink shrimp and herring fishery management plans (FMP's); conduct a public comment period beginning at 4 p.m., on May 6; conduct other fishery management business and consider administrative matters.

Council (closed session)—discussion of the status of current maritime boundary and resource negotiations between the U.S. and Canada and discuss personnel matters concerning appointments to the advisory panel. Only those Council, SSC members and related staff having security clearance will be allowed to attend this closed session.

SSC (open meeting)—consideration of the draft pink shrimp and herring FMP's; conduct a public comment period beginning at 3:30 p.m., on May 5, and evaluate and develop recommendations on other matters referred to the Committee by the Council.

Pink Shrimp Subpanel (open meeting)—review and discuss the draft pink shrimp FMP.

DATES:

Council (open meeting) May 6-7, 1981 (10 a.m. to 5 p.m., on May 6; 8 a.m. to 5 p.m., on May 7).

Council (closed session) May 6, 1981 (8 a.m. to 10 a.m.)

SSC (open meeting) May 5-6, 1981 (1 p.m. to 5 p.m., on May 5; 8 a.m. to 5 p.m., on May 6)

Pink Shrimp Subpanel (open meeting) May 5, 1981 (1 p.m. to 5 p.m., on May 5)

ADDRESS: The meetings will take place at the Holiday Inn, 1010 Northgate Drive, San Rafael, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526 S.W. Mill Street, Second Floor, Portland, Oregon 97201, Telephone: (503) 221-6352.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for the Department of Commerce, with the concurrence of the General Counsel, formally determined on February 27, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session are exempt from the provisions

of the Act relating to open meetings and public participation therein, because they will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1), as information which will disclose matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to Executive Order and 5 U.S.C. 552b(c)(6), as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.)

All other portions of the meetings will be open to the public.

Dated: April 3, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-10039 Filed 4-7-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act of 1976 (Pub. L. 94-285), will meet to review actions on the Billfish Fishery Management Plan (FMP); update on Snapper-Grouper Complex FMP review; status update of Calico Scallop FMP; status reports on Shrimp, King and Spanish Mackerel, Spiny Lobster and Coral FMP's as well as other management and administrative matters.

DATES: These public meetings will convene on Tuesday, April 28, 1981, at approximately 1:30 p.m., and will adjourn on Thursday, April 30, 1981, at approximately noon.

ADDRESS: The meetings will take place at the Howard Johnson's Crabtree, 2101 Century Drive, Raleigh, North Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: April 3, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-10040 Filed 4-7-81; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:

- a. Name Dr. Richard H. Lambertson
- b. Address Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543

2. Type of Permit: Scientific Research/Scientific Purposes

3. Name and Number of Animals:

- Fin whale (*Balaenoptera physalus*) unspecified
- Sei whale (*Balaenoptera borealis*) unspecified
- Minke whale (*Balaenoptera acutorostrata*) unspecified
- Sperm whale (*Physeter catodon*) unspecified

4. Type of Take: Collection of specimen materials, export from Iceland and import into U.S.

5. Location of Activity: Importation from Iceland

6. Period of Activity: May 1981-September 1985

Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 2, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 10641 Filed 4-7-81; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

New York Futures Exchange's Proposed Eurodollar Time Deposit Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed futures contract.

SUMMARY: The New York Futures Exchange, Inc. ("NYFE") has applied for designation as a contract market in Eurodollar time deposits. The Commodity Futures Trading Commission ("Commission") has determined that the proposed terms and conditions of this proposed futures contract are of major economic significance and that, accordingly, publication of the proposed terms and conditions is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 8, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to NYFE Eurodollar Time Deposit Futures Contract.

FOR FURTHER INFORMATION CONTACT:

Linda Kurjan, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955; or Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254-7303.

SUPPLEMENTARY INFORMATION: The terms and conditions of NYFE's proposed Eurodollar Time Deposit futures contract are as follows:

90-Day Eurodollar Futures Contract

Scope of Chapter

Rule 880 This chapter governs transactions involving contracts for the future delivery of 90-day Eurodollar deposits ("Eurodollar Futures Contracts"). The Eurodollar Futures Contract and all trading therein shall be subject to the Rules contained in this chapter, the Rules of the Exchange and the Rules of the Clearing Corporation.

Obligations of Parties to Contract

Rule 881 The seller under any Eurodollar Futures Contract agrees to sell and deliver to the purchaser, and the purchaser agrees to buy and receive from the seller, Eurodollars in accordance with the Rules of the Exchange and the Rules of the Clearing Corporation.

Standards

Rule 882 (a) The standard grade traded under the Eurodollar Futures Contract shall be time deposits, denominated in United States dollars, with the principal London offices of Participating Banks, bearing interest at the London Interbank Offered Rate ("LIBOR") and having a maturity period of 90 days on the date of delivery ("Eurodollars").

(b) For purposes of these Rules, the Participating Banks shall be banks selected at random by the Exchange from a list of prime banks engaged in Eurodollar transactions established by the Exchange.

Unit of Trading

Rule 883 The unit of trading for Eurodollar Futures Contracts shall be \$1,000,000 Eurodollars.

Periods Trading

Rule 884 (a) Trading in Eurodollar Futures Contracts shall be conducted in the following delivery half-months:

(i) The first delivery half-month and the second delivery half-month in the current calendar month and, in the case of any first delivery half-month in the current calendar month, the first delivery half-month and the second delivery half-month in the following five calendar months and, in the case of any second delivery half-month in the current calendar month, the first delivery half-month in the following six calendar months and the second delivery half-month in the following five calendar months (the "spot months"); and

(ii) The first delivery half-month in the March, June, September and December (the "Cycle months") following the spot months, beginning with the first such cycle month following the last spot month.

(b) Trading shall at all times be conducted in twelve delivery half-months with respect to the spot months and four delivery half-months with respect to the cycle months.

(c) Trading in a new delivery half-month shall be initiated:

(i) In the case of spot months, at the opening of trading on the first Exchange business day following the last day of trading for any current delivery half-month; and

(ii) In the case of cycle months, at the opening of trading on the first Exchange business day any cycle month becomes a spot month.

(d) For purposes of these Rules the following terms shall have the meanings indicated, unless the context otherwise requires:

(i) The term "first delivery half-month" shall mean the time period beginning on the first calendar day of any month and ending on the fifteenth calendar day of such month; provided, however, that if the fifteenth calendar day of such month is not both an Exchange business day and a business day for the Participating Banks, then the first delivery half-month shall end on the first day preceding the fifteenth calendar day of the month which is both an Exchange business day and a business day for the Participating Banks.

(ii) The term "second delivery half-month" shall mean the time period beginning on the first Exchange business day following the last day of the preceding first delivery half-month of any month and ending on the last calendar day of such month; *provided, however, that if the last day of such month is not both an Exchange business day and a business day for the Participating Banks, then the second delivery half-month shall end on the last day of the month which is both an Exchange business day and a business day for the Participating Banks.*

(iii) The term "delivery half-month" shall mean any period which is either a first delivery half-month or a second delivery half-month.

Price Basis

Rule 885 The price shall be quoted as a figure which is the difference (expressed as a decimal) between 100% and the annualized yield computed to the nearest one-hundredth of a percentage point on Eurodollars, multiplied by 100. Minimum price fluctuations shall be .01 and shall be

known as one basis point. The dollar value of one basis point shall be \$25.

Limits on Daily Price Changes

Rule 886 (a) Except as provided in paragraphs (b) and (c) of this Rule, there shall be no trading at a price more than 100 basis points above or below the preceding day's settlement price for contracts in the same delivery half-month (the "normal daily price limit").

(b) Notwithstanding paragraph (a) of this Rule, whenever on two successive days any delivery half-month closes at the normal daily price limit in the same direction (not necessarily the same delivery half-month on both days), an expanded daily price limit schedule shall go into effect for all delivery half-months as follows:

(i) The third day's daily price limit shall be 150% of the normal daily price limit.

(ii) If any delivery half-month closes at its expanded daily price limit on the third day in the same direction, then the fourth day's expanded daily price limit for all delivery half-months shall be 200% of the normal daily price limit.

(iii) If any delivery month closes at its expanded daily price limit on the fourth day in the same direction, then there shall be no daily price limit on the fifth day. The normal daily price limit will be reinstated on the sixth day.

(vi) Whenever any of foregoing expanded daily price limits is in effect and no delivery half-month closes at the expanded daily price limit in the same direction which initiated or maintained the expanded daily price limit, then the normal daily price limit shall be reinstated on the following day.

(c) Notwithstanding paragraph (a) of this Rule, there shall be no limit on daily contract price changes for any current delivery half-month on and after the first Exchange business day of that delivery half-month.

Position Limits

Rule 887 The Board from time to time may set limits on the maximum long or short position in any one delivery half-month or in all delivery half-months combined which any person acting alone or in concert with other persons may hold or control in Eurodollar Futures Contracts at the end of any business day.

Reportable Positions

Rule 888 The Board from time to time may set the number of contracts, long or short, in any one delivery half-month or in all delivery half-months combined that shall be a reportable position for Eurodollar Futures

Contracts in any account. Every member and member organization shall report each and every reportable position to the Exchange at such times and in such form and manner as shall be prescribed by the Exchange.

Hours of Trading

Rule 889 The hours of futures trading in Eurodollar Futures Contracts shall be from 9:00 a.m. to 3:00 p.m., New York time, on all Exchange business days, except that on the last day of trading in any current delivery half-month, trading in that delivery half-month shall terminate at 11:00 a.m. New York time that day.

Last Trading Day

Rule 890 No trades in Eurodollar Futures Contracts deliverable in any current delivery half-month shall be made after the close of trading on the last day of that delivery half-month.

Delivery Under Futures Contract

Rule 891 All deliveries must be made through the Clearing Corporation. No deliveries shall be made in a current delivery half-month except on the day specified in these Rules for such delivery. At the conclusion of trading in the current delivery half-month, all open positions in such delivery half-month must be satisfied as provided for in these Rules.

Delivery Through the Clearing Corporation

Rule 892 (a) Delivery as required by these Rules shall be made on the last trading day of any current delivery half-month and shall be accomplished by payment as hereinafter provided.

(b) The Clearing Corporation will advise clearing members holding open positions that must be settled by delivery of the Last Trading Day Settlement Price established for the current delivery half-month, as soon as is practicable after 12:00 noon New York time on the last trading day.

(c) The Clearing Corporation shall determine the Last Trading Day Settlement Price for the current delivery half-month as follows:

(i) On the last trading day, the Clearing Corporation shall ascertain the offer rates quoted for Eurodollars as of 11:00 a.m. New York time from the Participating Banks.

(ii) The Clearing Corporation shall determine the arithmetic mean to the nearest one-hundredth of a percentage point of the foregoing offer rates, computed on an annualized basis, after eliminating from the quotations the highest and the lowest rates offered. Any such mean shall be rounded, if

necessary, to the nearest whole multiple of $\frac{1}{16}$ of one percent.

(iii) The Last Trading Day Settlement Price will be the difference (expressed as a decimal) between 100% and the arithmetic mean so determined, multiplied by 100.

(d) Before 1:00 p.m. New York time on any delivery day, clearing members holding open positions in the current delivery half-month at the time trading in the contract has ceased in accordance with Rule 890 shall deliver funds to the Clearing Corporation, in the same manner that payment of variation margin is made, as follows:

(i) If the Last Trading Day Settlement Price is lower than the settlement price of the previous trading day, clearing members holding open long positions shall transfer to the Clearing Corporation an amount equal to \$25 times the basis point difference between the Last Trading Day Settlement Price and the settlement price of the previous trading day for each such long position.

(ii) If the Last Trading Day Settlement Price is higher than the settlement price of the previous trading day, clearing members holding open short positions shall transfer to the Clearing Corporation an amount equal to \$25 times the basis point difference between the Last Trading Day Settlement Price and the settlement price of the previous trading day for each such short position.

(e) Before 2:00 p.m. New York time on any delivery day, the Clearing Corporation shall deliver to the clearing members holding open positions opposite from those referred to in (d)(i) and (d)(ii), as the case may be, funds, in the same manner that payment of variation margin is made, as follows:

(i) If the Last Trading Day Settlement Price is lower than the settlement price of the previous trading day, the Clearing Corporation shall transfer to clearing members holding open short positions an amount equal to \$25 times the basis point difference between the Last Trading Day Settlement Price and the settlement price of the previous trading day for each such short position.

(ii) If the Last Trading Day Settlement Price is higher than the settlement price of the previous trading day, the Clearing Corporation shall transfer to clearing members holding open long positions an amount equal to \$25 times the basis point difference between the Last Trading Day Settlement Price and the settlement price of the previous trading day for each long position.

Delinquency in Performance

Rule 895. If a clearing member fails to perform any acts required by this chapter or fails to deliver or accept

delivery as required by Clearing Corporation Rules 502 and 503, respectively, the clearing member will be subject to disciplinary action, and the Exchange may assess such clearing member for the expenses associated therewith.

Other materials submitted by NYFE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953-4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by NYFE in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, by June 8, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on April 2, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-10611 Filed 4-7-81; 8:45 am]

BILLING CODE 6351-01-M

Proposed Futures Contracts; Proposed Rules of Major Economic Significance; Terms and Conditions of the Gold Coins Futures Contract of the MidAmerica Commodity Exchange

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed futures contract.

SUMMARY: The MidAmerica Commodity Exchange ("MACE") has applied for designation as a contract market in Gold Coins futures. The proposed contract calls for delivery of ten gold coins, each with a gold content of between .9802 and 1.2057 fine troy ounces, in "uncirculated" condition. Par delivery would be ten South African Krugerrands with discounts applied for delivery of ten Canadian Maple Leafs or ten Mexican 50 Peso coins. The Commodity Futures Trading Commission

("Commission") has determined that the proposed terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, publication of the proposed terms and conditions is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 8, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to MACE Gold Coins futures contract.

FOR FURTHER INFORMATION CONTACT: Muriel A. Caplan, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254-8955; or Robert Clark, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254-3310.

SUPPLEMENTARY INFORMATION: The terms and conditions of MACE's proposed Gold Coins futures contract are as follows:

Proposed Chapter 19.—Gold Coins

1900. Scope of chapter.—This chapter is limited in application to futures trading in gold coins. The procedures for trading, clearing, inspection, delivery and settlement, and any other matters not specifically covered herein shall be governed by the rules of the Exchange.

1901. Commodity specifications.—Each futures contract shall be for ten gold coins, each with a gold content of between .9802 and 1.2057 fine troy ounces, in "uncirculated" condition.

1902. Futures call.

A. Trading Hours.—Trading in gold coins is permitted from 8:50 A.M. to 1:35 P.M.; except in an expiring option on the last day of trading when the hours for trading shall be from 8:50 A.M. to 12:35 P.M.

B. Trading Unit.—The unit of trading shall be ten fine troy ounces of gold bullion coins.

C. Price Increments.—Minimum price fluctuations shall be in multiples of ten cents per fine troy ounce.

D. Daily Price Range.—There shall be no trading at a price more than \$50 per fine troy ounce above or below the preceding day's settling price, except as provided by rule 1910; provided, however, that on the last day of trading

in the delivery month there shall be no limit.

E. Accumulation of Positions.—The positions of all accounts owned or controlled by a person or persons acting in concert or in which such person or persons have a proprietary or beneficial interest shall be cumulated.

F. Termination of Trading.—Futures trading shall terminate on the business day immediately preceding the last five business days of the contract month.

G. Contract Modifications.—Specifications shall be fixed as the first day of trading of a contract except that all deliveries must conform to government regulations in force at the time of delivery. If any U.S. governmental agency or body issues an order, ruling, directive or law pertaining to the trading or delivery of gold coins, such order, ruling, directive or law shall be construed to take precedence and become part of these rules and all open and new contracts shall be subject to such governmental orders.

1903. Delivery.

A. Delivery Days.—Delivery may be made on any business day of the contract month except that delivery will not be allowed on an Exchange or bank holiday.

B. Seller's Duties.—To effect delivery, the seller shall furnish the clearing house a notice of intention to deliver on a form prescribed by the clearing house before 2:00 P.M. one business day prior to delivery. Upon presentation by the buyer, the seller shall deliver the warehouse receipt and the MidAmerica Commodity Exchange approved inspection certificate specified in the notice.

C. Buyer's Duties.—The buyer who receives a notice of intention to deliver from the clearing house shall, on the day specified in such notice, appear at the office of the seller, present the notice together with a certified or cashier's check, and receive the warehouse receipt and inspection certificate from the seller.

Prior to the cessation of trading in the current month, a buyer who receives a notice of intention to deliver may sell the coins on the same day, and deliver the notice of intention to deliver to the clearing house, together with the name of the party to whom he sold the gold coins by 12:00 noon, and the clearing house shall thereupon pass the notice to another buyer.

1904. Par and discount delivery.

A. Par Delivery.—A par delivery unit is ten South African Krugerrands.

B. Discount Delivery.—At the seller's option, a delivery unit may be composed of ten Canadian Maple Leafs at a discount of \$6 per fine troy ounce or ten

Mexican 50 Peso coins at a discount of \$6 per fine troy ounce. For purposes of calculating the amount due on delivery, Maple Leafs shall be deemed to contain one fine troy ounce of gold and Mexican 50 Peso coins shall be deemed to contain 1.2057 fine troy ounces.

C. Packaging.—A delivery unit of gold coins shall be packaged in a plastic tube and must, in conformance with coin industry standards, be in "uncirculated" condition.

D. Delivery Points.—Par delivery shall be made from Exchange approved depositories. The Exchange may set forth such standards as deemed appropriate and necessary to be designated as an approved depository.

1905. Inspection and certification.—To be eligible for delivery, gold coins represented by a storage receipt issued by an approved depository shall have been examined by the depository or by Exchange approved certifiers and counters in accordance with the procedures of these rules. If inspected by a certifier and counter other than the depository, the coins must be accompanied by an inspection certificate and must be delivered directly to the depository by registered and insured mail, by bonded carrier, or by the inspector and counter. The approved depository reserves the right to inspect and certify all coins being submitted for deposit.

1906. Costs of inspection, weighing, storage and delivery.—All charges associated with the delivery of gold coins, including storage charges, and all costs associated with inspections, weighing, and Exchange documentation through the day of tender, shall be paid by the delivering party. The receiver shall pay all charges, including storage charges, incurred after the day of tender.

Any buyer may request recertification prior to physical removal of the delivery unit from an approved depository. In such case he shall pay the cost of such certification, unless the delivery unit shall be declared unacceptable for delivery as a result of the reinspection, in which case the seller shall pay all costs of the reinspection. The buyer or his representative shall be entitled to be present at the reinspection, which shall be conducted by an approved certifier as designated by the seller.

Any buyer may examine the gold coins under the supervision of the depository upon withdrawal. The buyer may select one or more coins from each delivery lot and require that the depository ship such coins, together with the respective lot identification, to an assayer approved by the Exchange and selected by the buyer. The

Exchange shall approve only assayers with established reputations for competence and integrity. If the assayer determines that the fineness or weight of any coin in a lot is deficient, the entire lot shall be rejected and the issuer of the inspection certificate shall substitute a good delivery lot and shall pay the cost of shipping and assaying. The inspector and counter shall be entitled to recover from the first endorser of the receipt all reasonable costs incurred in connection with the rejection of the original delivery lot and the substitution of a good delivery lot. If the coins are found to be within the prescribed limits of fineness and weight, the buyer shall pay for the assay and related costs.

1907. Certificate—The seller shall furnish a certificate evidencing the delivery lot to be in conformance with weighing, certifying, sampling, and inspection requirements mandated by these rules. Such certificate may be incorporated in the form of the warehouse receipt. The certificate may be issued by the depository issuing the warehouse receipt covering the delivery lot.

The certificate shall be in effect for as long as the delivery lot remains intact in the depository, or for seven years, whichever period is shorter. If a delivery lot is opened, the lot must be reinspected and redeposited with a new storage receipt issued before it may be eligible for delivery again.

1908. Form of storage payment—At the option of the depository, storage may be paid by either of two methods:

A. Quarterly Payment—The depositor shall prepay storage through the calendar quarter in which the deposit is made. Upon delivery the seller shall invoice, and the buyer shall pay, any unexpired prepaid storage. To be eligible for delivery, a warehouse receipt requiring storage to be prepaid as described in this paragraph must evidence that such payment has been made through the current calendar quarter.

B. Non-Interest Bearing Deposit—The depositor shall make a non-interest bearing cash deposit with the warehouseman for the amount specified in his tariff. The warehouse receipt shall evidence such cash deposit.

Upon delivery, the seller shall invoice and the buyer shall pay the full amount of such deposit. When the gold coins are withdrawn the warehouseman shall return the full amount of such deposit to the withdrawer. The warehouseman shall, in lieu of a daily storage charge, enjoy interest free use of the cash deposit while the gold coins are in store.

1909. Warranty of Depositor—To be eligible for delivery, a warehouse receipt

must have been issued to a clearing member who, by endorsing such receipt, shall be deemed to warrant that the coins were minted or manufactured by an approved mint or refiner, and contain the full fine troy ounce content specified in these rules. In the event a claim for breach of such warranty is established under the rules, such clearing member shall be liable for any loss resulting therefrom.

1910. Expanded daily price limits—Whenever on two successive days any contract month closes at the normal daily price limit in the same direction (not necessarily the same contract month on both days) an expanded daily price schedule shall go into effect as follows:

A. The third day's daily price limit in all contract months shall be 150 percent of the normal daily price limit.

B. If any contract month closes at its expanded daily price limit on the third day in the same direction, then the fourth day's expanded daily price limit and each successive day thereafter shall be 200 percent of the normal daily limit, so long as any contract month closes as its expanded daily price limit.

C. Whenever the foregoing daily price limit schedule is in effect no contract month closes at the price limit in the same direction which initiated and maintained the expanded schedule, then the normal daily price limit shall be reinstated on the following day.

(End of Chapter)

Other materials submitted by MACE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145), as amended at 45 FR 26953-4 (April 22, 1980). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by MACE in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by June 8, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on April 3, 1981.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 81-10010 Filed 4-7-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplement to the Final Environmental Impact Statement for the Proposed Bettendorf Local Flood Protection Project, Mississippi River, Bettendorf, Iowa

AGENCY: US Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Supplement to the Final Environmental Impact Statement (FEIS).

SUMMARY: 1. *Description of Action.* The original FEIS for the Bettendorf flood protection project was completed in March 1974 and filed with the Council on Environmental Quality on 10 July 1974. Due to a lack of funds by the sponsor, construction was delayed. In March 1979, the city requested that project planning be resumed. Analysis of hydrologic data contained in a new interior drainage study indicates that the original design, consisting of several closure structures, is not acceptable for providing protection against the 200-year or the standard project flood events on the Duck Creek portion of the project.

The new project design calls for levee realignment along the west bank of Duck Creek with 1,160 feet of the flood protection system consisting of "T" wall. Channel improvement and bank protection will be required along 3,400 feet of the stream. Approximately 7,800 cubic yards of rockfill will be used to riprap 2,300 feet of shoreline, and 8,000 cubic yards of rock and sediment will be removed from the main channel. New ground surveys indicate that additional interior drainage measures are required. This will be accomplished by construction of two ponding areas totaling 5½ acres and a gravity outlet.

2. *Alternatives to the Proposed Action.* A complete discussion of nonstructural and structural alternatives can be found in the original FEIS dated 22 March 1974.

a. *Construction of Project as Originally Designed.* Original project design proposed the construction of three permanent railroad closure structures and one sandbag closure on the Duck Creek tie-off, together with two

permanent railroad closures and six sandbag closures on the 10th Street tie-off. New hydrologic data indicate that precipitation in the system watershed can cause damaging flood heights to occur overnight. Both permanent and temporary closures would provide unreliable protection. This increase in flood potential results from intensive urban development in the upstream watershed area that has occurred since original hydrologic studies were accomplished in 1969. This alternative did not provide any protection for residents on the east bank of Duck Creek.

b. *Revised project Design Alternative.* The proposed plan contained in the revised GDM is the most desirable in terms of flood protection, operation, and safety. This alternative also improves the existing flooding conditions to residents along the east bank of Duck Creek. This action, however, will result in more adverse effects upon the environment than the original design.

3. *Public Involvement.* Six public meetings were held in June, September, and November 1972 and January, April, and August 1973 to inform the public and city council of project progress and planning. For a complete discussion of comments received, see the 1974 FEIS. To address project modifications made since the initial FEIS, a Supplemental DEIS and FEIS are being prepared. The Supplemental DEIS will be sent to Federal, state, and local Government agencies, as well as private groups and individuals for comment. Coordination with interested agencies and individuals will be maintained during EIS preparations.

4. *Elements to be Analyzed in the Supplemental DEIS and FEIS.* The Supplemental DEIS and FEIS will address original design modifications, environment, economics, land use, and human resources. This project is subject to the Fish and Wildlife Coordination Act, Historic Preservation Act, Endangered Species Act, Executive Order 11988 on Flood Plain Management, and Executive Order 11990 on Wetlands. In compliance with the Clean Water Act, a Section 404 evaluation report is being prepared. Application for water quality certification from the State of Iowa is being pursued in compliance with Section 401 of the Clean Water Act. Public notices will be issued.

5. *Estimated Release Date.* The Supplemental DEIS will be released for public review on or about 1 May 1981. **ADDRESS:** Questions about the proposed action and the Supplemental Environmental Impact Statement should

be directed to Joseph F. Manzi, Jr., LTC, Corps of Engineers, Acting District Engineer, US Army Engineer District, Rock Island, Clock Tower Building, Rock Island, Illinois 61201.

Dated: April 1, 1981.

Joseph F. Manzi, Jr.,
LTC, Corps of Engineers, Acting District Engineer.

[FR Doc. 81-10009 Filed 4-7-81; 8:45 am]

BILLING CODE 3710-KN-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

April 1, 1981.

The USAF Scientific Advisory Board will hold its Spring General Meeting at NASA Headquarters, Washington, D.C. on May 12, 1981 from 9:00 a.m. to 4:30 p.m. and on May 13, 1981 from 9:00 a.m. to 12:00 p.m.

The Board will meet in honor of the 100th birthday of Dr. Theodore von Karman, the founder of the Scientific Advisory Board, and will receive classified briefings on both the directions that science, technology, and their applications to weapon systems have taken since his day and the projections that they may take in the years ahead. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Carol M. Rose,

Air Force Federal Register, Liaison Officer.

[FR Doc. 81-10001 Filed 4-7-81; 8:45 am]

BILLING CODE 3910-01-M

Office of the Secretary

Per Diem, Travel and Transportation Allowance Committee; Changes in Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DoD.

ACTION: Publication of Changes in Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 102. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 102 is being published in the *Federal Register* to assure that

travelers are paid per diem at the most current rates.

EFFECTIVE DATE: April 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Frederick W. Weiser, 325-9330.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the *Federal Register* now constitute the only notification of changes in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 102

To the Heads of Executive Departments and Establishments

Subject: Table of Maximum Per Diem Rates in Lieu of Subsistence for United States Government Civilian Officers and Employees for Official Travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and Possessions of the United States.

1. This bulletin is issued in accordance with Memorandum for Heads of Executive Departments and Establishments from the Deputy Secretary of Defense August 17, 1966, "Executive Order 11294, August 4, 1966 Delegating Certain Authority of the President to Establish Maximum Per Diem Rates for Government Civilian Personnel in Travel Status," in which this Committee is directed to exercise the authority of the President (5 U.S.C. 5702(a)(2)) delegated to the Secretary of Defense for Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 101 except in the case identified by an asterisk which rates are effective on the date of this Bulletin. The date of this Bulletin shall be the date the last signature is affixed hereto.

3. Each Department or Establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska	
Adak ¹	\$12.60
Anaktuvuk Pass	140.00
Anchorage	72.00
Barrow	169.00
Bethel	93.00
College	67.00
Cordova	84.00
Deadhorse	94.00
*Dillingham	103.00
Dutch Harbor	82.00
Eielson AFB	67.00
Elmendorf AFB	72.00
Fairbanks	67.00
Flt. Richardson	72.00
Flt. Wainwright	67.00
Juneau	83.00
Kodiak	84.00
Kotzebue	91.00
Murphy Dome	67.00
Noatak	91.00
Nome	90.00
Noorvik	91.00
Prudhoe Bay	94.00
Shemya AFB ¹	11.00
Shungnak	91.00
Spruce Cape	84.00
Tanana	90.00
Valdez	70.00
Wainwright	79.00
All Other Localities	71.00
American Samoa	65.00
Guam M1	60.00
Hawaii	
Oahu	70.00
All Other Localities	60.00
Johnston Atoll ¹	15.50
Midway Islands ¹	12.60
Puerto Rico	
Bayamon	
12-16-5-15	102.00
5-16-12-15	75.00
Carolina	
12-16-5-15	102.00
5-16-12-15	75.00
Fajardo (incl. Luquillo)	
12-16-5-15	102.00
5-16-12-15	75.00
Flt. Buchanan (incl. GSA Service Center, Guaynabito)	
12-16-5-15	102.00
5-16-12-15	75.00
Ponce (incl. Flt. Allen (NCS))	68.00
Roosevelt Roads	
12-16-5-15	102.00
5-16-12-15	75.00
Sabana Seca	
12-16-5-15	102.00
5-16-12-15	75.00
San Juan (incl. San Juan Coast Guard Units)	
12-16-5-15	102.00
5-16-12-15	75.00
All Other Localities	63.00
Virgin Islands of U.S.	
12-1-4-30	128.00
5-1-11-30	74.00
Wake Island ¹	15.00
All Other Localities	20.00

¹Commercial facilities are not available. This per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

²Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meal and incidental expenses.

M. S. Healy,

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

April 3, 1981.

[FR Doc. 81-10624 Filed 4-7-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs, Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policies, Practices, and Programs, Civil Rights, and WEEA Program Committees. 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. This document is intended to notify the general public of their opportunity to attend.

DATE: April 23, 1981, 8 a.m. to 5 p.m. and April 24, 1981, 9 a.m. to 5 p.m.

ADDRESS: Meetings will be held in the Council offices at 1832 M Street, N.W., Suite 821, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Kathleen Dauito, Administrative Assistant, National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C. 20036. (202) 653-5846.

SUPPLEMENTARY INFORMATION:

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95-561. The Council is mandated to (a) advise the Secretary on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The meeting of the Executive Committee will take place on April 23, 1981 from 8 a.m. to 9:30 a.m. The agenda will include plans for the Council meeting as well as a discussion of current activities and future plans.

The meeting of the Federal Policies, Practices, and Programs Committee, the Civil Rights Committee, and the WEEA Program Committee will take place on April 23, 1981 from 11 a.m. to 5 p.m.

The agenda for the Federal Policies, Practices, and Programs Committee will include a discussion of the Council's Congressional testimony on sex equity provisions in the Vocational Education Act, review of the recent joint forum with the National Advisory Council on Vocational Education on implications of the sex equity report for reauthorization, and discussion of future Committee goals and directions.

The Agenda for the Civil Rights Committee will include discussion of education initiatives relating to Title IX of the 1972 Education Amendments, the status of OCR, and future Committee plans.

The agenda for the Program Committee will include a discussion and review of a matrix of WEEA developed products and of a draft report on WEEA priority projects as well as a status report from the WEEA Director.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 9:30 a.m. to 11 a.m. on April 23, and from 9 a.m. to 5 p.m. on April 24, 1981. The agenda will include discussion on legislation, the Council's future role, reports of the Executive Director and the Council's standing committees, action on any recommendations presented by the Committees, and plans for future Council meetings.

The meeting of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C.

Signed at Washington, D.C. on April 2, 1981.

Joy R. Simonson,

Executive Director.

[FR Doc. 81-10537 Filed 4-7-81; 8:45 am]

BILLING CODE 4000-01-M

Strengthening Developing Institutions Program—Extension of Closing Date for Designation as a Developing Institution

The Secretary extends to May 8, 1981 (from the previously announced date of January 19, 1981) the date by which certain applicants for grants under the Strengthening Developing Institutions Program must submit statements explaining why they should be designated as developing institutions. The Secretary will notify each of the affected institutions individually.

The Secretary also changes some of the data in the previously published tables on which the designation

"developing institution" is based. The required statement must be based on the data in the appendix to this notice, rather than on the data in the original application notice for the program, published in *Federal Register* on November 13, 1980 (45 FR 74961).

This notice applies to any applicant that—

1. Applied for a grant for a new project under the Strengthening Developing Institutions Program by January 19, 1981 application date; and
2. Was designated as a "developing institution" because it scored at least 174 points based on the tables published with the November 13, 1980 application notice for this program; but
3. Does not score 174 points based on the revised tables published with this notice.

In order to be considered for a grant for a new project under this program, an applicant must first apply to be designated as a developing institution. To be designated as a developing institution, an institution must, among other things, be struggling for survival for financial or other reasons and must be isolated from the main currents of academic life.

To determine whether an institution is struggling or isolated, the Secretary has established by regulation two tables involving an institution's—

1. Average educational and general (E&G) expenditure per full-time-equivalent student; and
2. Average Pell Grant (formerly Basic Educational Opportunity Grant) per full-time-equivalent undergraduate student.

In order to be designated as a developing institution, an applicant must score a combined total of 174 points on the two tables. However, the regulations provide for an institution that does not total 174 to submit a written statement explaining why these indicators do not sufficiently reflect its status as a struggling institution that is also isolated from the main currents of academic life. (34 CFR 624.17) (Please note that the regulations for the Strengthening Developing Institutions Program—formerly 45 Part 169—have recently been recodified as 34 CFR Part 624.)

To assist institutions in determining whether they need to submit this statement, the Secretary included two

tables in the application notice published on November 13, 1980. Under section 624.17(c)(4) of the program regulations, the Secretary uses data from the 1978-79 academic year for the purpose of designating an institution as a developing institution for the 1980-81 academic year. However, the pertinent percentile tables published in the November 13 application notice were incorrect and the Secretary is now publishing the correct tables.

Several institutions that scored at least 174 points on the basis of the tables published in the *Federal Register* of November 13, 1980 will score fewer than 174 points on the basis of the tables published with this notice. The Secretary will notify each of these institutions individually and will provide each with the appropriate form so that it may submit the required written statement by the extended closing date. In the meantime, the Secretary will continue to review the grant applications of these institutions.

The tables that applicants must use appear in the appendix to this notice.

Closing Date for Transmittal of Designation Requests: Requests for designation as a "developing institution" must be mailed or hand-delivered by May 8, 1981.

Request for Designation Delivered by Mail: Statements sent by mail must be addressed to the Strengthening Developing Institutions Program, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024.

An institution must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamp by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the Secretary of education.

If the statement is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An institution should note that the

U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office.

An institution is encouraged to use registered or at least first class mail. Each late institution will be notified that its amended request for designation and any application for fiscal year 1981 SDIP funds it submitted by the January 19, 1981 closing date for transmittal of applications will not be considered.

Request for Designation Delivered by Hand: Hand-delivered statements must be taken to the U.S. Department of Education, Division of Institutional Development, Program Development Branch, Room 3045, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Division of Institutional Development will accept a hand-delivered statement or application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

Request for Designation Forms: Request for designation forms may be obtained by writing to the Strengthening Developing Institutions Program, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024 or by calling the Division of Institutional Development. Telephone: (202) 245-2384.

Applicable Regulations: The regulatory provision on which this notice is based is section 624.17(d) (34 CFR 624.17(d)). Section 624.17 is set out as an appendix to this notice.

Further Information: For further information contact Dr. James D. Ormiston, Chief, Program Development Branch, Division of Institutional Development, U.S. Department of Education, L'Enfant Plaza, Post Office Box 23868, Washington, D.C. 20024. Telephone: (202) 245-2384.

(20 U.S.C. 1051-1056)
(Catalog of Federal Domestic Assistance Number: 84.031—Strengthening Developing Institutions Program)

Dated: April 3, 1981.

T. H. Bell,
Secretary of Education.

BILLING CODE 4000-01-M

APPENDIX A EDUCATIONAL AND GENERAL EXPENDITURES TABLES

POINT TABLES TO ASSIST IN DETERMINING DESIGNATION AS A DEVELOPING INSTITUTION FOR FY 1981 (BASED UPON 1976-79 DATA)

POINTS FOR E&G EXPENDITURES PER FTE STUDENT

POINTS	2-YEAR COLLEGES		4-YEAR COLLEGES		2-YEAR COLLEGES		4-YEAR COLLEGES	
	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE
0	97755 +	21974 +	49622 +	52107 +	50	02594-02621	02512-02545	03989-04050
1	95694-07755	06208-21974	41080-49622	24977-52107	51	02571-02594	02555-02512	03945-03989
2	95237-05694	07950-06208	31285-41080	18651-24977	52	02553-02571	02488-02555	03907-03945
3	94852-05237	07726-07950	27265-31285	15635-18651	53	02508-02553	02436-02488	03860-03907
4	94568-04852	07428-07726	23628-27265	13721-15635	54	02504-02508	02397-02436	03833-03860
5	94391-04568	07143-07428	21208-23628	11955-13721	55	02491-02504	02385-02397	03801-03833
6	94247-04391	06840-07143	17820-21208	11205-11955	56	02480-02491	02349-02385	03769-03801
7	94177-04247	06536-06840	12811-17820	10485-11205	57	02467-02480	02337-02349	03733-03769
8	94049-04177	06196-06536	10094-12811	09899-10485	58	02455-02467	02307-02337	03710-03733
9	93921-04049	05835-06196	09199-10094	09416-09899	59	02427-02455	02279-02307	03683-03710
10	93838-03921	05577-05835	08456-09199	08805-09416	60	02413-02427	02264-02279	03653-03683
11	93752-03838	05252-05577	08109-08456	08495-08805	61	02390-02413	02232-02264	03616-03653
12	93676-03752	04913-05252	07853-08109	08135-08495	62	02377-02390	02186-02232	03586-03616
13	93630-03676	04520-04913	07625-07853	07797-08135	63	02356-02377	02155-02186	03569-03586
14	93594-03630	04152-04520	07373-07625	07570-07797	64	02340-02356	02132-02155	03554-03569
15	93530-03594	03800-04152	07124-07373	07350-07570	65	02330-02340	02111-02132	03546-03554
16	93469-03530	03438-03800	07136-07124	07120-07350	66	02314-02330	02108-02111	03502-03546
17	93462-03469	02422-03438	06864-07136	06988-07128	67	02295-02314	02029-02108	03467-03502
18	93422-03462	02066-02422	06547-06864	06815-06988	68	02284-02295	02012-02029	03403-03467
19	93372-03422	01666-02066	06340-06547	06550-06815	69	02268-02284	02004-02012	03365-03403
20	93333-03372	01101-01666	06346-06340	06437-06550	70	02253-02268	01982-02004	03358-03365
21	93303-03333	00945-01101	06082-06346	06382-06437	71	02220-02253	01922-01982	03325-03358
22	93269-03303	00697-00945	05950-06082	06100-06382	72	02211-02220	01881-01922	03313-03325
23	93240-03269	00712-00697	05699-05950	06073-06100	73	02182-02211	01847-01881	03309-03313
24	93213-03240	00712-00712	05718-05699	05955-06073	74	02172-02182	01809-01847	03306-03309
25	93159-03213	00591-00712	05591-05718	05851-05955	75	02159-02172	01785-01809	03304-03306
26	93123-03159	00563-00591	05485-05591	05700-05851	76	02138-02159	01720-01785	03301-03304
27	93097-03123	00443-00563	05346-05485	05619-05700	77	02114-02138	01694-01720	03285-03301
28	93068-03097	00419-00443	05246-05346	05479-05619	78	02094-02114	01665-01694	03280-03285
29	93055-03068	00394-00419	05169-05246	05346-05479	79	02073-02094	01649-01665	03273-03280
30	93028-03055	00328-00394	05117-05169	05346-05346	80	02052-02073	01598-01649	03253-03273
31	92999-03028	00321-00328	05052-05117	05346-05346	81	02033-02052	01593-01598	03253-03253
32	92980-02999	00319-00321	04980-05052	05270-05346	82	02021-02033	01574-01593	03253-03253
33	92959-02980	00312-00319	04879-04980	05270-05270	83	02012-02021	01508-01508	03253-03253
34	92936-02959	00311-00312	04842-04879	05114-05114	84	01999-02012	01500-01508	03253-03253
35	92895-02936	00309-00311	04791-04842	05033-05114	85	01978-01999	01466-01500	03253-03253
36	92860-02895	00308-00309	04695-04791	04980-05033	86	01950-01950	01431-01466	03253-03253
37	92836-02860	00301-00308	04639-04695	04899-04980	87	01932-01950	01418-01431	03253-03253
38	92811-02836	00293-00301	04582-04639	04853-04899	88	01915-01932	01375-01418	03253-03253
39	92794-02811	00291-00293	04508-04582	04780-04853	89	01893-01915	01308-01375	03253-03253
40	92773-02794	00280-00291	04457-04508	04739-04780	90	01881-01893	01281-01308	03253-03253
41	92755-02773	00278-00280	04432-04457	04691-04739	91	01860-01881	01269-01281	03253-03253
42	92737-02755	00271-00278	04432-04432	04691-04691	92	01842-01860	01269-01269	03253-03253
43	92718-02737	00271-00271	04432-04432	04691-04691	93	01829-01842	01269-01269	03253-03253
44	92703-02718	00271-00271	04432-04432	04691-04691	94	01829-01829	01269-01269	03253-03253
45	92680-02703	00269-00270	04432-04432	04691-04691	95	01829-01829	01269-01269	03253-03253
46	92658-02680	00269-00269	04432-04432	04691-04691	96	01829-01829	01269-01269	03253-03253
47	92638-02658	00269-00269	04432-04432	04691-04691	97	01829-01829	01269-01269	03253-03253
48	92621-02638	00269-00269	04432-04432	04691-04691	98	01829-01829	01269-01269	03253-03253
49	92621-02638	00269-00269	04432-04432	04691-04691	99	01829-01829	01269-01269	03253-03253
					100	00000-01321	00000-01321	00000-01321

HIGHEST NUMBER OF POINTS ARE ASSIGNED WHEN RANGES OVERLAP

BASIC EDUCATION OPPORTUNITY GRANTS TABLE

POINT TABLES TO ASSIST IN DETERMINING DESIGNATION AS A DEVELOPING INSTITUTION FOR FY 1981 (BASED UPON 1978-79 DATA)

POINTS FOR BEUG DIVIDED BY FTE UNDERGRADUATE ENROLLMENT

POINTS	2-YEAR COLLEGES		4-YEAR COLLEGES		POINTS	2-YEAR COLLEGES		4-YEAR COLLEGES		POINTS	2-YEAR COLLEGES		4-YEAR COLLEGES	
	PUBLIC	PRIVATE	PUBLIC	PRIVATE		PUBLIC	PRIVATE	PUBLIC	PRIVATE		PUBLIC	PRIVATE	PUBLIC	PRIVATE
0	0000-0020	0000-0059	0000-0049	0000-0039	50	0095-0095	0208-0214	0130-0130	0157-0158		0095-0095	0208-0214	0130-0130	0157-0158
1	0020-0025	0059-0068	0049-0062	0039-0050	51	0095-0097	0214-0217	0130-0136	0158-0159		0095-0097	0214-0217	0130-0136	0158-0159
2	0025-0029	0068-0069	0062-0066	0050-0052	52	0097-0098	0217-0223	0136-0139	0159-0160		0097-0098	0217-0223	0136-0139	0159-0160
3	0029-0033	0069-0070	0066-0070	0052-0061	53	0098-0098	0223-0226	0139-0140	0160-0162		0098-0098	0223-0226	0139-0140	0160-0162
4	0033-0036	0070-0073	0070-0073	0061-0065	54	0098-0099	0226-0230	0140-0141	0162-0165		0098-0099	0226-0230	0140-0141	0162-0165
5	0036-0039	0073-0076	0073-0077	0065-0067	55	0099-0100	0230-0232	0141-0142	0165-0166		0099-0100	0230-0232	0141-0142	0165-0166
6	0039-0042	0076-0077	0077-0080	0067-0075	56	0100-0101	0232-0234	0142-0142	0166-0168		0100-0101	0232-0234	0142-0142	0166-0168
7	0042-0043	0077-0085	0080-0086	0075-0080	57	0101-0102	0234-0234	0142-0143	0168-0168		0101-0102	0234-0234	0142-0143	0168-0168
8	0043-0044	0085-0090	0086-0087	0080-0083	58	0102-0105	0234-0234	0143-0144	0169-0172		0102-0105	0234-0234	0143-0144	0169-0172
9	0044-0045	0090-0090	0087-0088	0083-0087	59	0103-0105	0234-0234	0144-0145	0172-0173		0103-0105	0234-0234	0144-0145	0172-0173
10	0045-0048	0090-0104	0088-0089	0087-0088	60	0105-0106	0247-0248	0145-0145	0173-0175		0105-0106	0247-0248	0145-0145	0173-0175
11	0048-0049	0104-0106	0089-0092	0088-0090	61	0106-0107	0248-0250	0145-0145	0175-0176		0106-0107	0248-0250	0145-0145	0175-0176
12	0049-0050	0106-0109	0092-0094	0090-0093	62	0107-0108	0250-0253	0145-0146	0176-0178		0107-0108	0250-0253	0145-0146	0176-0178
13	0050-0053	0109-0111	0094-0095	0093-0093	63	0108-0109	0253-0254	0146-0147	0178-0178		0108-0109	0253-0254	0146-0147	0178-0178
14	0053-0054	0111-0114	0095-0099	0093-0095	64	0109-0110	0254-0259	0147-0148	0178-0179		0109-0110	0254-0259	0147-0148	0178-0179
15	0054-0056	0114-0117	0099-0101	0095-0097	65	0110-0110	0259-0259	0148-0149	0179-0180		0110-0110	0259-0259	0148-0149	0179-0180
16	0056-0057	0117-0124	0101-0102	0097-0099	66	0111-0111	0259-0260	0149-0149	0180-0181		0111-0111	0259-0260	0149-0149	0180-0181
17	0057-0058	0124-0126	0102-0103	0099-0102	67	0111-0112	0260-0262	0149-0150	0181-0183		0111-0112	0260-0262	0149-0150	0181-0183
18	0058-0059	0126-0127	0103-0106	0102-0104	68	0112-0112	0262-0271	0150-0151	0183-0185		0112-0112	0262-0271	0150-0151	0183-0185
19	0059-0060	0127-0129	0106-0108	0104-0105	69	0112-0113	0271-0272	0151-0152	0185-0185		0112-0113	0271-0272	0151-0152	0185-0185
20	0060-0061	0129-0130	0108-0109	0105-0106	70	0113-0114	0272-0272	0152-0153	0186-0191		0113-0114	0272-0272	0152-0153	0186-0191
21	0061-0062	0130-0134	0109-0110	0106-0109	71	0114-0115	0272-0276	0153-0155	0191-0192		0114-0115	0272-0276	0153-0155	0191-0192
22	0062-0062	0134-0145	0110-0113	0109-0111	72	0115-0116	0276-0276	0155-0156	0192-0194		0115-0116	0276-0276	0155-0156	0192-0194
23	0062-0064	0134-0145	0110-0113	0109-0111	73	0116-0116	0276-0277	0156-0156	0194-0195		0116-0116	0276-0277	0156-0156	0194-0195
24	0063-0064	0147-0152	0115-0115	0112-0114	74	0116-0116	0277-0282	0156-0158	0195-0198		0116-0116	0277-0282	0156-0158	0195-0198
25	0064-0066	0152-0153	0115-0116	0116-0116	75	0120-0121	0282-0284	0158-0158	0198-0198		0120-0121	0282-0284	0158-0158	0198-0198
26	0066-0067	0153-0155	0116-0116	0116-0116	76	0121-0122	0284-0285	0158-0158	0198-0201		0121-0122	0284-0285	0158-0158	0198-0201
27	0067-0068	0155-0160	0116-0118	0117-0118	77	0122-0123	0285-0288	0158-0158	0201-0202		0122-0123	0285-0288	0158-0158	0201-0202
28	0068-0070	0160-0161	0118-0120	0118-0121	78	0123-0124	0288-0290	0158-0159	0202-0205		0123-0124	0288-0290	0158-0159	0202-0205
29	0070-0071	0161-0161	0120-0120	0121-0126	79	0124-0125	0290-0293	0159-0161	0205-0205		0124-0125	0290-0293	0159-0161	0205-0205
30	0071-0071	0161-0163	0120-0121	0126-0128	80	0125-0126	0293-0293	0160-0163	0205-0207		0125-0126	0293-0293	0160-0163	0205-0207
31	0071-0074	0163-0170	0121-0122	0128-0130	81	0126-0127	0293-0293	0163-0164	0207-0208		0126-0127	0293-0293	0163-0164	0207-0208
32	0074-0075	0170-0174	0122-0123	0130-0131	82	0128-0129	0293-0294	0164-0165	0208-0210		0128-0129	0293-0294	0164-0165	0208-0210
33	0075-0076	0174-0174	0123-0124	0131-0133	83	0128-0129	0294-0294	0165-0165	0210-0212		0128-0129	0294-0294	0165-0165	0210-0212
34	0076-0078	0174-0180	0124-0125	0133-0134	84	0128-0130	0302-0304	0165-0167	0212-0214		0128-0130	0302-0304	0165-0167	0212-0214
35	0078-0079	0180-0183	0125-0126	0134-0135	85	0130-0131	0304-0308	0167-0168	0214-0216		0130-0131	0304-0308	0167-0168	0214-0216
36	0079-0080	0183-0183	0126-0126	0135-0136	86	0131-0132	0308-0312	0168-0170	0216-0218		0131-0132	0308-0312	0168-0170	0216-0218
37	0080-0081	0184-0184	0127-0127	0136-0137	87	0132-0133	0312-0314	0170-0171	0218-0219		0132-0133	0312-0314	0170-0171	0218-0219
38	0081-0083	0184-0187	0127-0127	0137-0139	88	0133-0134	0314-0315	0171-0171	0221-0221		0133-0134	0314-0315	0171-0171	0221-0221
39	0083-0083	0187-0188	0127-0128	0139-0140	89	0135-0135	0315-0316	0171-0172	0221-0223		0135-0135	0315-0316	0171-0172	0221-0223
40	0083-0084	0188-0191	0128-0128	0140-0141	90	0135-0136	0316-0320	0172-0174	0223-0224		0135-0136	0316-0320	0172-0174	0223-0224
41	0084-0085	0191-0191	0130-0130	0141-0142	91	0135-0137	0320-0327	0174-0175	0224-0226		0135-0137	0320-0327	0174-0175	0224-0226
42	0085-0085	0191-0196	0130-0131	0142-0144	92	0135-0138	0327-0327	0175-0175	0226-0228		0135-0138	0327-0327	0175-0175	0226-0228
43	0085-0086	0196-0197	0131-0132	0144-0145	93	0138-0139	0327-0335	0175-0176	0228-0232		0138-0139	0327-0335	0175-0176	0228-0232
44	0086-0086	0197-0199	0132-0133	0145-0145	94	0138-0140	0335-0339	0176-0177	0232-0233		0138-0140	0335-0339	0176-0177	0232-0233
45	0088-0090	0199-0200	0133-0134	0147-0148	95	0140-0141	0339-0341	0177-0178	0233-0235		0140-0141	0339-0341	0177-0178	0233-0235
46	0090-0092	0200-0201	0134-0135	0148-0149	96	0141-0142	0341-0342	0178-0179	0235-0236		0141-0142	0341-0342	0178-0179	0235-0236
47	0092-0093	0201-0205	0135-0135	0149-0151	97	0142-0143	0342-0343	0179-0179	0236-0237		0142-0143	0342-0343	0179-0179	0236-0237
48	0093-0093	0205-0207	0135-0136	0151-0154	98	0143-0144	0343-0347	0179-0180	0237-0240		0143-0144	0343-0347	0179-0180	0237-0240
49	0093-0095	0207-0208	0136-0136	0154-0157	99	0144-0146	0347-0348	0180-0181	0240-0241		0144-0146	0347-0348	0180-0181	0240-0241

HIGHEST NUMBER OF POINTS ARE ASSIGNED WHEN RANGES OVERLAP

BASIC EDUCATION OPPORTUNITY GRANTS TABLE

POINT TABLES TO ASSIST IN DETERMINING DESIGNATION AS A DEVELOPING INSTITUTION FOM FY 1981 (BASED UPON 1976-79 DATA)

POINTS FOR SLOG DIVIDED BY PTE UNDERGRADUATE ENROLLMENT

POINTS	2-YEAR COLLEGES		4-YEAR COLLEGES		POINTS	2-YEAR COLLEGES		4-YEAR COLLEGES	
	PUBLIC	PRIVATE	PUBLIC	PRIVATE		PUBLIC	PRIVATE	PUBLIC	PRIVATE
100	0140-0147	0346-0351	0161-0161	0241-0242	150	0210-0213	0403-0403	0246-0250	0557-0559
101	0147-0148	0351-0354	0162-0162	0242-0244	151	0213-0217	0403-0407	0250-0251	0559-0560
102	0148-0149	0354-0355	0162-0163	0244-0245	152	0217-0219	0407-0409	0251-0254	0560-0563
103	0149-0149	0355-0357	0163-0164	0245-0247	153	0219-0220	0409-0409	0254-0257	0563-0563
104	0149-0151	0357-0361	0164-0165	0247-0249	154	0220-0223	0513-0514	0257-0260	0566-0569
105	0151-0152	0361-0361	0165-0165	0249-0249	155	0223-0225	0514-0515	0260-0262	0569-0574
106	0152-0153	0361-0361	0165-0165	0250-0252	156	0225-0227	0515-0515	0262-0266	0574-0574
107	0153-0154	0361-0365	0165-0166	0252-0253	157	0227-0228	0515-0516	0266-0266	0579-0582
108	0154-0155	0365-0366	0166-0167	0253-0256	158	0228-0230	0516-0518	0268-0272	0582-0585
109	0155-0157	0366-0367	0167-0167	0256-0262	159	0230-0234	0518-0519	0272-0274	0585-0587
110	0157-0159	0367-0368	0167-0169	0262-0265	160	0234-0235	0519-0519	0274-0282	0592-0593
111	0159-0161	0368-0369	0169-0169	0265-0267	161	0235-0236	0557-0555	0282-0282	0595-0601
112	0161-0161	0369-0369	0169-0169	0267-0269	162	0236-0239	0558-0560	0282-0284	0601-0603
113	0161-0162	0369-0371	0169-0171	0269-0269	163	0239-0246	0559-0559	0283-0293	0603-0610
114	0162-0162	0371-0371	0169-0192	0269-0271	164	0246-0249	0559-0560	0293-0296	0610-0617
115	0162-0163	0371-0372	0169-0193	0271-0276	165	0249-0252	0560-0603	0296-0298	0617-0622
116	0163-0164	0372-0375	0169-0195	0272-0277	166	0252-0256	0603-0610	0298-0302	0622-0634
117	0164-0166	0376-0380	0169-0195	0277-0278	167	0256-0259	0603-0615	0300-0302	0634-0639
118	0166-0166	0380-0380	0169-0197	0278-0281	168	0258-0259	0605-0617	0302-0304	0639-0644
119	0166-0170	0380-0386	0169-0199	0281-0283	169	0259-0262	0617-0627	0304-0314	0644-0647
120	0170-0171	0386-0387	0169-0200	0283-0285	170	0262-0271	0617-0627	0314-0317	0647-0649
121	0171-0172	0387-0391	0200-0202	0285-0287	171	0271-0273	0606-0606	0317-0322	0649-0650
122	0172-0174	0391-0392	0202-0204	0287-0289	172	0273-0275	0606-0612	0322-0325	0649-0650
123	0174-0175	0392-0395	0204-0206	0289-0290	173	0275-0277	0612-0612	0325-0331	0650-0652
124	0175-0176	0395-0399	0206-0207	0290-0291	174	0277-0279	0615-0617	0331-0340	0652-0653
125	0177-0177	0399-0410	0207-0208	0291-0293	175	0279-0285	0615-0618	0340-0356	0653-0659
126	0177-0178	0410-0410	0207-0208	0293-0296	176	0285-0288	0618-0623	0356-0368	0659-0660
127	0178-0179	0410-0411	0208-0210	0296-0298	177	0288-0291	0618-0623	0368-0373	0660-0663
128	0179-0180	0411-0413	0210-0211	0298-0298	178	0291-0292	0618-0623	0373-0386	0663-0669
129	0180-0181	0413-0413	0211-0212	0298-0301	179	0292-0295	0618-0623	0386-0402	0669-0670
130	0181-0182	0413-0421	0212-0213	0301-0304	180	0295-0300	0618-0623	0402-0411	0670-0671
131	0182-0183	0421-0431	0215-0215	0304-0306	181	0300-0302	0618-0623	0413-0433	0671-0678
132	0183-0184	0421-0431	0215-0216	0306-0310	182	0302-0312	0618-0623	0433-0453	0673-0677
133	0183-0185	0431-0435	0215-0216	0310-0313	183	0312-0317	0618-0623	0453-0463	0677-0677
134	0185-0186	0435-0435	0218-0222	0313-0315	184	0317-0327	0618-0623	0463-0491	0678-0681
135	0186-0189	0435-0437	0222-0223	0315-0318	185	0317-0327	0618-0623	0491-0528	0681-0689
136	0189-0190	0437-0438	0223-0226	0318-0322	186	0330-0334	0618-0623	0528-0538	0681-0689
137	0190-0191	0438-0440	0229-0229	0322-0324	187	0334-0345	0618-0623	0538-0550	0681-0689
138	0190-0193	0440-0442	0229-0230	0324-0326	188	0345-0355	0618-0623	0550-0573	0681-0689
139	0191-0194	0442-0445	0231-0231	0326-0328	189	0355-0358	0618-0623	0573-0637	0681-0689
140	0191-0195	0445-0449	0232-0232	0328-0330	190	0358-0367	0618-0623	0637-0663	0681-0689
141	0191-0196	0449-0452	0232-0233	0330-0333	191	0367-0368	0618-0623	0663-0702	0681-0689
142	0191-0199	0452-0457	0232-0233	0333-0335	192	0383-0400	0618-0623	0702-0719	0681-0689
143	0191-0200	0457-0460	0233-0235	0335-0336	193	0400-0410	0618-0623	0719-0745	0681-0689
144	0200-0202	0460-0461	0235-0237	0336-0340	194	0410-0470	0618-0623	0745-0749	0681-0689
145	0202-0203	0461-0461	0237-0239	0340-0341	195	0470-0531	0618-0623	0749-0759	0681-0689
146	0203-0204	0461-0463	0239-0241	0341-0348	196	0531-0566	0618-0623	0759-0767	0681-0689
147	0204-0209	0463-0466	0243-0242	0344-0351	197	0566-0613	0618-0623	0767-0767	0681-0689
148	0207-0209	0466-0466	0245-0245	0351-0353	198	0613-0643	0618-0623	0767-0767	0681-0689
149	0209-0210	0461-0463	0245-0246	0353-0357	199	0643-0643	0618-0623	0767-0767	0681-0689
					200	0643-0643	0618-0623	0767-0767	0681-0689

OUTGEST NUMBER OF POINTS ARE ASSIGNED WHEN RANGES OVERLAP

Appendix B

Regulatory provision applicable to this Notice is Section 624.17(d) (1), (2), and (3)

§ 624.17 Struggling for survival and isolated from the main currents of academic life.

(a) The Secretary groups institutions applying for designation as developing institutions as follows: (1) Public bachelor's degree-granting, (2) public junior or community colleges, (3) private bachelor's degree-granting, and (4) private junior or community colleges.

(b) To be designated as a developing institution, the institution must be struggling for survival for financial or other reasons and be isolated from the main currents of academic life. In addition, the institution must be making a constructive effort to ensure that it will continue to survive.

(c) To assist in determining whether an institution is, in fact, struggling and isolated, except as provided in paragraph (f) of this section, the Secretary awards points to the institution for its average educational and general (E&G) expenditures per full-time equivalent (FTE) student and for its average Basic Educational Opportunity Grant (BEOG) award per FTE undergraduate student.

(1) The Secretary assigns points to the institution—on a scale of 0–100—on the basis of its average E&G expenditure per FTE student. The points awarded reflect the institution's position on the percentile scale when compared to the student expenditures of all other similar institutions. For example, an institution that is estimated to be in the 98th percentile (a high per student expenditure) when compared to other colleges receives two points, while an institution estimated to be in the second percentile (a low per student expenditure) receives 98 points. (See the illustrative chart in subparagraph (3) of this paragraph.)

(2) The Secretary also assigns points to the institution on a scale of 0–200—on the basis of the average BEOG award per FTE undergraduate student. The points awarded are based on the institution's percentile ranking when compared to all other similar institutions.

For example, an institution that is estimated to be in the 97th percentile (a large BEOG award per student) when compared to other colleges receives 194 points, while an institution estimated to be in the third percentile (a small BEOG award per student) receives six points. (See the chart in subparagraph (3) of this paragraph.)

(3) The following chart illustrates how the Secretary assigns points for these factors:

Point System for Institutional Characteristics

[Points]		
Percentile rank	Average E&G expenditures per FTE student	Average BEOG award for FTE undergraduate student
99.5	0	200
99	1	198
98	2	196
2	98	4
1	99	2
0.5	100	0

(4) To determine the percentile rankings in these two categories, the Secretary uses data from the second year preceding the one in which the institution seeks designation as a developing institution. (For example, an institution seeking designation as a developing institution in fiscal year 1980 would submit data bases on the 1977–1978 academic year.)

(d)(1) A total of 174 points—the combined total of the points earned in the per student expenditure and basic grant calculation—meets the quantitative requirements of this section.

(2) An institution that receives fewer than 174 points may submit a written statement explaining why these indicators do not sufficiently reflect its status as a struggling institution and one isolated from the main currents of academic life.

(3) After reviewing the institution's submission, the Secretary may determine that the institution, in fact, is struggling for survival and is isolated from the main currents of academic life. (20 U.S.C. 1052)

(e) In addition, if any of the following conditions apply, the institution shall explain to the Secretary in a written narrative why such a condition exists and what has been done to improve the situation.

(1) A decrease in full-time equivalent student enrollment of five percent or more for the three year period preceding the year in which the institution seeks designation as a developing institution.

(2) A decrease in total current funds revenues during any of the three years preceding the year in which the institution seeks designation as a developing institution.

(3) An excess of expenditures plus mandatory transfers over revenues in the unrestricted current funds during any two of the three years preceding the year in which the institution seeks designation as a developing institution. In this section the term "current funds"

means the funds available for use in meeting current operations.

(f) The Secretary considers an institution to be struggling and isolated for purposes of paragraph (b) of this section if the institution—

(1) Received a grant under this part in the fiscal year ending September 30, 1978; or

(2) Received a grant under the Advanced Institutional Development Program in a prior fiscal year for an award period with an original expiration date on or after June 30, 1979.

(20 U.S.C. 1052(a)(1)(D)(ii))

[FR Doc. 81-10675 Filed 4-7-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Fuel Economy for Motor Vehicles; Availability of Second Edition of the 1981 Gas Mileage Guide

The Department of Energy (DOE) hereby gives notice of the availability of the Second Edition of the 1981 *Gas Mileage Guide*. The Environmental Protection Agency (EPA) has issued regulations on Fuel Economy, Testing, Labeling and Information Disclosure Procedures and Requirements (40 CFR Part 600) which, among other things, contain requirements for dealers of 1981 and later model year automobiles and light trucks to have copies of a booklet, the *Gas Mileage Guide*, available and on display in their showrooms and to keep an adequate stock on hand to meet public demand. In this booklet, prospective purchasers will be able to find the fuel economies of the various model vehicles certified as of January 21, 1981 for sale in the United States. DOE is required by Section 506(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended by Section 301 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*), to publish and distribute this booklet. Section 600.405-77 of the EPA regulations states that dealers will be expected to make these booklets available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this notice constitutes such notification.

The Second Edition of the 1981 *Gas Mileage Guide* is available for display and distribution by dealers in their showrooms. Any dealer who has not already received *Guides* from DOE or requires additional copies should request copies in writing to the following address, specifying the

quantity desired of the 49-State and/or the California version.

For bulk copies, write: Fuel Economy Distribution, Technical Information Center, Department of Energy, P.O. Box 62, Oak Ridge, Tennessee 37830.

Issued in Washington, D.C., March 30, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81-10648 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-360-000]

Arkansas Power and Light Co.; Filing

April 1, 1981.

The filing Company submits the following:

Take notice that on March 25, 1981, Arkansas Power and Light Company (APL) submitted for filing the Fourth Amendment to the Power Coordination, Interchange and Transmission Service Agreement between APL and Arkansas Electric Cooperative Corporation (AECC). The amendment provides for the establishment of three additional points of delivery, provides for increased capacity for 21 existing points of delivery and the abandonment of five points of delivery, and consolidates the points of delivery previously served under the AECC-Arkansas Missouri Power Company (ArkMo) contract. APL, successor to ArkMo has filed the required Notice of Cancellation of the AECC-ArkMo contract.

APL requests that the Commission waive any requirements with which APL has not already complied.

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 NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.18 or 1.10). All such petitions or protests should be filed on or before April 21, 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. 81-10551 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3029-001]

City of Richmond, Va.; Application for Short-Form License (Minor)

April 2, 1981.

Take notice that the City of Richmond, Virginia (Applicant) filed on December 11, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Byrd Park Project No. 3029. The project would be located on the James River and Kanawha Canal within the Corporate limits of the City of Richmond, Virginia. Correspondence with the Applicant should be directed to: Manuel Deese, City Manager, City Hall, 900 East Broad Street, Richmond, Virginia 23219.

Project Description—The existing project would consist of the Boshier Dam, Byrd Park Dam and three existing smaller structures located along the James River and Kanawha Canal. The Byrd Park project would utilize: (1) the Boshier Dam, a diversion structure with an approximate height of 7 feet and an approximate length of 904 feet; (2) 6 miles of the existing James River and Kanawha Canal; (3) an existing powerhouse with an installed generating capacity of 1,135 kW; (4) the existing, stone masonry Byrd Park Dam, approximately 76-foot long and 12-foot high; (5) 4 kV generator leads; and (6) appurtenant facilities.

The three existing structures are known as: (1) the 9-mile Locks; (2) the 5-mile Locks and; (3) the 3-mile Locks.

Purpose of Project—Power generated at the project is utilized in the electrical system owned and operated by the City of Richmond, Department of Public Utilities. Excess power is sold to Virginia Electric and Power Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing for the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 6, 1981. A notice of intent must conform, with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments protest, or petition to intervene must be filed on or before June 8, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10539 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-362-000]

Consumers Power Co.; Contract Filing

April 1, 1981.

The filing company submits the following:

Take Notice that Consumers Power Company on March 25, 1981 tendered for filing a Coordinated Operating

Agreement dated April 1, 1981 between Consumers Power Company and the City of Holland, Michigan ("Holland"). Consumers Power states that the Operating Agreement provides for the exchange of energy between the two parties at 138 KV. Consumers Power states that the Operating Agreement is to become effective on April 1, 1981, and when effective, will cancel and supersede an existing Interconnection Agreement dated June 1, 1974, under which Holland has been receiving service at 46 KV. The existing Interconnection Agreement has been designated Consumers Power Company Rate Schedule FPC No. 37.

Consumers Power Company states that copies of the filing were served on Holland and on the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW, Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 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. 81-10552 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3643-000; Project No. 3677-000]

Continental Hydro Corp. and Dam Eight Development Ltd.; Application for Preliminary Permit

April 1, 1981.

Take notice that Continental Hydro Corporation (CHC) and Dam Eight Development Ltd (DED) (Applicants) filed, respectively, on November 3, 1980, and November 5, 1980 competing applications for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Projects Nos. 3643 and 3677 to be known as Kentucky River Lock and Dam No. 8 located on Kentucky River in Jessamine County, Kentucky. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applications

should be directed to: Mr. A. Gail Staker, President, Continental Hydro Corporation, 77 Franklin Street, Boston, Massachusetts 02110 or Mr. Kenneth Lever, Dam Eight Development Ltd. 6566 France Avenue South, Minneapolis, Minnesota 55435. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wished to file.

Project Description—Applicants would utilize an existing dam owned by the U.S. Army Corps of Engineers. Applicant's facilities would be located mostly on U.S. lands.

The proposed (CHC) Project No. 3643 would consist of: (1) a proposed powerhouse, located at the west end of the existing dam, containing generating units having a total installed capacity of 7.0 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 50.0 GWh.

The proposed (DED) Project No. 3677 would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, containing generating units having a total installed capacity of 7.5 MW; (2) proposed 138 kV transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 29.8 GWh.

Purpose of Projects—Power generated by Continental Hydro Corporation, Project No. 3643, and Dam Eight Development Ltd, Project No. 3677, would be sold to Kentucky Utilities Company.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time studies would be made to determine the economic, engineering, and environmental feasibility of the project, along with consulting Federal, State, and local government agencies to determine the environmental effects of the project. CHC estimates the cost of the studies would be \$65,000.00, and DED estimates the cost would be \$100,000.00.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for licenses while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 7, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3643 and 3677. Any comments, notices of intent, competing

applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10553 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4232-000]

Enagenics; Application for Preliminary Permit

April 1, 1981.

Take notice that Enagenics (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4232 to be known as Green River Lock and Dam No. 1 located on Green River in Henderson County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, President, Enagenics, 1727 Q Street, NW., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the west end of the existing dam, containing generating units having a total installed capacity of 2.5 MW; (2) proposed 161 kV transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located on U.S. lands. The Applicant estimates that the average annual energy output would be 10.1 GWh.

Purpose of Project—Energy produced at the project would be sold to Henderson Union Cooperative, T.V.A. or to Henderson Muni Power and Light.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time studies would be conducted to determine the engineering, economic, and environmental feasibility of the project. In addition, Applicant will apply for DOE funding and consult with Federal, State, and local government agencies concerning the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies to be approximately \$35,000.00.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc., Project No. 3697, filed November 7, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before April 2, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 1, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the

requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 1, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4232. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10554 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3791-000]

Enagenics; Notice of Application for Preliminary Permit*

April 1, 1981.

Take notice that Enagenics (Applicant) filed on November 28, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16

*This notice supercedes the Notice of Application for Preliminary Permit issued on February 25, 1981.

U.S.C. 791(a)-825(r)] for proposed Project No. 3791 to be known as Black Canyon Dam located on Payette River in Gem County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clark, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) penstock attached to the intake structures of the Water and Power Resources Service's Black Canyon Dam; (2) a powerhouse containing generating units with a combined capacity of 70.4 MW; and (3) a transmission line. The Applicant estimates that the average annual energy output would be 96.5 GWh.

Purpose of Project—The power generated by the proposed project would be sold to the Idaho Power Company or to nearby public or private users.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would perform engineering and geologic studies; assess the environmental impacts; and determine the economic feasibility. The cost of these studies is estimated by the Applicant to be \$40,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 7, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3791. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing

application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 10555 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3592-000]

Fluid Energy Systems, Inc.; re Notice of Application for Preliminary Permit*

April 1, 1981.

Take notice that Fluid Energy Systems, Inc. (Applicant) filed on October 20, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 3592 to be known as Onyx Diversion Project located on the South Fork Kern River in Kern County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: K. Thomas Miller, President, 2210 Wilshire Boulevard, #699, Santa Monica, California 90403. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 16-foot high, rock-and-earthfilled diversion dam; with a 17-acre impoundment; (2) an intake structure; (3) a 15,000-foot long pressurized pipeline and tunnel; (4) a surge tank; (5) two 500-foot long penstocks; (6) a powerhouse containing two generating units, each rated at 9,760 kW; and (7) a 3,000-foot long transmission line. The proposed project would affect U.S. lands within Sequoia National Forest and might affect lands within the Dome Lands Wilderness Area.

The Applicant estimates that the average annual energy output would be 42.8 million kWh.

Purpose of Project—The energy output from the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct environmental studies, make a feasibility analysis, and prepare an FERC license application. No new roads would be required to conduct the

*This notice supercedes the Notice of Application for Preliminary Permit issued on January 30, 1981.

studies. Applicant has filed a work plan for the studies for the new dam construction. The field studies to be performed would consist of surveys, borings, trenches, and visual inspections. All lands disturbed by the studies would be restored.

The estimated cost of the studies to be performed under the preliminary permit is \$100,300.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 4, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 4, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a

party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3592. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10556 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4009-000]

Henwood Associates, Inc., Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 2, 1981.

Take notice that on January 13, 1981, Henwood Associates, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Pub. L. 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed Millner Creek No. 1 small hydroelectric project (FERC Project No. 4009) would be located at the existing Millner Creek water system owned by the White Mountain Ranch near the town of Bishop in Mono County, California. Correspondence with the Applicant

should be directed to: Mr. Mark Henwood, Henwood Associates, Inc., P.O. Box 7, Smartville, California 95977.

Project Description—The proposed project would consist of: (1) a 10-foot high, 20-foot wide concrete diversion structure; anchored to bedrock on the sides and bottom, diversion A, which stores 80 square feet of water behind it; (2) a 1,000-foot long, 12-inch diameter pipe with a 2-foot high concrete seal wall on the downslope side, diversion B; (3) an 8,000-foot long, 12-inch diameter pipe connecting diversion A and the penstock headbox; (4) an 800-foot long, 8-inch diameter pipe connecting diversion B and the penstock headbox; (5) a concrete penstock headbox; (6) a 13,000-foot long, 12-inch diameter buried pipe; (7) a powerhouse containing a 400-kW generating unit; and (8) a 3,600-foot long transmission line. The piping system to be utilized is currently operated for the purpose of delivering water from Millner Creek to the White Mt. Ranch for irrigation, domestic, and stock watering purposes.

Purpose of Project—The power generated by the proposed project would be sold to Southern California Edison Company.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 15, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license

application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4009. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10541 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3580-001]

Hi-Head Hydro, Inc.; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 2, 1981.

Take notice that on January 14, 1981, the Hi-Head Hydro, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Pub. L. 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed Piute Creek small hydroelectric project (FERC Project No. 3580) would be located on Piute Creek, near the Town of Bishop, in Mono County, California. Correspondence with the Applicant should be directed to: William Symons, Jr., 26 Thorndale Place, Moraga, California 94556.

Project Description—The proposed project would consist of: (1) a French drain intake structure; (2) an off-stream pondage; (3) a 17,000-foot long, 12-inch diameter penstock connected to a 16-inch collector pipe; (4) a powerhouse containing one generating unit rated at 371 kW; (5) a 24-inch diameter overflow pipe; and (6) a 12.5 kV transmission line that will be approximately 1 mile long. The proposed project will utilize the natural water flows of Piute Creek that presently are piped from the headwater source through a leaky gravity flow pipeline system that is used for irrigation.

Purpose of Project—Project energy would be purchased by the Southern California Edison Company.

Estimated Cost—The cost of the project is estimated by the Applicant to be \$900,000.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application and may obtain additional information on the proposal from the Applicant at the above address. No other formal requests for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either a competing license

application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 15, 1981. Applications for a preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for exemption for Project No. 3580. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, Room 208 RB Building, N.E., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to

intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10542 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4267-000]

Hi-Head Hydro, Inc.; Application for Preliminary Permit

April 2, 1981.

Take notice that Hi-Head Hydro, Inc. (Applicant) filed on February 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825 (r)] for proposed project No. 4267 to be known as Upper Piute Creek Project located on Upper Piute Creek in Mono County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: William Symons, Jr., 26 Thorndale Place, Moraga, California 94556. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a French drain diversion structure; (2) an off-stream surge tank; (3) a 12,000-foot long and 12-inch diameter steel penstock; (4) a powerhouse containing one generating unit rated at 400 kW; and (5) a transmission line. The project would be designed for fully automatic operation. The Applicant estimates that the average annual energy output would be 2.8 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Southern California Edison Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies, perform preliminary designs, make a historical review, conduct environmental studies, consult with agencies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be \$28,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of

application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION"

"PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4267. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10543 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4241-000]

Hydro Development, Inc.; Application for Preliminary Permit

April 2, 1981.

Take notice that Hydro Development, Inc. (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4241 to be known as The Volcano Creek Water Power Project located on Volcano Creek in Placer County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Howard L. Stone, President, Hydro Development, Inc., Suite 711, Kirkeby Center, 10889 Wilshire Blvd., Los Angeles, California 90024. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a concrete diversion structure; (2) an 8,200-foot long water conduit; (3) a 24-inch diameter steel penstock; (4) a powerhouse to contain one turbine-generating unit with a rated capacity of 800 kW transmission line. The Applicant estimates that the average annual energy output would be 5.7 million kWhs.

Purpose of Project—The Applicant proposes to sell the project energy to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 18 months during which it would prepare a definitive project report that would include a geological, engineering, economic and environmental data. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies and preparation of an FERC license application are estimated by the Applicant to be about \$100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 7, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to

the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981.

Filing and Service of Responsive Documents—Any comments, notice of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4241. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Application specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10545 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-17381-001]

Kerr-McGee Corp.; Petition To Amend Certificate and Settlement Agreement

April 2, 1981.

Take notice that Kerr-McGee Corporation, formerly known as Kerr-McGee Oil Industries, Inc. (Kerr-McGee) and Transcontinental Gas Pipe Line Corporation (Transco) filed a joint petition on January 6, 1981, to amend the certificate of public convenience and necessity under which Kerr-McGee sells gas to Transco from Ship Shoal Area Blocks 28 and 32 Fields, Offshore Louisiana, in the captioned docket, as

well as a 1962 settlement agreement* relating to the sale.

Specifically, the proposed amendments would:

1. Allow Kerr-McGee to repay prepayments to Transco in the above sale by a lump sum cash payment without interest in lieu of payments in gas, as required by the previous settlement. The cash payment would be computed on the basis of a gas price of 19 cents per Mcf.
2. Commit to Transco Kerr-McGee's interest in additional gas to be produced in seven other Offshore blocks, i.e., Vermillion 37 and 57, Ship Shoal 237 and 238, Galveston A-126 and A-156, and High Island 508.
3. Amend the contract for the above-described existing sale in the captioned docket and another gas purchase contract between Kerr-McGee and Transco covering Ship Shoal Area Block 208 Field (Block 214), Offshore Louisiana, dated January 19, 1967, to modify deregulation provisions therein "in order to provide Kerr-McGee incentive to drill additional wells in the field to depths in excess of 15,000'." (The effect of the modification would be restricted with regard to gas produced from OCS G-0346 wells Nos. 33, 35, and 36 under the former contract.)

In support of the settlement proposal, Kerr-McGee and Transco state as follows:

"It is submitted that such agreement contains mutual benefits to Kerr-McGee and Transco and is in the public interest. Transco will obtain dedication of gas from additional offshore blocks which will add to Transco's long-term gas reserves. Also Transco will be assured of recouping all outstanding prepayments due from Kerr-McGee through the cash refund, which will reduce Transco's overall prepayment balance by the amount of such cash refund. In turn, Kerr-McGee will receive the applicable NGPA price for what would otherwise be prepayment gas at 19.0 cents per Mcf and Kerr-McGee obtains a deregulation provision which will furnish an incentive for additional expensive development of deep gas reserves in the Blocks 28 and 32 Fields presently dedicated to Transco. These mutual benefits, in turn, will benefit Transco's customers by adding to Transco's long-term gas reserves. Consequently, it is submitted that the certificate amendment proposed herein is in the public interest."

* Approved by F.P.C. order issued August 24, 1962, in *Socony Mobile Oil Company, Inc.*, Docket No. G-13746, et al., 28 FPC 357.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 24, 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. 81-10567 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4153-000]

Municipal Electric Power Association of Virginia; Application for Preliminary Permit

April 2, 1981.

Take notice that Municipal Electric Power Association of Virginia (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4153 to be known as the Fishtrap Project located on the Levisa Fork of the Big Sandy River in the Town of Fishtrap, Pike County, Kentucky. The application is on file with the

Commission and is available for public inspection. Correspondence with the Applicant should be directed to: R. Michael Amyx, Municipal Electric Power Association of Virginia, 311 Ironfronts, P.O. Box 753, Richmond, Virginia 23206. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Fishtrap Dam and Reservoir and would consist of a powerhouse with two turbine-generator units having a total rated capacity of 5.6 MW, and a 1 to 2-mile-long transmission line. The project would be capable of generating up to 15,500,000 kWh annually.

Purpose of Project—Energy generated at the project would be utilized by the Applicant for distribution to its customers.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$230,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Fishtrap Project No. 3366 filed on August 25, 1980, by Continental Hydro Corporation under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4153. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10544 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER79-559, ER79-560, ER80-116, and ER80-511]

Niagara Mohawk Power Corp.; Filing

April 1, 1981.

The filing company submits the following:

Take notice that on or about February 26, 1981, Niagara Mohawk Power Corporation (Niagara) submitted for filing an executed agreement between Niagara and the Power Authority of the State of New York.

A copy of this filing has been served upon the parties to this proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before April 23, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10537 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

1980 Annual Oil Pipeline Construction Costs

April 3, 1981.

Jurisdiction over oil pipelines, as it relates to establishment of valuations for pipelines, was transferred from the Interstate Commerce Commission to the Federal Energy Regulatory Commission (FERC), pursuant to Sections 306 and 402 of the Department of Energy Organization Act, 42 U.S.C. 7155 and 7172, and Executive Order No. 12009. 42 FR 46267 (September 15, 1977).

The FERC, by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Take notice that the FERC is now giving consideration to costs associated with the construction of oil pipelines during 1980. These costs will be translated to 1980 price index numbers which show the relative costs of oil pipeline construction using 1947 Period Costs equal to 100.

In the development of the annual indices, major consideration is given to data submitted by all jurisdictional oil pipelines pursuant to valuation orders in 18 CFR 360.103 and 360.104 (formerly 49 CFR 1260.103 and 1260.104). Such data includes pipe purchases, tank construction, pump and motor purchases, buildings constructed, labor

cost for laying new pipelines, and other related pipeline construction and facilities costs. In addition, consideration is given to other sources of cost data pertinent to oil pipelines.

Any person desiring to submit information for the FERC's consideration in the development of the 1980 annual oil pipeline construction indices should file an original and six copies of such information with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 15, 1981. Copies of the filings will be available for public inspection.

By the Oil Pipeline Board.
Francis J. Connor,
Administrative Officer, Oil Pipeline Board.
[FR Doc. 81-10538 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-253-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

March 31, 1981.

Take notice that on March 27, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-253-000 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 compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate one 2,250 horsepower single-staged, electric driven compressor unit at its existing Mitchell Compressor Station in Pecos County, Texas.

Applicant asserts that the proposed compressor addition would lower the pressure in the Ellenburger Field from 400 psig to 330 psig which would increase drawdown in the wells to 60 percent thereby placing Applicant in a rateable position and preventing a decline in future deliverability due to drainage.

Applicant estimates the cost of constructing the above proposed facilities to be \$1,581,000 which would be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 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. 81-10558 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4220-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

April 1, 1981.

Take notice that Puget Sound & Light Company (Applicant) filed on February 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4220 to be known as The Park Creek Project located on Park Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular

kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a new 15-foot high, 40-foot long concrete dam creating; (2) a reservoir with a storage capacity of 15 acre-feet; (3) a 6,800-foot long, 60-inch diameter concrete pipe; (4) a 2,000-foot long, 40-inch diameter steel penstock serving; (5) a powerhouse to contain one turbine-generating unit with a rated capacity of 2,600-kW; and (6) approximately 4-miles of transmission line. The Applicant estimates that the average annual energy output would be 15 GWhs.

Purpose of Project—The Applicant proposes to sell the project energy to its customers in its electrical service area.

Proposed Scope and Cost of Studies Under Permit—The Applicant has conducted a brief study to evaluate the overall hydropower potential of the project area. The Applicant now seeks a preliminary permit for a period of 24 months, during which it would prepare a definitive project report that would include a geologic field investigation, hydrologic, environmental and economic data. No new roads would be required to conduct these studies. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application are estimated by the Applicant to be about \$250,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application

must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 7, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4220. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10568 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4238-000]

Racehorse Co.; Application for Preliminary Permit

April 1, 1981.

Take notice that The Racehorse Company (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4238 to be known as The Racehorse Creek Project located on Racehorse Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. Devine, P.O. Box 68, 8040 Mt. Baker Highway, Maple Falls, Washington 98266. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 150-foot long by 3-foot high prefabricated steel and concrete gravity dam; (2) a 9,500-foot long, 30-inch diameter penstock; (3) a concrete structure powerhouse containing a generating unit rated between 1,500-kW and 1,700-kW; (4) a tailrace channel diverting water into Racehorse Creek; (5) a reservoir with a storage capacity of one acre foot; and (6) a new 55-kV transmission line. The Applicant estimates that the average annual energy output would be 11.6 GWh.

Purpose of Project—The power generated by The Racehorse Creek Project will be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The Applicant has filed a detailed work plan for new dam construction. No new road would be required to conduct the proposed studies. Study activities would not significantly alter or disturb lands or waters in the vicinity of the project. The cost of these activities, the preparation of an environmental report, obtaining

agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about \$110,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 7, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR § 4.33 (a) and (d) (1980).

Comments, Protests, of Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or

petition to intervene must be received on or before June 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4238. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10559 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4238-000]

Racehorse Co.; Application for Preliminary Permit

April 1, 1981.

Take notice that The Racehorse Company (Applicant) filed on February 23, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4238 to be known as The Racehorse Creek Project located on Racehorse Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William L. Devine, P.O. Box 68, 8040 Mt. Baker Highway, Maple Falls, Washington 98266. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 150-foot long by 3-foot high prefabricated steel and concrete gravity dam; (2) a 9,500-foot long, 30-inch diameter penstock; (3) a concrete structure powerhouse containing a generating unit rated between 1,500-kW and 1,700-kW; (4) a tailrace channel diverting water into Racehorse Creek; (5) a reservoir with a storage capacity of one acre foot; and (6) a new 55-kV transmission line. The Applicant estimates that the average annual energy output would be 11.6 GWh.

Purpose of Project—The power generated by The Racehorse Creek Project will be sold to the Puget Sound Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would prepare a definitive project report that would include engineering, economic, and environmental data. The Applicant has filed a detailed work plan for new dam construction. No new road would be required to conduct the proposed studies. Study activities would not significantly alter or disturb lands or waters in the vicinity of the project. The cost of these activities, the preparation of an environmental report, obtaining agreements with various Federal, State, and local agencies, and preparation of an FERC license application is estimated by the Applicant to be about \$100,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 7, 1981. A notice of intent must conform with the requirements of 18 CFR § 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 8, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4238. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10569 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. EF79-3011]

Southeastern Power Administration; Order Confirming and Approving Federal Rates

Issued: April 3, 1981.

On August 3, 1979, the Assistant Secretary for Resource Applications (AS/RA) of the Department of Energy filed a request for confirmation and approval of rate schedules concerning the sale of hydroelectric power marketed by the Southeastern Power Administration (SEPA) from nine Corps of Engineers multiple-purpose reservoir projects known as the Georgia-Alabama Projects.¹ Approval is requested for the period beginning October 1, 1979, when the rate schedules were placed in effect on an interim basis, and ending on September 30, 1983. The rate schedules provided for an increase in annual power revenues from \$27,862,000 to \$31,483,000. This represents an increase of approximately 13 percent above annual power revenues associated with the previous rates which were in effect since November 29, 1976. The increased rates will provide an average revenue level of approximately 10.5 mills per kWh.

Notice of the filing in this docket was published in the *Federal Register* on August 20, 1979. Interested persons were invited to submit written comments to the Commission on or before September 7, 1979. No comments or petitions to intervene were received.

Discussion

SEPA's rates are before this Commission pursuant to the authority of the Flood Control Act of 1944, 16 U.S.C. 825s, the Department of Energy Organization Act, Pub. L. 95-91, August 4, 1977, as amended, and DOE Secretarial Delegation Order No. 0204-33, issued December 21, 1978. The applicable standards have been prescribed by Congress in section 5 of the Flood Control Act of 1944. Such rate schedules must be drawn:

¹The filed rate schedules [GAMF-1-B, GAMF-2-B, ALA-1-B, MISS-1-B, SC-1-B, SC-2-B, CAR-1-B, and CAR-2-B], are applicable to wholesale customers located in the service areas of Duke Power Company, South Carolina Public Service Authority, Georgia Power Company, Alabama Power Company, Mississippi Power Company, and Gulf Power Company.

(1) having regard to the recovery of the cost of generation and transmission of such electric energy;

(2) so as to encourage the most widespread use of project power;

(3) to provide the lowest possible rates to consumers consistent with sound business principles; and

(4) in a manner which protects the interests of the United States in amortizing its investment in the projects within a reasonable period.

The rate schedules so evolved become finally effective only upon confirmation and approval by the Commission. As stated in prior orders,² the Commission views its role in reviewing such rate schedules as similar to that of an appellate court. In this capacity, the Commission can affirm, reject or remand the rates submitted to it for confirmation and approval. The Commission's review is based on the supporting data and information submitted, including the Power Repayment Study (PRS) prepared by SEPA.

SEPA's PRS indicates that all applicable costs, including investments made in replacement items with service lives extending beyond the repayment period,³ will be repaid by the end of fiscal year 2027 (the 50th year after the last project began commercial operation). While we have previously questioned certain of the practices reflected in SEPA's repayment studies,⁴ our review of those matters in the instant docket demonstrates an insignificant revenue effect which does not serve as a basis for disapproval of SEPA's rates. According to the PRS, at the end of the repayment period SEPA will have a total accrued surplus which

¹E.g., *Southeastern Power Administration*, Docket No. EF79-3021, order issued February 27, 1981; *Bonneville Power Administration*, Docket No. EF80-2011, order issued November 21, 1980.

²We note that it is contrary to general practice to recover during the repayment period replacement costs associated with items that have service lives continuing beyond the repayment period. However, the revenue impact of SEPA's treatment of such items is nominal for the period in question and, therefore, would not warrant rejection of the tendered rates.

³For example, in Docket No. EF79-3021 (order issued February 27, 1981), we expressed concern regarding (1) inconsistencies in calculating operation and maintenance expenses and future replacement costs, (2) failure to assess interest expense for new project additions and replacements for the year in which they commence service (see DOE Order No. RA 6120.2, issued September 1979), and (3) the practice of repaying selected high-interest investments ahead of the required repayment date and postponing repayment of lower-interest investments. With respect to the latter point, we noted that "[d]espite the Commission's stated concern regarding this repayment methodology, in exercising our appellate type review function, we are not prepared to conclude at this time that the AS/RA policy lacks a rational basis."

amounts to about 1.5 percent of the projects' total annual revenue requirements. This surplus is considered reasonable under the circumstances of this filing. We find the proposed rates to be consistent with the statutory requirements. Accordingly, we shall confirm and approve those rates. However, this confirmation of the proposed rate schedules should not be construed as approval of the specific practices or methodologies in SEPA's repayment study.

The Commission orders: (A) The rate schedules identified in footnote 1 and applicable to the sale of hydroelectric power and energy generated at the Corps of Engineers' Georgia-Alabama Projects, as submitted on August 3, 1979, in this docket, are hereby confirmed and approved for the period extending from October 1, 1979, through September 30, 1981.

(B) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 81-10546 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3179-000]

Suncook Power Corp.; Application for License for Major Project—Existing Dam

April 2, 1981.

Take notice that Suncook Power Corporation (Applicant) filed on July 9, 1980, and revised on March 5, 1981, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for construction and operation of a water power project to be known as the Webster-Pembroke Project No. 3179. The project would be located on the Suncook River in the Towns of Pembroke and Allenstown, Merrimack County, New Hampshire.

Correspondence with the Applicant should be directed to: Mr. Peter C. Kasch, Suncook Power Corporation, 1330 Boylston Street, Suite 512, Chestnut Hill, Massachusetts 02167.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) Webster Dam, a concrete structure 250 feet long and 18 feet high, with an ogee spillway 154 feet long with crest elevation of 278.11 feet m.s.l.; (2) a reservoir with a surface area of 34 acres and negligible storage; (3) a headgate structure, canal, and intake structure; (4) waste gate and wasteway at the lower end of the canal; (5) a powerhouse (at

the Pembroke Dam site, 920 feet downstream from the Webster Dam) containing two inoperative turbines having a total rated capacity of 610 horsepower, formerly used to drive a 480 kW generator (no longer existing); (6) a short discharge sluiceway; and new project works to include: (7) a concrete box penstock from the existing intake structure to the Pembroke powerhouse; (8) three new turbine-generators to be installed in the powerhouse with a total rated capacity of 1,861 kW; and (9) other appurtenances. The Applicant estimates the annual generation would average 8,465,000 kWh.

Purpose of Project—Project energy developed at this project will be sold to the Public Service Company of New Hampshire.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before May 4, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10547 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2547-001]

Swanton Village, Vermont; Application for Major License

April 2, 1981.

Take notice that an application was filed on February 20, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by Swanton Village, Vermont, for major license for the Highgate Falls Project. The proposed project would be located on the Missisquoi River in Franklin County, Vermont.

Correspondence with the Applicant on this matter should be addressed to: Mr. Orman E. Croft, Village Manager, Swanton Village Offices, First and Elm Streets, P.O. Box 279, Swanton, Vermont 05488.

Project Description—The proposed project would consist of: (1) the existing 240-foot-long, 25-foot-high concrete gravity dam at Highgate Falls. The Applicant proposes to raise the permanent crest of the dam from 168.8 feet U.S.G.S. to 180 feet U.S.G.S. by the addition of new concrete sections over the existing dam. Four bays of stanchion stoplogs and two Taintor gates would also be installed. (2) an existing reservoir having a maximum water surface elevation of 170.8 feet U.S.G.S. Redevelopment of the Highgate Falls Dam would raise the water surface elevation of the reservoir to 200 feet U.S.G.S. increasing the surface area to 355 acres and the storage capacity to 7,000 acre-feet; (3) an existing penstock having a length of approximately 752 feet; (4) the existing powerhouse located approximately 750 feet downstream of the dam, and containing three generating units, their appurtenances and controls. The three existing units have an installed capacity of 4,600 kW. The powerhouse would be expanded to contain a fourth turbine-generator unit and would have a total installed capacity of 8,025 kW; and (5) appurtenant works.

The Applicant proposes to provide recreational facilities at the Swanton Village Project consisting of a boat launching ramp, a parking area, and a canoe portage.

Project power would be used by the Applicant for public utility purposes either within its distribution system or for sale to other public utilities.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than October 6, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (*as amended 44 FR 61328, October 25, 1979*).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be received on or before June 8, 1981. The Commission's address is: 825 North Capitol Street NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10548 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-249-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

April 2, 1981.

Take notice that on March 20, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant) P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-249-000 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 pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 10.1 miles of 8-inch pipeline along with appurtenant facilities in the Mustang Island area, offshore Texas. It is submitted that such pipeline would originate at a production platform located in State Lease 774, extending in a northwesterly direction to Applicant's 12-inch La Rosa-Mustang Island Line in Nueces County, Texas.

It is asserted that the construction and operation of the above proposed facilities would make 18,690,000 Mcf of reserves having a maximum day deliverability of up to 14,500 Mcf of gas per day available to Applicant's system. It is also asserted that the quantities of gas which would become available to Applicant would aid Applicant in maintaining adequate and reliable gas service to its customers.

Applicant estimates the total cost of all such facilities to be \$5,354,000 which would be financed initially from general funds of Applicant and/or borrowings under the Applicant's revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 24, 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. 81-10570 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-361-000]

Virginia Electric & Power Co.; Filing

April 1, 1981.

The filing Company submits the following:

Take notice that on March 25, 1981, Virginia Electric and Power Company (VEPCO) tendered for filing a Notice of Cancellation of Supplement A-1, Schedule RC-Interruptible Separately Metered Resale Transmission Voltage Service Rural Electric Cooperatives.

VEPCO requests an effective date of April 16, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 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. 81-10560 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 3637-000 and Project No. 3755-000]

Gregory Wilcox and City of Bountiful, Utah; Application for Preliminary Permit

April 2, 1981

Take notice that Gregory Wilcox (GW) and the City of Bountiful, Utah (CB) (Applicants) filed on November 3, 1980 and November 18, 1980, respectively, competing applications for preliminary permit pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for proposed Project Nos. 3637 (GW) and 3755 (CB) to be known as the Echo Hydro Project located on the

Weber River in Summit County, Utah. The applications are on file with the Commission and are available for public inspection. Correspondence with the applicants should be directed to: Gregory Wilcox, Attorney-at-Law, 506 15th Street, 5th Floor, Oakland, California 94612 (GW) and Mr. W. Berry Hutchings, Manager, Bountiful City Light and Power Department, 198 South 200 West, Bountiful, Utah 84010 (CB). Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed projects would each utilize the existing Water and Power Resources Service's Echo Dam and Reservoir, operated and maintained by the Weber River Water Users association, and would consist of: (1) a new penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 3,200 kW (GW) or 5,000 kW (CB); (3) a tailrace; (4) a new transmission line, approximately two miles long; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 11,750,000 iWh (GW) or 16,820,000 kWh (CB).

Purpose of Project—Project energy would be sold to the Utah Power and Light Company and/or to local users.

Proposed Scope and Cost of Studies Under Permit—Each Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, the successful Applicant would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be \$50,000 (GW) or \$57,000 (CB).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. (Copies of the

application may be obtained directly from the Applicants). Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—These applications were filed as competing applications to Utah Hydro Corporation's application for Project No. 3545 filed on October 8, 1980 under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before April 27, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 26, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard to make any protests about these applications should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 4, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project Nos. 3637 and 3755. Any comments, notices of intent, competing applications, protests, or petitions to

intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10560 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-363-000]

Wisconsin Electric Power Co.; Filing

April 1, 1981.

The filing Company submits the following:

Take notice that Wisconsin Electric Power Company on March 26, 1981 tendered for filing an executed service agreement converting the Cedarburg Light and Water Commission from partial requirements to total requirements service under the Company's tariff.

The Company requests that the total requirements service agreement be permitted to become effective as of February 16, 1981, when the total requirements service commenced.

Copies of the filing have been served upon Cedarburg.

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. All such protests should be filed on or before April 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of the application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10561 Filed 4-7-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4268-000]

**Wolf Creek Reclamation District;
Application for Preliminary Permit**

April 2, 1981.

Take notice that Wolf Creek Reclamation District (Applicant) filed on February 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4268 to be known as the Winthrop Project located on the Wolf Creek Aqueduct in Okanogan County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John R. Beebe, Jr., AER Engineers, 203 Harper Bldg., 1504-3rd Ave., Seattle, Washington 98101. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an intake structure at an existing diversion dam; (2) a penstock approximately 1/2 mile long; (3) a powerhouse containing a single 270-kW generating unit; and (4) approximately one mile of 7.2-kV transmission line. The Applicant estimates that the average annual energy output would be 1,400 MWh.

Purpose of Project—Project power would be sold.

Proposed Scope and Cost of Studies Under Permit—Applicant would conduct a detailed feasibility study including engineering, environmental, and economic analysis. Applicant estimates the cost of conducting the studies to be \$13,772.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and

consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application not later than July 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petition To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4268. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower

Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-10549 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4066]

**Yolo County Flood and Water
Conservation District; Application for
Preliminary Permit**

March 30, 1981.

Take notice that Yolo County Flood and Water Conservation District (Applicant) filed on January 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4066 to be known as Indian Valley Hydroelectric Project located on the North Fork of Cache River in Lake County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: William L. McAnlis, Yolo County Flood Control and Water Conservation District, P.O. Box 767, Woodland, California 95685. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing earth and rock dam 225-feet in height and 980-feet in length, Indian Valley Dam; (2) an existing 300,000 acre-foot reservoir; (3) a bifurcation in the existing discharge line; (4) a steel penstock; (5) a powerhouse containing a 3,200 kW generating unit; (6) a draft tube into the existing stilling basin; and (7) a 13-kV transmission line.

The Applicant estimates that the average annual energy output would be 7,216,000 kWh.

Purpose of Project—The power generated by the proposed project would be sold to a utility company in California.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would study geologic features; estimate the costs, market, and power generation; identify environmental impacts; and

prepare a license application. The cost of these studies is estimated by the Applicant to be \$83,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 15, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 14, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4066. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-10550 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of January 26 Through January 30, 1981

During the week of January 26 through January 30, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a

commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 1, 1981.

Appeals

American Friends Service Committee,
Atlanta, Georgia, BFA-0454, Freedom of
Information

The American Friends Service Committee filed an Appeal from a partial denial by the Director of the Office of Classification of a request for information which the appellant had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the documents involved were properly classified pursuant to Executive Order No. 12065. Accordingly, the present Appeal was denied.

East Tennessee Natural Gas Company,
Washington, D.C., BFA-0556, Freedom of
Information

East Tennessee Natural Gas Company (ETNG) filed an Appeal from a partial denial by the Assistant Administrator for Energy Systems and Support of the Energy Information Administration of a request for information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that monthly price and volume data submitted by No. 6 high sulfur fuel oil suppliers on Form EIA-19A are properly withholdable under Exemption 4 of the FOIA in any month in which the small number of firms (less than three) reporting sales in a specific state or the predominance of a single firm (80 percent of total sales) in a state market raises the possibility that public disclosure will reveal company-specific information. The DOE also found that since the Trade Secrets Act is applicable to the information sought by ETNG and since the DOE has no regulation or statute which authorizes release of such materials, disclosure of this information would constitute a violation of the Trade Secrets Act, and that therefore release of such materials on public interest grounds is prohibited. Accordingly, the DOE determined that the ETNG Appeal should be denied.

Leonard E. Belcher Inc., Springfield,
Massachusetts, DRA-0197, number 2
heating oil

Leonard E. Belcher Inc. filed an Appeal from a Revised Remedial Order issued to the firm on May 12, 1978. In its Appeal, the firm contended that it should not have to refund certain alleged overcharges. In considering the request, the DOE found that the firm's contentions were without merit. Accordingly, the Appeal was denied.

Stephen M. Shaw, La Jolla, California, BFA-
0577, Freedom of Information

Stephen M. Shaw filed an Appeal from a determination by the Director of the Division of FOI and Privacy Acts Activities of the Office of Administrative Services regarding a request for information which Mr. Shaw had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Director's initial determination

was not responsive to Mr. Shaw's request. The DOE therefore remanded the matter to the Director with instructions to contact Mr. Shaw for the purpose of reformulating his request.

Standard Oil Company of Indiana, Chicago, Illinois, DEA-0462, crude oil

Standard Oil Company of Indiana (Amoco) filed an Appeal of an Order which had been issued to CRA, Inc. by the Economic Regulatory Administration (ERA). In that Order, the ERA granted an emergency allocation of crude oil to CRA pursuant to the provisions of 10 C.F.R. § 211.65, the Crude Oil Buy-Sell Program. The Appeal, if granted, would have resulted in the rescission of the ERA Order. The DOE denied the Amoco Appeal, finding: (i) that the time period allotted to Amoco to comment on the ERA Order before it was issued was not so short as to violate either agency practice or constitutional due process rights; and (ii) that other relief previously granted to Farmland Industries, Inc., the parent corporation of CRA, Inc., did not provide a basis for rescission of the ERA Order.

Vickers Petroleum Corporation, Wichita, Kansas, DEA-0527; DES-0527, motor gasoline

Vickers Petroleum Corporation appealed an order that had been issued to the firm by the ERA Office of Fuels Regulation on May 18, 1979, pursuant to OHA decisions granting exception relief to the Marcum Oil Company. Vickers also requested that the order be stayed. In considering the Appeal, the Department of Energy found that Vickers had not been afforded the adequate notice and opportunity to comment required by due process before the issuance of the Order. The Appeal was therefore granted and the Application for Stay dismissed as moot.

Remedial Orders

Justin Glover d/b/a. Glover Texaco, Muskogee, Oklahoma, BRO-1137, motor gasoline

Justin Glover d/b/a Glover's Texaco (Glover) objected to a Proposed Remedial Order which the Economic Regulatory Administration (ERA) of the Department of Energy issued to the firm on January 31, 1980. In the Proposed Remedial Order, ERA found that during the period August 1 through December 12, 1979, Glover had sold motor gasoline at prices in excess of the maximum lawful selling price, failed to maintain proper records, and failed to post its maximum lawful selling price or a certification that it was not charging in excess thereof. The DOE concluded that the Proposed Remedial Order, with modifications, should be issued as a final Order and that Glover should be required to roll back its selling prices below the lesser of its maximum lawful selling price and its current selling price until the firm had made restitution for its overcharges. The important issues discussed in the Decision and Order include (i) the right of ERA to conduct investigations in the absence of a complaint; and (ii) the evidence required to establish that a retailer was in violation of the price rule at 10 C.F.R. § 212.93 and the posting regulation at 10 C.F.R. § 212.129(b).

Remedial Orders

In the following cases involving Proposed Remedial Orders and/or Interim Remedial Orders for Immediate Compliance, no Statements of Objections were filed. The DOE therefore issued the orders in final form.

Company name and Case No.

Dave Cleeland, d.b.a. Dave's Fina, BRW-0072
Eugene Scott, d.b.a. Scott's Service, BRW-0077

John Burton, d.b.a. John's North Lake Service, BRW-0071

John Gray, d.b.a. John's North Lake Service, BRW-0076

Oscar Markinson, d.b.a. Robina Marina Ltd., BRW-0074

Ralph Johnson, d.b.a. Viola Boat Dock, BRW-0075

Williams & Sons Enterprises, Inc., d.b.a. Campbell Point Boat Dock, BRW-0073

Requests for Modification and/or Rescission

Quaker State Oil Refining Corporation, Oil City, Pennsylvania, BMR-0057, crude oil

Quaker State Refining Corporation filed a Motion for Reconsideration of a Decision and Order which was issued to the firm by the Office of Hearings and Appeals on July 28, 1980. In its Motion, Quaker requested that the Temporary Exception relief previously denied the firm in the July 28, 1980 Order be approved. In considering the request, the DOE found that Quaker has not satisfied the procedural requirements for filing a Motion for Modification or Rescission. In addition, the DOE noted that a Proposed Decision and Order had recently been issued regarding Quaker's underlying exception requests which tentatively determined that the firm's request should be denied. The DOE therefore concluded that Quaker had failed to demonstrate that the July 28, 1980 Order was incorrect or that the firm had a strong likelihood of success on the merits of its underlying exception request. Quaker's Motion was accordingly denied.

Southland Oil Company/VGS Corporation, Jackson, Mississippi, BER-0085, crude oil

Southland Oil Company/VGS Corporation filed an Application for Modification of a Proposed Decision and Order and a Supplemental Decision and Order issued to the firm on December 17, 1980. The Supplemental Decision and Order had the effect of immediately implementing exception relief from the provisions of 10 C.F.R. § 211.67 (the Entitlements Program), which was tentatively found appropriate for Southland in the Proposed Decision and Order issued on the same date. Southland's request for modification if granted, would have resulted in the issuance of a further order increasing the exception relief found appropriate in the Proposed Decision for the period October 1980 through December 1980. In considering the request, the DOE found that the firm had failed to show the proper basis for a modification of the Proposed Decision and Order or the Supplemental Decision and Order. Accordingly, Southland's request for additional exception relief was denied.

Whitfield County Public Schools, Dalton, Georgia, BER-0070, motor gasoline

Whitfield County Public Schools filed an Application for Modification of a Decision and Order which had facilitated the transfer of some of the marketing assets of Gulf Oil Corporation to independent jobbers. See *Gulf Oil Corporation*, 6 DOE ¶ 81,169 (1980). The modification request, if granted, would permit Whitfield to purchase its monthly entitlement of motor gasoline from either Gulf, its base period supplier, or from John L. Bond, Inc. an independent Gulf jobber who was formerly a Gulf consignee agent. The Department of Energy issued a Decision and Order which determined that the modification request be granted.

Requests for Exception

Belco Petroleum Corporation, Houston, Texas, BXE-1143, crude oil

Belco Petroleum Corp. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Belco to sell at market level prices 78.78 percent of the crude oil produced from the Green River Area B Unit.

Benson-Montin-Greer Drilling Corporation, Farmington, New Mexico, BEE-1475, crude oil

Benson-Montin-Greer Drilling Corporation (B-M-G) filed an Application for Exception from the provisions of 10 CFR 212.75, 212.79 and 212.131 in which the firm sought permission to classify the crude oil that it plans to produce from certain undeveloped properties as "newly discovered crude oil." In considering the request, the exception relief was necessary to give B-M-G an incentive to continue crude oil production. Accordingly, exception relief was granted.

Caribou Four Corners, Inc., Washington, D.C., BEE-1067, crude oil

Caribou Four Corners, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought exception relief from its entitlement purchase obligation for the period April 1980 through September 1980. In considering the request, the DOE found that exception relief was necessary to relieve the adverse financial impact on the firm of its entitlement obligations. Accordingly, exception relief was granted.

Coggin Oil Company, Caraway, Arkansas, BEE-0400, gasohol

Coggin Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm requested that it be granted an increased base period allocation of motor gasoline for the purpose of producing gasohol. In considering the request, the DOE found that the firm had failed to demonstrate that it is in an advantageous position to further the national objective of increasing the use of gasohol and that it had failed to commit significant resources to the production and marketing of gasohol. Accordingly, exception relief was denied.

Commonwealth Oil Refining Co., Inc., San Antonio, Texas, BEE-1308, crude oil

Commonwealth Oil Refining Co., Inc. (Corco) filed an Application for Exception from the Entitlements Program, 10 CFR § 211.67. In its Application, Corco requested

that it be relieved of entitlements purchase obligations arising from its receipt of upper-tier Alaskan North Slope (ANS) crude oil during the months May, June, and July 1980. In considering Corco's exception request, the DOE found that Corco had contracted to purchase the ANS crude oil in question prior to the imposition of entitlements purchase obligations on upper-tier ANS crude oil. The DOE concluded that the imposition of entitlements purchase obligations on Corco's ANS crude oil receipts during the period May through July 1980 resulted in a serious hardship, gross inequity and unfair distribution of burdens to Corco. Accordingly, exception relief was granted which permits Corco to sell an additional \$11.6 million in entitlements on the next monthly Entitlements Notice. Important issues considered in the decision include: (i) the nature of a discretionary business decision and its effect on the criteria for the approval of exception relief; and (ii) the authority of the Office of Hearings and Appeals to grant relief which differs from the relief originally requested by an applicant.

Crystal Petroleum Company, Corpus Christi, Texas, FEE-4108, motor gasoline

Crystal Petroleum Company (Crystal) filed an Application for Exception from the provisions of 10 CFR § 212.93 in which the firm requested that it be allowed to increase the prices which it is permitted to charge in sales of motor gasoline to the City of Corpus Christi, Texas. In considering the request, the DOE found that Crystal's May 15, 1973 selling prices to Corpus Christi were anomalous since they resulted in a negative margin. The DOE therefore determined that due to the operation of DOE regulations, Crystal would experience a gross inequity and serious financial hardship if it was required to sell motor gasoline to Corpus Christi on the basis of its May 15, 1973 prices. The DOE further determined that Crystal would incur an irreparable injury in the absence of retroactive exception relief. Relief was therefore approved allowing Crystal to increase its maximum permissible selling prices in sales of motor gasoline to Corpus Christi during the period from June 13, 1973 through April 30, 1980.

Dale Graybell Texaco, East Hartford, Connecticut, DEE-7029, motor gasoline

Dale Graybell Texaco filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm's financial position was not adversely affected to a significant degree as a result of the application of DOE regulations. Accordingly, exception relief was denied.

Fegley's Mini Mart, Inc., Tamaqua, Pennsylvania, DEE-8289, motor gasoline

Fegley's Mini Mart, Inc., filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that partial exception relief was necessary to relieve a serious financial hardship that the firm would experience in

the absence of exception relief. Accordingly, exception relief was granted in part.

Gary's Exxon Service, San Francisco, California, BEO-0539, motor gasoline

Gary's Exxon Service filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that the firm failed to demonstrate that the DOE regulations program was causing it to suffer a serious hardship or gross inequity. Accordingly, exception relief was denied.

Industrial Fuel & Asphalt of Indiana, Inc., Hammond, Indiana, BEE-0962, crude oil

Industrial Fuel & Asphalt of Indiana, Inc. filed an Application for Exception from provisions of 10 CFR 211.65 in which the firm requested that crude oil which it processed for the account of another refiner be treated as its own crude oil in determining its eligibility for emergency allocations under the Buy/Sell Program. In considering the request, the DOE found that exception relief was necessary to eliminate the gross inequity and serious hardships the firm was suffering as a result of an anomalous base period. Accordingly, exception relief was granted.

Koch Exploration Company, Wichita, Kansas, BXE-1297, crude oil

Koch Exploration Co. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Koch to sell at market level prices 62.86 percent of the crude oil produced from the Sink Draw #1 lease.

McCall Marketing Company, Portland, Oregon, BEE-1280, gasohol

McCall Marketing Company filed an Application for Exception seeking an increase in its base period allocation of motor gasoline for the purpose of blending and marketing gasohol. In considering the firm's request, the DOE determined that McCall had satisfied the criteria for exception relief established in *American Agri-Fuels Corp.*, 4 DOE ¶ 81.139 (1979). The DOE also considered and rejected objections filed by Union Oil Company of California and Atlantic Richfield Company, and found that the conditions attached to the exception relief would adequately assure that the additional gasoline would only be used for the production of gasohol. Accordingly, McCall's Application for Exception was granted.

Naph-Sol Refining Co., Inc., Tulsa, Oklahoma, DEE-7924, gasohol

Naph-Sol Refining Co., Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of unleaded gasoline in order to blend and sell gasohol. In considering the request, the DOE found that exception relief was appropriate in order to further the national policy objective of developing alternative energy sources. Accordingly, exception relief was granted.

Navajo Refining Company, Artesia, New Mexico, BXE-1356, crude oil

Navajo Refining Company filed an Application for Exception from the provisions

of 10 CFR 211.67 in which the firm sought an extension of exception relief under the *Delta/Beacon* standards. In considering the request, the DOE determined that the effects of decontrol of domestic crude oil should be taken into account in the DOE's calculation of the firm's purchase obligations under the Entitlements Program. The DOE further determined that certain owner/officer salary expenses could properly be included in projections of the firm's profitability. Based on these determinations the DOE found that Navajo is entitled to a reduction of \$2,300,797 per month in its entitlement purchase obligations during the period from October 1980 through March 1981. Accordingly, exception relief was granted.

Southland Oil Company/VGS Corporation, Jackson, Mississippi, BXE-0003, crude oil

Southland Oil Company/VGS Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought exception relief from its entitlement purchase obligations. In considering the request, the DOE found that exception relief was necessary to alleviate the adverse impact of the Entitlements Program on Southland's profit margin and return on invested capital. Accordingly, exception relief was granted.

Triangel J Oil Company, Washington County, Colorado, DEE-3141, crude oil

Triangel J Oil Co. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D in which the firm sought to retroactively adjust the base production control level for the State Lease, a crude oil producing property. In considering the request, the DOE found that the firm had failed to show that it experienced any unique or disproportionate adverse impact as a result of the operation of the DOE regulations. The DOE further found that the firm had failed to show that any anomalous or unusual event caused a decline in crude oil production during any portion of the 1972 base period. Accordingly, exception relief was denied.

Warrior Asphalt Co. of Alabama, Inc., Tuscaloosa, Alabama, BXE-0004, crude oil

Warrior Asphalt Co. of Alabama, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought exception relief from its entitlement purchase obligations. In considering the request, the DOE found that exception relief was necessary to alleviate the adverse impact of the Entitlements Program on Warrior's profit margin and return on invested capital. Accordingly, exception relief was granted.

White Flame Fuels, Inc., Van Buren, Arkansas, DEE-7895

Amoco Oil Company, Chicago, Illinois, BED-0043

Chevron U.S.A., Inc., San Francisco, CA, BEH-0043

Exxon Company, U.S.A., Houston, Texas, BED-0045

Mobil Oil Corporation, New York, New York, BMR-0029

*Sun Oil Company of Pennsylvania,
Philadelphia, PA, BED-0060*
*Texaco, Inc., White Plains, New York, BEJ-
0060, gasohol*

White Flame Fuels, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm requested the DOE to assign the firm a base period supplier and allocation of unleaded gasoline in order to permit the firm to denature and to render anhydrous alcohol produced from the firm's alcohol plant. In considering the request, the DOE found that since the resultant denatured and anhydrous alcohol would be used to produce gasohol, exception relief was appropriate to further the national policy objective of developing alternative energy sources. Accordingly, exception relief was granted. In connection with the firm's Application for Exception, the DOE considered and rejected several discovery motions and a Motion for Modification or Rescission of interim relief that had been granted to the firm.

Request for Temporary Exception

*Placid Oil Company, Natchitoches Parish,
Louisiana, BEL-1584, crude oil*

Placid Oil Company filed an Application for Temporary Exception from the provisions of 10 CFR Part 212, Subpart D in which the firm sought to sell crude oil without reference to a cumulative crude oil production deficiency. In considering the request, the DOE found that the firm had failed to show that it met the criteria set forth at 10 CFR 205.125(b) for the granting of a temporary exception. Accordingly, temporary exception relief was denied.

Request for Stay

*Missouri Terminal Oil Company,
Washington, D.C., BET-0014; BES-0130,
crude oil*

Missouri Terminal Oil Company filed Applications for Temporary Stay and Stay in which it sought a stay of its obligation to respond to a September 24, 1980 Notice of Probable Violation issued to it by the Economic Regulatory Administration Central Enforcement District. The stay was requested until all criminal investigations involving the firm were concluded. In its submissions, the firm contended that it would suffer irreparable injury because its due process right would be violated by the DOE's pursuit of concurrent civil and criminal proceedings. The DOE noted that it had discretion to consider new issues that were not raised in the course of the prior enforcement proceeding where good cause exists for the firm's failure to raise the issue earlier or where the public interest requires that the issue be considered. Consequently, the DOE concluded that no irreparable injury existed and the Applications for Temporary Stay and Stay were therefore denied.

Motions for Discovery

*Atlantic Richfield Company, Los Angeles,
California, BRD, BRH-1247, crude oil.*

The Atlantic Richfield Company filed Motions for Discovery and Evidentiary Hearing in connection with a Proposed Remedial Order (PRO) proceeding before the Office of Hearings and Appeals. In its Motion

for Discovery, Atlantic Richfield requested broad discovery of the administrative records of allegedly invalid rulemakings and rulings as well as evidence of contemporaneous constructions of many of the regulations involved in the enforcement proceeding. In addition, Atlantic Richfield requested extensive discovery concerning the circumstances under which the PRO involved was issued to the firm.

In an Interlocutory Order, the Office of Hearings and Appeals considered the respective Motions for Discovery and Evidentiary Hearing. The OHA affirmed its earlier decision in *Atlantic Richfield Co.*, 5 DOE ¶ 82,521 (1980) concerning the legal standards applicable to requests for administrative record and contemporaneous construction discovery. The Office of Hearings and Appeals held that:

(a) Absent a strong showing that the formulation and discovery of a more expansive administrative record is clearly relevant to a petitioner's position, the record of an informal rulemaking proceeding for purposes of OHA review should be limited to the conventional administrative record that meets traditional requirements and consists of the following publicly available materials:

(1) Notice of proposed rulemaking; (2) comments on proposed regulations and hearing transcripts; (3) the agency's statement of basis and purpose. *Id.* at 85,061.

(b) The *Atlantic Richfield* standards concerning approval of contemporaneous construction discovery request, *viz.*, a showing that the regulatory language at issue is susceptible to more than one reasonable interpretation and is not given a more definite meaning through official, publicly available agency or congressional documents, were not satisfied by the following:

(1) A showing that litigants disagree with respect to the meaning of a regulatory term;

(2) A mere allegation that the agency had taken "inconsistent positions" regarding the subject matter of an interpretive ruling;

(3) A contention that procedural regulations are facially invalid.

With regard to Atlantic Richfield's request for discovery that would enable it to probe the processes that led to the issuance of the PRO, the Office of Hearings and Appeals determined that absent a compelling showing of need, such as abuse of prosecutorial discretion, the alleged facts or legal arguments contained in a PRO must stand or fall by themselves and ordinarily no discovery will be permitted that seeks to widen the scope of review of a PRO beyond its findings and conclusions.

See *Getty Oil Co.* 6 DOE ¶ 82,568 at 85,212 (1980); *Amerada Hess Corp.*, 3 DOE 82,561 at 85,225-26 (1979); *William Herbert Hunt Trust Estate*, 3 DOE ¶ 82,525 at 85,080 (1979).

In its Motion for an Evidentiary Hearing, Atlantic Richfield requested that the Office of Hearings and Appeals convene an evidentiary hearing for the purpose of considering the "complex regulations and algebraic formulae" involved in this case and to "explain Atlantic Richfield's defenses relating thereto." In rejecting the firm's request for evidentiary hearings, the OHA relied on its decision in a previous case

involving a substantially similar motion for evidentiary hearing, *Amerada Hess Corp.*, 3 DOE ¶ 82,561 (1979). In particular, the OHA found that the record in the *Atlantic Richfield* proceeding did not reflect the existence of any meaningful factual dispute between the firm and the Office of Special Counsel regarding the nature of the transactions upon which the PRO is based or the amount of money involved. Rather, the principal issues to be resolved concerned whether the OSC correctly interpreted the DOE refiner regulations, the Mandatory Oil Impact Program and the Emergency Petroleum Allocation Act of 1973. The correctness of the Special Counsel's positions on these issues concerns questions of law rather than fact. Accordingly, the OHA concluded that no genuine dispute existed as to relevant and material issues of fact, and that an evidentiary hearing would not be warranted. The OHA noted, however, that the firm's request for a hearing for the purpose of oral argument would be approved.

*Chevron USA/Advanced Sales Corporation,
San Francisco, California, BEJ-0173;
BED-0173, motor gasoline*

Chevron USA filed a Motion for Discovery and Protective Order in which the firm sought to receive the confidential material contained in and Application for Extension filed by Advanced Sales Corporation. In considering the request, the DOE found that the information requested by Chevron is material and clearly relevant to the matters at issue in this proceeding. In fact, the information withheld was material specifically relied upon during the course of analyzing advanced sales' previous extension request. Accordingly, the Motion for Discovery and Protective Order was granted.

*Kern County Refinery, Inc., Bakersfield,
California, BRD-1280*

*Tenneco Oil Company, Houston, Texas,
BRD-0073, crude oil*

Kern County Refinery, Inc. and Tenneco Oil Company filed Motions for Discovery in connection with their Statements of Objections to a Proposed Remedial Order issued to Tenneco by the Southwest Refiner District of the Office of Special Counsel. In considering the Motions, the DOE determined that Kern was entitled to receive the confidential material deleted from the public copy of the Proposed Remedial Order, subject to appropriate protective provisions. However, the DOE concluded that Kern and Tenneco had failed to establish the relevance of the remainder of the requested discovery. Accordingly, Kern's Motion for Discovery was granted in part, and Tenneco's Motion for Discovery was denied.

*Oasis Oil, Inc., Houston, Texas, DRD-0243,
crude oil*

Oasis Oil, Inc., filed a Motion for Discovery in connection with a Statement of Objections to a Proposed Remedial Order issued by the DOE to Hughes and Hughes Oil and Gas. The Motion for Discovery sought information regarding the crude oil activities of Sun Company Inc. In considering the request, the DOE found that the firm's Motion should be granted in part.

Motion for Evidentiary Hearing*Boutin, Norman, Lewiston, Maine, BRH-1136*

On March 24, 1980, Norman Boutin filed a Motion for Evidentiary Hearing in connection with his Statement of Objections to a Proposed Remedial Order issued to him by the DOE Northeast Enforcement District on January 30, 1980. In his Motion, Mr. Boutin requested permission to present testimonial evidence in support of two contentions made in his Statement of Objections. In considering the request, the DOE determined that neither of these issues involved a relevant and material factual dispute which warranted the convening of an evidentiary hearing. The DOE also concluded that Mr. Boutin did not in this instance possess a Sixth Amendment right to question the DOE auditor responsible for the Proposed Remedial Order. Accordingly, the Motion for Evidentiary Hearing was denied.

Interlocutory Order*Twin-Tech Oil Company, Garza County, Texas, BEZ-0063, natural gasoline*

On January 27, 1981, the Department of Energy issued an Interlocutory Order to Twin-Tech Oil Company directing that certain information be submitted to the Office of Hearings and Appeals so that the exception relief granted the firm in *Twin-Tech Oil Company*, Nos. DEX-0212, DXE-0069, (proposed decision), can be implemented on an interim basis, if appropriate.

Supplemental Order*Plateau, Inc., Farmington, New Mexico, BEX-0154, crude oil*

Plateau, Inc. requested that the Office of Hearings and Appeals issue the firm additional entitlements for the month of October 1980. In considering the submission the DOE determined that a Stay issued to the firm on January 22, 1981, inadvertently neglected to grant relief for the month of October 1980. *Plateau, Inc.* 7 DOE ¶ —, No. BES-0128 (January 22, 1981). Plateau's request was therefore granted, and the firm was issued a total of \$1,891,016 of entitlements for the month of October, 1980.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company Name, Case No., and Location

Fairfield Green Valley, Inc., BEO-0444, Green Valley, AZ
P & M Gulf Service Station, BEO-0547, Parma, OH

Dismissals

The following submissions were dismissed without prejudice to refile at a later date:

Name and Case No.

C. L. Morris, Inc., DEE-2145
CAM II, BEO-0530

Crude Oil Purchasing, Inc., BFA-0548
Hess Gulf Service Station, DEE-7521
LaCoste Refining Corp., DEE-8085
O'Mera, C. Sean, DXE-8228
Parros & English Car Wash, DEE-6013
Phillips Petroleum Co., DEE-2310
Plateau, Inc., BER-0081, BES-0081
Scanlon Oil Company, Inc., BEE-0785
Trends Publishing, Inc., BFA-0515
True Oil Purchasing Co., BFA-0563
Valley Oil Co., Inc., BEL-0042

[FR Doc. 81-10649 Filed 4-7-81; 8:45 am]

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Issuance of Decisions and Orders; Week of March 9 Through March 13, 1981

During the week of March 9 through March 13, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal*Independent Documentary Group, March 10, 1981, BFA-0602*

The Independent Documentary Group filed an Appeal from a denial by the Manager of the DOE Idaho Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that photographs of the bodies of victims of a 1961 accident at a nuclear reactor site were properly withheld pursuant to Exemption 6 since they constituted medical or similar files whose release would constitute a clearly unwarranted invasion of privacy. An important issue considered in the Decision and Order was whether the interest in the protection of privacy to be weighed in applying Exemption 6 extends to the families of deceased individuals who are the subject of the documents requested.

Petition for Special Redress*Cougar Oil Marketers, Inc., March 13, 1981, BEG-0045; BES-0147; BET-0147*

Cougar Oil Marketers, Inc. filed a Petition for Special Redress and Applications for Stay and Temporary Stay in which it requested that the Office of Hearings and Appeals grant a stay and conduct a review of a subpoena *duces tecum* issued to the firm by the Audit Director, Houston Crude Reseller Division of the DOE Southwest District Office of Enforcement. In considering the firm's Petition, the Office of Hearings and Appeals noted that the DOE procedural regulations specifically provide at 10 C.F.R. § 205.8(b)(6) that there is no administrative appeal of a subpoena. The DOE found that it would not be appropriate for the Office of Hearings and Appeals to review the Cougar subpoena in the absence of a compelling showing by the applicant that extraordinary circumstances exist. The DOE found that Cougar's contentions that extraordinary circumstances

required OHA review were without merit. Accordingly, the firm's Petition for Special Redress was dismissed and its Applications for Stay and Temporary Stay were denied.

Requests for Modification and/or Rescission*Navajo Refining Company, March 9, 1981, BER-0103*

Navajo Refining Company filed a Request for Modification of a Decision and Order which was issued to the firm on January 27, 1981. The firm requested that the entitlements exception relief granted in the January 27 Order be apportioned over the period in which the firm expected to incur entitlement obligations, rather than over a 12-month period. In considering the Request, the DOE found that a modification of the prior Order was necessary in order to provide a more equitable allocation of the relief granted to Navajo. Accordingly, the DOE recalculated the appropriate monthly amount of relief on a six-month basis. The DOE granted Navajo the amount of exception relief necessary to permit the firm to achieve its historical return on invested capital during the six-month period which was under consideration in the January 27 Order.

Office of Enforcement (Universal Utilities, Inc.), March 13, 1981, BRR-0083

The Office of Enforcement filed a request for reconsideration of a decision issued by the Office of Hearings and Appeals on July 24, 1980. The decision denied a stay sought by Universal Utilities, Inc. and referred its request to modify a Consent Order to Region II of the Economic Regulatory Administration, the office which had issued the Consent Order. The Office of Hearings and Appeals granted the request for reconsideration and ordered that the request for modification be forwarded to the Office of Hearings and Appeals for further consideration.

Requests for Exception*Allied Oil Company, Gulf Oil Corporation, March 11, 1981, DXE-5784, BED-0070*

Allied Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to prevent the firm from experiencing a gross inequity. Accordingly, exception relief was granted. Gulf Oil Corporation filed a Motion for Evidentiary Proceeding in connection with the exception proceeding in which Gulf sought information that would clarify the relationship between Allied and one of its purchasers. In considering the Motion, the DOE found that granting the Motion would not contribute to the resolution of any disputed factual issues in the exception proceeding. Accordingly, the DOE denied the Motion for Evidentiary Proceeding.

Ireland Transfer & Storage, March 12, 1981, BEE-1552

Ireland Transfer & Storage filed an Application for Exception in which the firm sought to be relieved of the requirements of filing forms EIA-9A and EIA-9B. In

considering the request, the DOE found that since the data the firm provides could be of substantial benefit to the nation, full relief from the reporting requirements was not warranted. However, the DOE found that in view of the bookkeeping methods employed by the firm, full compliance with the requirements could impose an inordinate burden on the firm. Accordingly, the DOE approved exception relief that modified the EIA-8A reporting requirement.

Mocar Oil Company, March 12, 1981, BEE-0698

Mocar Oil Company filed an Application for Exception from the provisions of 10 CFR 211.102, in which the firm sought an increased allocation of unleaded gasoline with which to produce increased amounts of gasohol. In considering the request, the DOE found that the recent Executive Order, No. 12287, which exempted motor gasoline from the provisions of the DOE Mandatory Petroleum Allocation Regulations rendered the Application for Exception moot. Accordingly, the DOE dismissed Mocar's Application for Exception.

Oil-Tex Petroleum, Inc., Refinery Associates, Inc., March 10, 1981, BEE-1559, BEE-1560

Oil-Tex Petroleum, Inc. and Refinery Associates, Inc. filed Applications for Exception from the provisions of 10 CFR 212.185(d) in which they requested extensions of time until December 31, 1980 to complete possible refunds to crude oil purchasers. In their Applications, Oil-Tex and Refinery Associates stated that they were in the process of compiling the necessary data to calculate their refund obligations, but were unable to complete compilation of the data prior to the November 30, 1980 refund deadline. In considering the Applications, the DOE found that the firms had made diligent efforts to comply with the requirements of Section 212.185(d) but would nonetheless be unable to complete the refund process prior to November 30, 1980 and that the firms had demonstrated the need for a brief extension of time. Accordingly, exception relief was granted which provided the firms an extension of time to December 31, 1980 in which to complete the refund process.

Southwestern Refining Company, Inc., March 10, 1981, BEE-0136

Southwestern Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67, in which the firm requested relief from certain purchase obligations under the DOE Crude Oil Entitlements Program. In a Proposed Decision and Order, the DOE determined that Southwestern should be granted exception relief reducing its entitlements purchase obligations by \$30,382 per month during the period March 1980 through June 1980.

In considering objections to that Proposed Decision and Order, the DOE rejected Southwestern's request for additional retroactive relief and Johnson Oil Company's objection to the method the DOE used in calculating the amount of exception relief. Accordingly, the DOE made final the relief tentatively granted in the Proposed Decision and Order and imposed certain conditions on that relief.

Request for Temporary Exception

Enpex Corporation, March 10, 1981, BEL-0078

Enpex Corporation filed an Application for Temporary Exception from the provisions of 10 CFR part 212, in which the firm sought to recover through the provisions of the tertiary incentive program 100% of the pre-paid expenses which the firm will incur in connection with an enhanced recovery project operated by Enpex. In considering the request, the DOE found that the firm had not demonstrated that it would incur an irreparable injury in the event that relief were denied or that any injury the firm might incur was the result of the DOE regulatory programs. Accordingly, temporary exception relief was denied.

Request for Stay

Chevron U.S.A., Inc., Mobil Oil Corporation, Standard Oil Company (Indiana), 3/10/81, BES-0143, BES-0145, BER-0106

Chevron and Mobil filed Applications for Stay of an Interim Decision and Order issued to the 341 Tract Unit of the Citronelle Field (Citronelle Unit). The Interim Order provided the Citronelle Unit with immediate exception relief that provides the ownership interest with an economic incentive to undertake a tertiary incentive project on the Citronelle Field. In addition, Standard Oil Company (Indiana) filed a petition for the DOE to reconsider its previous denial of an Application for Stay which that firm filed in this proceeding. In considering the Applications, the DOE determined that the firms had not made the requisite showing that a stay of the Interim Order was warranted. Accordingly, the petitions filed by Chevron, Mobil, and Standard Oil Company (Indiana) were denied.

Interlocutory Order

Office of Special Counsel, Gulf Oil Corporation, 3/11/81, BRZ-0082, BRZ-0083, BRZ-0084

The DOE Office of Special Counsel (OSC) filed a motion to compel Gulf Oil Corporation, the State of Louisiana, and Southland Royalty Company to file Statements of Factual Objections to a Proposed Remedial Order which was issued to Gulf on May 1, 1979 (Case No. DRO-0194). Gulf filed a motion to dismiss the PRO and an application to stay the "injection well issue" raised in the enforcement proceeding, pending the resolution of that issue in litigation which is currently pending before the United States District Court for the District of Kansas.

The DOE first considered Gulf's motion to dismiss the PRO. The DOE determined that the PRO established a *prima facie* case that Gulf had violated the provisions of the DOE price regulations and therefore dismissed Gulf's motion. Next, the DOE considered the OSC motion. The DOE determined that the objecting parties possessed sufficient information to file comprehensive Statements of Factual Objections. Accordingly, the OSC motion was granted. Finally, the DOE denied Gulf's application to stay the "injection well issue," concluding that such a stay would unduly delay the enforcement proceeding.

Supplemental Order

Total Petroleum, Inc., 3/10/81, BEX-0171, BEE-1417

The Department of Energy issued a Supplemental Order to Total Petroleum, Inc. Pursuant to the firm's request, the DOE dismissed the Application for Exception filed by Total on September 26, 1980. The DOE also rescinded *ab initio* a stay granted the firm on October 1, 1980 pending the outcome of the firm's Application for Exception.

Interim Order

The following firm was granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name and Case No.

Edgington Oil Company, BEN-1555

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Company Name and Case No.

Cities Service Company, Indiana Farm Bureau Cooperative Association, Inc., BEJ-0192

Office of Special Counsel for Compliance, BRJ-0194

Tenneco Oil Company, Kern County Refinery, Inc., BRJ-0195

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocations of motor gasoline. The DOE issued Decisions and Orders which determined that the requested be dismissed:

Company Name and Case No.

Green Valley Auto service, DEE-3007

Learn Brothers, BEO-0074

Washington Street Food Store, BEE-1397

Dismissals

The following submissions were dismissed without prejudice to refile at a later date:

Company Name and Case No.

Atlantic Richfield Company, BEE-1311

Cities Service Company, BEE-0637

Crown Central Petroleum Corporation, BRX-0125

Exxon Company, U.S.A., DES-0452, DST-0452

Farmland Industries, Inc., BEL-0014, BEE-0014

Giant Industries, Inc., BEE-0946, BES-0946

Lagloria Oil & Gas Company, BEA-0072

Max B. Dixon, et al., BSG-0033

Mobil Oil Corporation, BEA-0345

Office of General Counsel/Belvia Stokely/Delbert Frye, BRR-0090, BRR-0091

Quad Refining Corporation, DEA-0461

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 1, 1981.

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Issuance of Proposed Decisions and Orders; Week of March 16 through March 20, 1981

During the week of March 16 through March 20, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of

1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 1, 1981.

Arizona Fuels Corporation; Washington, D.C., DEE-6984, BEE-0526, crude oil

Arizona Fuels Corporation filed two Applications for Exception from the provisions of 10 CFR 211.67. The exception requests, if granted, would relieve Arizona Fuels of its entitlement purchase obligations during the period July 1979 through June 1980. On March 16, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that both exception requests should be denied.

Calumet Industries, Inc., Washington, D.C., BEE-1187, crude oil

Calumet Industries, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would increase the number of entitlements issued to the firm in each month in order to bring Calumet's average post-entitlements crude oil acquisition costs into substantial parity with the costs incurred by other refiners. On March 16, 1981, the Department of Energy issued a Proposed Decision and Order in which it tentatively determined that the exception request should be denied.

Commonwealth Oil Refining Co., Inc., San Antonio, Texas, BXE-1575; naphtha

Commonwealth Oil Refining Company, Inc. (Corco) filed an Application for Extension of Exception Relief from the provisions of the naphtha Entitlements Program 10 CFR 211.67(d)(5). The exception request, if granted, would result in the extension beyond December 31, 1980, of the exception relief previously granted to Corco in *Commonwealth Oil Refining Co.*, 5 DOE ¶ 82,561 (1980) and would permit Corco to receive naphtha entitlements based upon its own weighted average cost of naphtha, rather than the weighted average cost of all naphtha imported into Puerto Rico. On March 18, 1981, the DOE issued a Proposed Decision and Order in which it tentatively determined that Corco's exception request should be denied.

[FR Doc. 81-10647 Filed 4-7-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-REP-10-WA-1]

Washington, Radiological Emergency Plan

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: This is a notice that the State of Washington has submitted their radiological emergency plan to the

Federal Emergency Management Agency (FEMA) for its review and approval. The Plan includes local governments near to the Portland General Electric Company Trojan Nuclear Power Plant in Columbia County, Oregon.

DATE: March 27, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Wm. H. Mayer, Acting Regional Director, FEMA Region X, 130--228th Street, SW., Bothell, Washington 98011 (206) 481-8800.

NOTICE. This provides notice pursuant to 44 CFR 350.8 of the proposed FEMA Regulations, "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, that the State Radiological Emergency Plan was received on March 27, 1981, by the Federal Emergency Management Agency Region X office.

The Plan includes plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zone. For the Trojan Plant, plans are included for for Cowlitz County.

Copies of the plan are available for review and copying at the FEMA Region X Office. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests. This schedule, which covers exemptions from the fee, is set out in Subpart C of 44 CFR Part 5. Reproduction fees are \$.10 a page for this document. (as the cost will be over \$25.00, the fee is to be paid in advance.)

Comments on the Plan may be submitted in writing to Mr. Wm. H. Mayer, Acting Regional Director, at the above address, within 30 days. FEMA Regulation 44 CFR 350.10 calls for a public meeting in advance of FEMA approval. This meeting was held on March 6, 1981 in Longview, Washington.

Wm. H. Mayer,
Acting Regional Director, FEMA Region X.
March 30, 1981.

[FR Doc. 81-10510 Filed 4-7-81; 8:45 am]

BILLING CODE 6718-01-M

United States Fire Administration, Board of Visitors for the National Fire Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Date of meeting: April 27-28, 1981.

Place: National Fire Academy, 16825 South Section Avenue, Emmitsburg, Maryland 21727.

Time: 9:30 a.m. to 5:00 p.m.

Proposed Agenda

April 27: Superintendent's Report/Overview of Academy Operations, Budget FY-1981, Budget FY-1982, Administrator's Report/U.S. Fire Administration, Board of Visitors Annual Report, and such other items that may be of interest to the Board.

April 28: Uncompleted Agenda and Administrative Items.

The meeting will be open to the public with approximately ten seats available on a first-come first-serve basis. Members of the general public who plan to attend the meeting should contact Mr. Clem R. Lakin, National Fire Academy, 16825 South Seton Avenue, Emmitsburg, Maryland 21727 (phone: 301/477-6771) on or before April 20, 1981.

Minutes of the meeting will be prepared by the Board and will be available for public viewing in the Superintendent's Office, National Fire Academy, Emmitsburg, Maryland. Copies of the minutes will be available upon request May 8, 1981.

Joseph A. Moreland,
Acting Administrator, United States Fire Administration.

March 30, 1981.

[FR Doc. 81-10511 Filed 4-7-81; 8:45 am]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM**Acadiana Bancshares, Inc.; Formation of Bank Holding Company**

Acadiana Bancshares, Inc., Lafayette, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of American Bank & Trust Company, Lafayette, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 31, 1981.

James McAfee,
Assistant Secretary of the Board.

[FR Doc. 81-10581 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

Army National Bancshares, Inc., Formation of Bank Holding Company

Army National Bancshares, Inc., Fort Leavenworth, Kansas, 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 83 per cent or more of the voting shares of Army National Bank, Fort Leavenworth, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 30, 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 31, 1981.

James McAfee,
Assistant Secretary of the Board.

[FR Doc. 81-10582 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

Boone Bancorp, Inc.; Formation of Bank Holding Company

Boone Bancorp, Inc., Belvidere, Illinois, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Boone State Bank, Belvidere, Illinois. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 1, 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, April 1, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-10583 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

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 27, 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

CITICORP, New York, New York (consumer finance and insurance

activities; Nevada); to expand the service area of an existing office of its indirect subsidiary, Citicorp Person-to-Person Mortgage Corporation, engaged in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning) and working capital purposes; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Mortgage Corporation, to the extent permissible under applicable state insurance laws and regulations; the making of loans to individuals and businesses to finance the purchase of mobile homes, modular units or related manufactured housing, together with the real property to which such housing is or will be permanently affixed, such property being used as security for the loans; and the servicing, for any person, of loans and other extensions of credit. The proposed expanded service area of the office would be comprised of the entire state of Nevada for all of the aforementioned activities; except that this application would not expand the service area for the sale of credit related property and casualty insurance. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Mortgage Corporation.

B. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. **ALABAMA BANCORPORATION**, Birmingham, Alabama (financing, servicing, leasing and insurance activities; Tennessee): to engage through its subsidiary, Alabanc Financial Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts) such as would be made by a commercial finance company, an equipment finance company, a consumer finance company or a mortgage company; in servicing of loans and other extensions of credit for any person in leasing of personal property and equipment, or acting as agent, broker, or advisor in the leasing of such property; and in acting as broker or agent for the sale of credit-related life

and accident and health insurance. These activities would be conducted from offices in Nashville, Tennessee, serving the greater Nashville metropolitan area. Comments on this application must be received not later than April 30, 1981.

2. **First Railroad & Banking Company** of Georgia, Augusta, Georgia (sale at retail of money orders; Southeastern United States): to engage, through its subsidiary, CMC Group, Inc., in the sale at retail of money orders having a face value of not more than \$1,000. This activity would be conducted through CMC's 31 consumer finance offices in North Carolina, South Carolina, Georgia, and Tennessee. Comments on this application must be received not later than April 30, 1981.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

FIDELITY OF OKLAHOMA, INC., Oklahoma City, Oklahoma (extensions of credit): to engage in the making or acquiring for its own account or for the account of others, loans and other extensions of credit including issuing letters of credit and accepting drafts, such as would be made, for example, by a bank, mortgage company, finance company, credit card issuer, or factoring company. These activities would be conducted from an office of applicant in Oklahoma City, Oklahoma, serving Oklahoma, Texas, Kansas, Missouri, Colorado, and Arkansas.

D. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Southwest Bancshares, Inc., Houston, Texas (insurance activities; Texas): to engage through a subsidiary, Continental General Agency, Inc., in acting as insurance agent or broker with respect to any insurance for its banking subsidiaries, including property insurance casualty insurance, employee benefits insurance and/or fidelity insurance for employees, and any insurance that is directly related to extensions of credit made or acquired by Southwest Bancshares, Inc., including insurance on property taken as collateral. These activities will be conducted from an office in Houston, Texas, serving the State of Texas. Comments on this application must be received not later than April 30, 1981.

E. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve system, March 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-10574 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

Coastal Bend Bancshares, Inc.; Formation of Bank Holding Company

Coastal Bend Bancshares, Inc., Robstown, 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 80 per cent or more of the voting shares, less directors' qualifying shares, of State National Bank of Robstown, Robstown, 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 30, 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 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-10584 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

First Canadian Bancorp., Inc.; Formation of Bank Holding Company

First Canadian Bancorp., Canadian, 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 per cent of the voting shares of The First National Bank of Canadian, Canadian, 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 May 1, 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, April 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-10585 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

First Clarion Bancorp.; Formation of Bank Holding Company

First Clarion Bancorporation, Clarion, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The First National Bank of Clarion, Clarion, Iowa. The factors that are considered in action on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 1, 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, April 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-10586 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

First of Huron Corp.; Formation of Bank Holding Company

First of Huron Corp., Bad Axe, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent, less directors' qualifying shares, of the voting shares of First National Bank of Bad Axe, Bad Axe, Michigan. The factors that are considered in acting on the

application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 1, 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, April 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-10587 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

First South Bankcorp; Acquisition of Bank

First South Bankcorp, Columbus, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Farmers and Merchants Bank, Pine Mountain, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 30, 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 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-10588 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

Hugo Bancorporation, Inc.; Formation of Bank Holding Company

Hugo Bancorporation, Inc., Hugo, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding

company by acquiring 80 percent or more of the voting shares of First State Bank of Hugo, Hugo, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 1, 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, April 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-10579 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

Leitchfield Deposit Bancshares, Inc.; Formation of Bank Holding Company

Leitchfield Deposit Bancshares, Inc., Leitchfield, Kentucky, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Leitchfield Deposit Bank & Trust Company, Leitchfield, Kentucky. 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)).

Leitchfield Deposit Bancshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of B.S. Alexander Insurance Agency, Inc., Leitchfield, Kentucky.

Applicant states that the proposed subsidiary would engage in general insurance agency activities and in the sale of insurance directly related to extensions of credit by Leitchfield Bank and Trust Company. These activities would be performed from offices of Applicant's Subsidiary in Leitchfield, Kentucky, and the geographic area to be served is Leitchfield, Kentucky. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual

proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 29, 1981.

Board of Governors of the Federal Reserve System, March 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-10575 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

NCNB Corp.; Proposed Acquisition of Atlantic Discount Company, Inc.

NCNB Corporation, Charlotte, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(c)), for permission to indirectly acquire all of the voting shares of Atlantic Discount Company, Inc., Jacksonville, Florida through wholly-owned subsidiaries, TranSouth Financial Corporation and TranSouth Mortgage Corporation, both South Carolina Corporations.

Applicant states that the proposed subsidiary would engage in the activities of making direct loans to consumers, purchasing retail installment notes and contracts and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to extensions of credit by Atlantic Discount Company. These activities would be performed from offices of Applicant's subsidiary in offices located in, and serving, the following geographic areas in Florida:

Jacksonville, Winter Park, Orlando, Dade City, New Port Richey, Leesburg, Melbourne, Naples, Gainesville, Panama City, Oakland Park, Orange Park, Palatka, Tallahassee, Brandon, St. Petersburg, Tampa, Winter Haven, Lakeland, Bartow, Pensacola, Port Charlotte, Sarasota, West Palm Beach, Brooksville, Deland, and Miami; in Georgia: Columbus, Albany, Savannah and Statesboro; and in Tennessee: Chattanooga, Nashville and Knoxville. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 1, 1981.

Board of Governors of the Federal Reserve System, April 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-10589 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

Niceville Bankshares; Formation of Bank Holding Company

Niceville Bankshares, Niceville, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First National Bank of Niceville, Niceville, Florida. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 30, 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 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-10576 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

North Central Bancorp.; Formation of Bank Holding Company

North Central Bancorporation, Mason City, Iowa, 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 52 percent or more of the voting shares of North Iowa State Bank, Belmond, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 1, 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, April 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-10577 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

Pike Bancorp. Inc.; Formation of Bank Holding Company

Pike Bancorp. Inc., Pittsfield, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank

Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Farmers State Bank, Pittsfield, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 1, 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, April 1, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 10578 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

Tomball Bancshares, Inc.; Formation of Bank Holding Company

Tomball, Bancshares, Inc., Tomball, 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 80 percent or more of the voting shares of First Bank & Trust, Tomball, 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 Texas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 30, 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 31, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 10580 Filed 4-7-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Dow Chemical Co. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Galveston-Houston Co. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Dow. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 26, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Baruch, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-10644 Filed 4-7-81; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Madison Fund Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of General Portland Inc. The

grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Madison Fund. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 27, 1980.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-10645 Filed 4-7-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Educational Assistance Loan Program; "Maximum Interest Rate for Quarter Ending March 31, 1981"

Correction

In *Federal Register* Doc. 81-6390 (46 FR 14188-14189) published in the issue of Thursday, February 26, 1981, the last statement, third column, item 1, page 14188, reads " * * * March 31, 1981, the variable interest rate for the period ending January 26, 1981, would be at an annual rate of 12% percent."

That statement should read " * * * March 31, 1981, the variable interest rate for the quarter ending March 31, 1981, is at an annual rate of 12% percent."

Dated: March 26, 1981.

John H. Kelso,

Acting Administrator.

[FR Doc. 81-10622 Filed 4-7-81; 8:45 am]

BILLING CODE 4110-84-M

National Center for Health Care Technology; Evaluation of Medical Technology

The National Center for Health Care Technology (Center) announces that it is conducting an evaluation of what is known of the safety and clinical effectiveness of noninvasive tests to detect abnormalities of segmental myocardial wall motion for the diagnosis of myocardial ischemia, specifically cardiokymography and photokymography, and the place of such studies in the diagnostic work up for ischemic heart disease.

Based on this evaluation, a recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide the Center with information relevant to this evaluation should do so in writing no later than July 7, 1981. To enable the Center's staff to give appropriate consideration to any literature references or analyses of clinical data, a written summary no longer than 10 pages should be attached to any such material submitted.

Written material should be submitted to: Division of Medical and Scientific Evaluation, National Center for Health Care Technology, Room 17A29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Pierre Renault, M.D., Associate Director for Medical and Scientific Evaluation, at the above address or by telephone (301) 443-4990.

Dated: April 2, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-10612 Filed 4-7-81; 8:45 am]

BILLING CODE 4110-85-M

National Council on Health Care Technology; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Subcommittee on Grants and Contracts of the National Council on Health Care Technology (Council), which was established pursuant to the Health Research, Health Statistics, and Health Care Technology Act of 1978 (Pub. L. 95-623) and which advises the Secretary and the Director of the National Center for Health Care Technology (Center) on the activities of the Center, will convene on Thursday, April 30, 1981 at 9:30 a.m. at the Milbank Memorial Fund, 1 East 75th Street, New York, N.Y. In accordance with the provisions set forth in Section 552b(c)(4) and 552b(c)(6), Title V, U.S. Code and

Section 10(d) of Public Law 92-463, the Subcommittee on Grants and Contracts will be closed from 9:30 a.m. to adjournment for the review, discussion and evaluation of the individual grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications, the disclosure of which would constitute a clearly unwarranted invasion of privacy.

Further information regarding the Council may be obtained by contacting Hilda Stofko, Executive Secretary, National Council on Health Care Technology, Room 17A-29, 5600 Fishers Lane, Rockville, Maryland 20857.

Dated: March 18, 1981.

Wayne C. Richey, Jr.,

Acting Executive Secretary, Office of Health Research, Statistics, and Technology.

[FR Doc. 81-10613 Filed 4-7-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Colorado; Coal Lease Offerings; Green River-Hams Fork Federal Coal Production Region

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Notice is hereby given that certain coal resources in the tracts described below in Routt County, Colorado, will be offered for competitive lease by sealed bid of \$25.00 or more per acre followed by oral auction to the qualified bidder of the highest cash amount per acre in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended, and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101). The sale will be held at 11:00 a.m., April 30, 1981, in Room 708, Colorado State Bank Building, 1600 Broadway, Denver, Colorado. No bids received after 10:00 a.m., April 30, 1981, will be considered.

Coal Offered: Pinnacle Tract, C-29220

The coal resource to be offered is limited to coal recoverable by surface mining methods in the following lands located approximately 15 miles southwest of Steamboat Springs, Colorado:

T. 4 N., R. 86 W., 6th P.M.,

Sec. 7, Lots 5 and 6.

T. 5 N., R. 87 W., 6th P.M.,

Sec. 36, Lots 6, 7, 8, 9, 14, and 15. Containing 273.22 acres.

Coal in the tract is contained in the Upper Coal Group of the Williams Fork Formation of the Upper Cretaceous Mesaverde Group. Total recoverable reserves are estimated to be 729,000 tons in the Fish Creek bed.

Coal in the Fish Creek seam ranges from 4 to 5.5 feet in thickness, averaging 5.0 feet for the northern part and 5.5 feet for the southern part. No significant seam splits or partings have been noted.

The coal is expected to average, as received, approximately 11,000 Btu/lb. with 5 percent ash and .6 percent sulfur. The coal is expected to rank as high volatile C bituminous.

Coal Offered: Hayden Gulch Tract, C-29217

The coal resource to be offered is limited to coal recoverable by surface mining methods in the following lands located approximately 10 miles south of Hayden, Colorado:

T. 5 N., R. 88 W., 6th P.M.,

Sec. 19: Lots 7, 8, 13, 14;

Sec. 30: Lots 7, 8, 13, 14;

Sec. 31: Lot 7.

T. 5 N., R. 89 W., 6th P.M.,

Sec. 10: Lots 8, 9, 14, 15;

Sec. 11: Lots 16 & 17;

Sec. 13: Lots 6, 10 thru 17, inclusive;

Sec. 14: Tract 52, Lots 6, 7, 8, 10, 12, 13, 14,

15, 16, 17, and that portion of Lots 3, 4, 5,

9, and 11 not lying within Tract 52;

Sec. 15: Lots 1 thru 16, inclusive;

Sec. 16: Lots 3, 4, 8, 9, 10;

Sec. 21: N $\frac{1}{2}$ N $\frac{1}{2}$;

Sec. 22: N $\frac{1}{2}$ and SE $\frac{1}{4}$;

Sec. 23: All;

Sec. 24: All;

Sec. 25: All;

Sec. 26: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;

Sec. 27: N $\frac{1}{2}$ NE $\frac{1}{4}$.

Containing 5,297.54 acres.

Coal in the tract is contained in seven strippable coal beds numbered 0, 1, 2, 3, 4, 5, and 6. The minable beds, i.e., those more than 2 $\frac{1}{2}$ feet thick range from 3.2 to 4.5 feet average thickness. Demonstrated strippable coal reserves in the tract are estimated to be 74,870,000 tons. Recoverable reserves are estimated to be 63,640,000 tons.

The average quality of beds 0-6 is expected to be as follows: 9,500 to 10,200 Btu/lb., 5 to 11 percent ash, and 0.4 to 1.1 percent sulfur. These averages would classify the coal as subbituminous B to high volatile C bituminous.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of \$3.00 per acre and a royalty payable to the United States of 12.5 percent of the value of coal produced by strip or auger mining methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions for each tract offered are included in the Detailed Statements of Lease Sale. Copies of the Statements and of the proposed coal leases are available at the Colorado State Office. Case file documents are also available for public inspection.

Since no discounted cash flow analyses were performed on either tract, there are no non-proprietary economic statistics available.

Rodney A. Roberts,

Leader, Craig Team, Branch of Adjudication.

[FR Doc. 81-10614 Filed 4-7-81; 8:45 am]

BILLING CODE 4310-84-M

Wilderness Decision of Public Lands in Stateline Area (where Idaho joins with Oregon, Nevada, and Utah)

The Bureau of Land Management (BLM) has completed the inventory phase of the wilderness review of public lands in the Stateline area (where Idaho joins with Oregon, Nevada, and Utah).

The Stateline area inventory was not completed with the Statewide inventories for each state, due to appeals received in Idaho on all of the Idaho Stateline inventory units that were proposed for intensive inventory. Although the states adjoining Idaho

released their proposed inventory decisions in the Spring of 1980, they have withheld their final decisions pending the analysis of public comments on this joint Statewide report. Public comments received by the Oregon, Nevada, and Utah BLM offices during their 1980 90-day comment period on their proposed decisions were utilized to formulate this coordinated proposed decision now being released.

The release of this report marks the beginning of a 90-day comment period on the proposed decision on the Stateline intensive inventory.

Stateline Intensive Inventory Proposed Decision

Name	Unit	Number	Acres	
			Proposed as WSA	Not proposed as WSA
Juniper Basin ¹	ID-16-59			15,248
Little Owyhee River ²	ID-16-48C		24,677	2,140
Lookout Butte	OR-3-194A			65,640
	ID-16-48a			39,200
Unit total				104,840
Owyhee River Canyon	OR-3-195		195,400	21,280
	ID-16-48b		33,700	
Unit total			229,100	21,280
Oregon Butte	OR-3-159			32,440
	NV-020-811			10,680
	ID-16-70e			3,400
Unit total				46,520
Cottonwood-Salmon Falls	NV-010-179			11,790
	ID-17-26			5,977
Unit total				17,767
Upper Little Owyhee River	NV-010-102			53,280
	ID-16-56a			4,309
Unit total				57,589
Jarbridge Addition ³	ID-17-21			5,881
Upper BrunEAU River ¹	ID-17-19			21,711
South Fork Owyhee River	ID-16-53		42,510	5,550
	NV-010-103A		7,380	3,500
	NV-010-103			8,960
Unit total			49,890	18,010
Little Goose Creek	NV-010-164			7,695
	ID-22-1			2,325
	UT-020-001			1,330
Unit total				11,350

¹ This unit is administered entirely by Idaho BLM.

State prefix letters are: OR—Oregon, ID—Idaho, NV—Nevada, UT—Utah.

All Idaho areas are in the Boise District, except for a portion of Unit ID-17-26, and Unit ID-22-1 in the Burley District. All Oregon areas are in the Vale District. The Utah area is in the Salt Lake District. Nevada areas are in the Elko District, except for Unit NV-020-811, in the Winnemucca District.

State-by-State Summary

	Total units	WSA units	Acres		Total
			WSA	Not WSA	
Oregon	3	1	195,400	119,360	314,760
Idaho	11	3	100,887	105,741	206,628
Nevada	5	1	7,380	95,905	103,285
Utah	1			1,330	1,330
Total	11	5	303,667	322,336	626,003

¹ Since most units are partially in two or three of the states, this figure is not a sum of the above.

The 90-day public comment period begins on April 8, 1981, and will end on July 7, 1981. The following open houses and workshops will be held for the purpose of exchanging information with the public:

- April 15, 1981.—BLM District Office, First Floor Conference Room, 3948 Development Way, Boise, Idaho, 12:00-7:30 p.m. Workshop, open house.
- April 16, 1981.—Owyhee County Agent's Office, Marsing, Idaho, 12:00-7:30 p.m. Workshop, open house.
- April 22, 1981.—American Legion Hall, Bruneau, Idaho, 12:00-7:30 p.m. Workshop, open house.
- April 23, 1981.—The Lion's Den, Jordan Valley, Oregon, 12:00-7:30 p.m. Workshop, open house.
- April 27, 1981.—BLM District Office, Elko, Nevada, 1:00-4:30 p.m. open house.
- April 29, 1981.—BLM District Office, 200 South Oakley Highway, Burley, Idaho, 1:00-8:00 p.m. open house.
- May 6, 1981.—College of South Idaho, Cafeteria Conference Room, Second Floor, Twin Falls, Idaho, 1:00-8:00 p.m. open house.

The April 15, 16, and 22 Workshops-Open Houses will each be followed at 7:30 by a formal meeting on issue identification and wilderness planning criteria for all of the Wilderness Study Areas in the Boise District.

Written comments should be sent to the office(s) having responsibility for a particular unit.

- Idaho State Office, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.
- Boise District Office, 3948 Development Avenue, Boise, Idaho 83705.
- Burley District Office, Route #3, Box 1, Burley, Idaho 83318.
- Oregon State Office, P.O. Box 2965, Portland, Oregon 97208.
- Vale District Office, P.O. Box 700, Vale, Oregon 97918.
- Nevada State Office, P.O. Box 12000, Reno, Nevada 89520.
- Winnemucca District Office, 705 East 4th Street, Winnemucca, Nevada 89445.
- Elko District Office, P.O. Box 831, Elko, Nevada 89801.
- Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.
- Salt Lake District Office, 2370 South 2300 West, Salt Lake City, Utah 84119.

To be utilized in the intensive inventory decision, comments should be unit-specific and should relate to the wilderness characteristics of the unit. General statements on characteristics as well as opinions for or against

wilderness will be retained for use later in the study phase.

For further information, contact any of the offices listed above.

Dated: March 30, 1981.

Robert O. Buffington,

State Director, Idaho.

[FR Doc. 81-10056 Filed 4-7-81; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council; Meeting

March 20, 1981.

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Worland District Advisory Council will be held on Wednesday, May 20, 1981 at 9:00 a.m. at the Bureau of Land Management Office Annex, 1701 Robertson Avenue, Worland, Wyoming 82401.

The agenda for the meeting will be:

1. Identification of issues in the Worland District affecting land use planning in the Washakie and Cody Resource Areas.
2. Next meeting's date and agenda. The meeting is open to the public. Interested persons may make oral statements to the council between 1:30 and 2:00 p.m. provided they have notified the District Manager of their intent on or before Tuesday, May 18, 1981. Written statements from persons who are unable to attend will be read to the Council if they are received at the BLM office in Worland on or before Tuesday, May 18, 1981. Depending on the number of statements to be made a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction, during regular business hours, within 30 days following the meeting.

John A. Kwiatkowski,

District Manager.

[FR Doc. 81-10619 Filed 4-7-81; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take sea otters 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 18).

1. Applicant:

a. Name: Point Defiance Zoo & Aquarium.

b. Address: 5402 North Shirley, Tacoma, Washington 98407.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Sea Otter *Enhydra lutris*, 1 male and 3 females.

4. Type of Activity: Take.

5. Location of Activity: Prince William Sound, Alaska.

6. Period of Activity: April, 1981 through September, 1982.

The purpose of this application is to capture 4 healthy sea otters to be held at a new facility at Point Defiance Zoo & Aquarium for public display.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-7607. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WFO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 North Glebe Road, Arlington, Virginia.

Dated: April 3, 1981.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 81-10629 Filed 4-7-81; 8:45 am]

BILLING CODE 4310-55-M

National Park Service**Upper Delaware Citizens Advisory Council; Meeting**

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: April 24, 1981, 7:00 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764, (919/252-3947).

SUPPLEMENTARY INFORMATION:

The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. § 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include (1) implementation of section 704 of Pub. L. 95-625, and (2) new business.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o Upper Delaware National Scenic and Recreation River, Drawer C, Narrowsburg, N.Y. 12764. Minutes of the meeting will be available for inspection four weeks after the meeting at the temporary headquarters of the Upper Delaware National Scenic and Recreational River at the above address.

Dated: March 30, 1981

James W. Coleman, Jr.,
Regional Director, Mid-Atlantic Region.

[FR Doc. 81-10608 Filed 4-7-81; 8:45 am]

BILLING CODE 4310-70-M

Sleeping Bear Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. I, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the

Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 1:30 p.m. (EST), May 8, 1981, at Sugar Loaf Mountain in Cedar, Michigan.

The Commission was established by the Act of October 21, 1970, 84 Stat. 1075, 16 U.S.C. 460x-3, to meet and consult with the Secretary of the Interior on matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. Samuel F. Eberly (Chairman)
Mr. Charles H. Yeates
Mr. John B. Daugherty
Mr. Walter B. Hart
Mr. George T. Schilling
Mr. William B. Bolton
Mr. Michael Chubb
Ms. Evangeline J. Stanchik
Ms. Sylvia B. Kruger
Mr. Lawrence J. Verdier

The agenda for the meeting will include a report of the progress of council of townships, a status of planning and development needs and an update on the docking facility study of the Lakeshore.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Richard R. Peterson, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan 49635, telephone 616-352-9611.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan.

Dated: March 31, 1981.

J. L. Dunning,
Regional Director, Midwest Region.

[FR Doc. 81-10607 Filed 4-7-81; 8:45 am]

BILLING CODE 4310-70-M

Water and Power Resources Service**Dunham Point Unit, Colorado; Intent To Prepare an Environmental Statement and To Hold a Scoping Meeting**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior intends to prepare an environmental statement on the proposed Dunham Unit, located approximately 15 miles north of the City of Cortez in southwestern Colorado. The single-purpose project would use McPhee Reservoir, now under construction, as

the lower reservoir in a pumped storage operation. Dunham Point, located about 1,100 feet higher and about 1 mile north of the Dry Canyon Arm of McPhee Reservoir, is the proposed site for constructing an upper reservoir. The unit has the estimated potential to generate 1,500 megawatts of peaking power which would require an average daily pumping of about 20,000 acre-feet of water. The environmental statement will cover impacts of the generating unit and transmission corridor to the connecting point of the Western Area Power Administration Power Grid.

Studies of the engineering and economic feasibility and environmental impacts were initiated in February 1981. A multiple-objective planning effort is being developed and will include an environmental subteam, a power marketing and transmission subteam, and other subteams as may be deemed necessary. A public group is also being formed to provide the general public with an opportunity to comment on the unit.

A meeting is scheduled at 7:30 p.m., April 23, 1981, at the Dolores Community Center, 400 Riverside Drive, Dolores, Colorado, to introduce the public to the study. Pursuant to the regulations of the Council on Environmental Quality, this meeting will also serve to determine the project scope and to identify the significant environmental issues that should be studied and addressed in an environmental statement.

If you have not been invited to participate in the study and would like to do so, please contact John D. Brown, Projects Manager, Water and Power Resources Service, P.O. Box 640, Durango, Colorado 81301 (Phone 303/247-0247).

Dated: March 31, 1981.

Clifford I. Barrett,
Assistant Commissioner.

[FR Doc. 81-10445 Filed 4-7-81; 8:45 am]

BILLING CODE 4130-09-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29603]

Columbus & Greenville Railway Co., Relocation Over the Illinois Central Gulf Railroad Co.; Exemption

April 3, 1981.

The Columbus & Greenville Railway Company (C&G) has notified the Commission that it will participate in a joint relocation project with the Illinois Central Gulf Railroad Company (ICG)

which comes within the exemption described at 49 CFR 1111.5(c)(5).

C&G owns a bridge over the Tombigbee River which will be removed so that the United States Army Corps of Engineers can continue construction on the Tennessee-Tombigbee waterway. C&G has reached an agreement with ICG for trackage rights over ICG between Columbus and West Point, MS. C&G will also construct a connecting track between ICG's track south of West Point and its track southwest of West Point.

These arrangements will allow C&G to continue to provide service to all shippers along its line while permitting the Corps of Engineers to continue work on the Tennessee-Tombigbee waterway project. The employees of C&G affected by its abandonment of its bridge over the Tombigbee River shall be afforded protection under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). Those employees who may be affected by the trackage rights shall be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendoceno Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-10571 Filed 4-7-81; 8:45 am]

BILLING CODE 7035-01-M

Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the

requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice or the application of a non-complying applicant shall stand denied.

Dated: April 1, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell. Board member Krock not participating in MC-F-14591.

MC-F-14598, filed March 12, 1981. TRANSYSTEMS INC. (Transystems) (P.O. Box 399, Black Eagle, MT 59414)—purchase—RICE TRUCK LINES (Rice) (P.O. Box 395, Black Eagle, MT 59414) and FIGOL DISTRIBUTORS LIMITED (Figol) (P.O. Box 6298, Postal Station C, Edmonton, Alberta, Canada T5B 4K6). Representative: Richard S. Mandelson, 1600 Lincoln Center Building, 1600 Lincoln Street, Denver, CO 80264.

Transystem seeks authority to purchase all of the interstate operating rights of Rice and Figol. J. Michael Rice, John S. Rice, M. Kathleen Rice, Patrick W. Rice and Rosemary A. Waters, who own all of the issued and outstanding shares of Transystems, seek concurrent authority to acquire control of said rights through the transaction. Transystems is purchasing those rights contained in Rice's certificates in MC 52465 (Subs 20, 32, 39, 48F & 49F), which authorize the transportation, as a common carrier, over irregular routes, of petroleum and petroleum products, in bulk, between points in ID, MT, ND, OR, UT, WA and WY, and used bricks, from points in Cascade County, MT to points in King, Pierce, Snohomish and Kitsap Counties, WA. Transystems is purchasing those rights contained in Figol's certificates in MC 134574 and all subs thereunder, which authorize the transportation, as a common carrier, over irregular routes, of bananas; meats, meat products, and meat by-products 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, in vehicles equipped with mechanical refrigeration; beer, malt liquors, wine, and distilled alcoholic beverages, in containers; frozen fruits, frozen berries, frozen vegetables, frozen pies, and frozen concentrated fruit juices and beverage preparations; frozen prepared foods; plastic articles; foodstuffs, except in bulk; yucca extract, in vehicles equipped with mechanical refrigeration; nickel, in drums; fertilizer and fertilizer ingredients, in bags; insulation; permanent tire filler; tires, recap rubber, and materials used in the manufacture, processing and recapping of tires, except commodities in bulk; and pulp, paper and plastic products; between points in the United States in and west of Wisconsin, Illinois, Missouri, Arkansas and Louisiana (except Alaska and Hawaii). (This does not purport to be a complete description of the rights involved.) Rice, Transystems and Figol are also affiliated with Boychuks' Transport Ltd., a motor common carrier pursuant to

certificates issued in MC 146840 and sub numbers thereunder.

Notes.—(1) Transystems, Rice and Figol are now commonly controlled under Commission approval in MC-F-8692, MC-F-13138, MC-F-14105F, MC-F-14447F and MC-F-14461F. The objective of this application is corporate simplification. (2) Transystems has been granted authority in MC 113271 to operate as a common carrier. Transystems also is authorized to operate as a motor contract carrier in MC-144872.

MC-F-14591F, filed March 10, 1981. JACKSON EXPRESS, INC. (Jackson) (P.O. Box 3310, Jackson, TN 38301)—continuance in control—ASAP EXPRESS, INC. (ASAP) (P.O. Box 3250, Jackson, TN 38301). Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Jackson seeks to continue in control of ASAP, in interstate or foreign commerce, as a motor common carrier. Jerry Ross, sole stockholder of Jackson, seeks authority to acquire control of said rights through the transaction. Jackson is a common carrier, by motor vehicle, in interstate or foreign commerce, pursuant to certificates issued in MC-121683 and sub-numbers thereunder. ASAP is a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, pursuant to certificates issued in MC-150211 (Sub-Nos. 1, 2, 4, and 6), authorizing the transportation of (1) *printed matter and advertising matter*, (a) from the facilities of Hall of Mississippi at or near Corinth, MS, to points in IL, OH, NY, MD, DE, GA, TN, MO, and KS, and (b) *materials and supplies* used in the manufacturing, warehousing and distribution of the foregoing commodities, from points in the U.S. in and east of MN, IA, KS, OK, and TX, to the facilities of Hall of Mississippi at or near Corinth, MS, (2) *general commodities*, usual exceptions, between the facilities used by International Paper and its subsidiaries at points in the U.S. east of ND, SD, NE, and NM, on the one hand, and, on the other, those points in the U.S. east of ND, SD, NE, CO, and NM, restricted to traffic originating at or destined to the named facilities, (3) *sheet steel laminations*, between Chicago, IL, on the one hand, and, on the other, points in TN, AR, MS, and AL, and (4) *general commodities* (usual exceptions), between the facilities of Weber Costello Company, at or near Jackson, TN, on the one hand, and, on the other, points in AL and GA.

Agatha L. Mergenovich,
Secretary.

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[Volume No. 55]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 2, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 11185 (Sub-130)X, filed March 20, 1981. Applicant: JT TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, MO 64129. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in its Sub-Nos. 92, 96, 107, 114, 115, 117, 121, 123, 125, 127, 129, permits to (1) broaden the commodity descriptions (a) in each of the above mentioned permits except Sub-No. 129 from various aircraft parts and equipment to "transportation equipment", and (b) in Sub-No. 129 from expanded polystyrene insulation products to "rubber and plastic products"; (2) remove the restriction limiting service to commodities which because of their delicate nature require the use of special equipment and special handling in Sub-Nos. 96, 114, 115, 117,

and 127, and (3) authorize service between points in the U.S. under continuing contract(s) with named shippers and in all permits listed above.

MC 16502 (Sub-21)X, filed March 25, 1981. Applicant: ROBINSON TRUCK LINE, INC., P.O. Box 737, West Point, MS 39773. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions from its lead and Sub-No. 20F certificates to (1) remove all exceptions from its general commodity authority (except classes A and B explosives) in both Sub-Nos.; (2) in the lead, change phosphorus pentasulfide to "chemicals and related products" and remove the limitation "in containers"; (3) in the lead, authorize service at all intermediate points (a) between Memphis, TN and Starkville, MS; (b) between junction Alt. U.S. Hwy 45 and U.S. Hwy 82, and Macon, MS; and (c) between Macon and DeKalb, MS; (4) replace city-wide authority with county-wide authority in the irregular route portion of the lead, Columbus with Lowndes County, MS, and Port Arthur with Jefferson County, TX; and (5) in the lead, authorize radial service between the above-named counties in MS and TX.

MC 41406 (Sub-171)X, filed March 23, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Ralph D. Artim (same address). Applicant seeks to remove restrictions in its Sub-Nos. 73F, 98F, and 152F certificates to (1) broaden the commodity descriptions from enameled steel silos, loading devices, livestock feeding systems, livestock feed bunkers, forage metering devices, and animal waste storage and spreader tanks to "enameled steel silos, loading devices, livestock feeding systems, livestock feed bunkers, forage metering devices and tanks" in Sub-Nos. 73F and 152F; (2) replace city-wide with county-wide authority from DeKalb to DeKalb County, IL, in Sub-Nos. 73F, 98F, and 152F; Eureka to Woodford County, IL, in Sub-Nos. 73F and 152F; and Elkhorn to Walworth County, WI, in Sub-Nos. 73F and 152F; (3) expand one-way authority to radial authority between (a) DeKalb and Woodford Counties, IL, and Walworth County, WI, and points in 31 States and DC in Sub-No. 73F; (b) DeKalb County, IL, and those points in the U.S. in and east of MN, IA, MO, AR, and LA, in Sub-No. 98F; and (c) DeKalb and Woodford Counties, IL, and Walworth County, and those points in the U.S. in and west of ND, SD, NE, KS, OK, and TX, in Sub-No. 152F.

MC 48957 (Sub-29)X, filed March 31, 1981. Applicant: CROWN MOTOR FREIGHT CO., 832 East 28th St., Paterson, NJ 07513. Representative: S. S. Eisen, 370 Lexington Ave., New York, NY 10017. Applicant seeks to remove restrictions in its lead certificate to change one-way to radial service and authorize service at all intermediate points in connection with its regular-route operations between New York, NY, and Pittsburgh, PA; and between New York, NY, and Erie, PA, and to remove the restriction limiting service at the off-route point of Altoona, PA to delivery only.

MC 59150 (Sub-189)X, filed March 16, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 40, 95, 105, 114, 115, 120, 123F, 137F, 142F, 145F, 157F, 170F, 175F and 179F certificates to (A) broaden the commodity descriptions to (1) "building materials" from (a) building and construction materials, in the lead certificate and Sub-Nos. 142F, (b) iron and steel articles, in Sub-No. 40, (c) construction materials and materials and supplies, in Sub-No. 95 and 179F, (d) composition board, plywood and plywood wall paneling, in Sub-No. 105, (e) pipe, fittings, valves, hydrants, castings, and materials and supplies, in Sub-No. 114, (f) plywood and composition board, in Sub-No. 115 and 137F, (g) lumber, in Sub-Nos. 120, 135F and 175F, (h) railroad cross ties, in Sub-No. 123F, (i) gypsum, gypsum products, and building materials, equipment, materials and supplies, in Sub-No. 145F, (j) lumber, plywood and composition board, in Sub-No. 157F, (k) lumber and lumber products, in Sub-No. 170F, and (l) equipment, in Sub-No. 179F (2) "those commodities which because of their size or weight require the use of special handling or equipment" from (a) articles requiring specialized handling or rigging (tractors, boats, dredging machinery, tanks and safes), in the lead certificate, and (b) commodities which by reason of size or weight require the use of special equipment, in Sub-No. 142F; and (3) "machinery" from agricultural implements and building contractors' machinery and equipment, in the lead certificate; (B) eliminate the plantsite restriction, in Sub-Nos. 105, 114, 115, 137F and 145F; (C) eliminate the restriction prohibiting the transportation of (1) commodities in bulk, (2) commodities which because of size or weight require the use of special equipment, and (3) specified named

commodities, in Sub-No. 95; (D) replace city-wide service with county-wide authority: (1) Chatham County, GA, for Savannah, GA in Sub-No. 40; (2) Jefferson County, AL, for Birmingham, AL, in Sub-No. 114; (3) Charleston and Orangeburg Counties, SC, for Charleston and Orangeburg, SC; (4) Crittenden County, AR, for West Memphis, AR, in Sub-No. 137F; (5) New Hanover County, NC, for Wilmington, NC, in Sub-No. 145F; and (6) DeKalb County, GA, for Tucker, GA, in Sub-No. 179F; and (E) authorize radial authority in lieu of existing one-way service between various combinations of cities and counties in 12 generally southeastern States, in Sub-Nos. 40, 105, 114, 115, 120, 135F, 137F, 157F, 170F, and 175F.

MC 59531 (Sub-118)X, filed March 23, 1981. Applicant: AUTO CONVOY CO., 12200 Park Central Drive, P.O. Box 400300, Dallas, TX 75240. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Applicant seeks to remove restrictions in its lead and Sub-Nos. 88, 94, 102, 103, 105, 108, 109, 110, 113 and 114 certificates to (1) broaden the commodity descriptions from farm tractors to "machinery" and from new and used automobiles, trucks, buses and chassis to "motor vehicles"; (2) remove "the initial or secondary movement, truckaway and driveaway service restrictions; (3) replace city authority with county-wide authority wherever they appear in each certificate as follows: San Antonio with Bexar County, TX, Amarillo with Potter County, TX, Freeport with Brozoria County, TX, and Shreveport with Caddo Parish, LA; (4) remove the "ex-rail" and "ex-water" restrictions; the "traffic originating at Ford Motor Company plants" restrictions; and the "moving in mixed loads" restrictions wherever they appear in each of the certificates; (5) remove the restriction against the transportation of used automobiles, trucks and buses between Sulphur Springs, Houston and San Antonio, TX, and (a) points in that portion of TX on and west of US Hwy 83, and, points in NM and AZ in Sub-No. 108F, (b) points in AR and LA in Sub-No. 109F, and (c) points in that portion of Texas on and west of US Hwy 83, and, points in CO, KS, and MO, in Sub-No. 110F; (6) eliminate the "except trailers" restriction from the commodity description motor vehicles in Sub-No. 114F; and (7) expand its one-way authority to radial authority between specified combinations of points in TX, LA, OK, NM, and AZ, and, AL, AR, CO, KS, KY, LA, MO, MS, NE, NM, OK, TN, and TX.

MC 70557 (Sub-48)X, filed March 24, 1981. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its lead permit No. MC-124489 and Sub-Nos. 1, 7, 9, 10F, and 12F to (1) broaden the commodity description from new and used cathode ray television tubes in its lead and from such commodities as are dealt in by manufacturers, and distributors of electronic equipment, electronic instruments, calculators, radios, and television sets and materials equipment and supplies used in the distribution and manufacture of those commodities to "machinery"; (2) remove except commodities in bulk restrictions from Sub-Nos. 1, 7, 9, 10F, and 12F; and (3) broaden its territorial authority to between points in the U.S. under continuing contract(s) with named shippers.

MC 82841 (Sub-308)X, filed March 23, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 39, 51, 53, 60, 64, 69, 72, 79, 84, 92, 94, 97, 99, 105, 106, 109, 116, 118, 122, 130, 133, 137, 138, 144, 147, 161, 162, 167, 178, 181, 182, 183, 184, 188, 189, 190, 193, 220, 223F, 224F, 228F, 229F, 230F, 233F, 236F, 237F, 240F, 241F, 250F, 253F, 262F, 263F, 264F, 273F, 274F, 275F, 277F, 278F, 280F, 283F and 290F certificates and MC-146087 (Sub-No. 1)F permit (1) to broaden its commodity descriptions: from steel pipe, tubing, grain bins, etc to "metal products" in Sub-Nos. 51, 53, 64, 69, 92, 137, 184, 220, 236F and 275F; from prefabricated metal buildings, materials, equipment and supplies, etc to "fabricated metal products and materials, equipment and supplies" in Sub-Nos. 39 and 240F; from iron and steel and iron and steel articles, etc to "metal and metal products" in Sub-Nos. 60, 118, 130, 233F, 241F, 253F, 262F, 263F, 273F and 277F; from winterized closure panels and roofing to "construction materials" in Sub-Nos. 72 and 138; from concrete reinforcement products to "construction equipment, materials, and supplies" in Sub-No. 99; from precast and prestressed concrete products, etc to "construction materials and supplies" in Sub-Nos. 162, 193, and 224F; from iron and steel articles, bulkheads, etc to "metal products" in Sub-Nos. 79, 84, 105, 106, 122, 144, 147, 161, 167, and 182; from plastic pipe, asbestos cement pipe, etc to

"pipe" in Sub-Nos. 94, 97, 133, and 183; from asbestos pipe, fittings, attachments accessories, plastic pipe, etc to "pipe, fittings, parts, attachments, and accessories" in Sub-Nos. 109, 181, 225F, 237F, 274F and 283F; from ferrous scrap and zinc to "metals" in Sub-Nos. 178 and 264F; from plastic pipe and fittings to "pipe and fittings for pipe" in Sub-Nos. 188, 189, and 190; from plastic pipe, fittings and valves to "pipe, fittings, and valves" in Sub-No. 223F; from plastic pipes, hydrants, valves and materials, and supplies used in the installation of such commodities to "pipe, hydrants, valves, fittings, and couplings and materials and supplies used in the installation of those commodities" in Sub-No. 228F; from buildings, building panels, and supplies, etc to "metal products and materials and supplies used in the installation, erection, and construction of such commodities" in Sub-No. 240F; from bins, tanks, and accessories, etc to "metal products and accessories and parts for metal products" in Sub-No. 240F, and; from grain dryers, drying fans, steel floors, etc to "machinery and metal products" in Sub-No. 240F; (2) to replace authority to serve named points with county-wide authority: Rock County, WI for Evansville, WI in Sub-Nos. 39 and 220; Douglas County, NE for Valley and Millard, NE in Sub-Nos. 53, 105, 116, 229F and 241F; Putnam County, IL for Hennepin, IL in Sub-No. 60; Madison County, NE for Norfolk, NE in Sub-Nos. 64, 84, 144, 167, and 178; Westmoreland County, PA for New Kensington, PA in Sub-Nos. 69 and 92; Trumbull County, OH for Girard, Niles, and Warren, OH in Sub-Nos. 69, 92, 263F, 277F, and 278F; Dodge County, NE for Fremont, NE in Sub-No. 72; Washington County, MN for Newport, MN in Sub-No. 84; Sangamon County, IL for Springfield, IL in Sub-Nos. 94, 183, and 275F; Labette County, KS for Parsons, KS in Sub-No. 99; Portage County, IN for Portage, IN in Sub-No. 106; Portage County, OH for Ravenna, OH in Sub-No. 109; Lake County, IN for East Chicago, IN in Sub-No. 118; Erie County, NY for Lackawanna, NY in Sub-No. 122; Gage County, NE for Beatrice, NE in Sub-No. 122; Hall County, NE for Grand Island, NE in Sub-No. 122; Lake County, IL for Waukegan, IL in Sub-No. 133; Butler County, OH for Middletown, OH in Sub-Nos. 137 and 253F; Caddo Parish, LA for Shreveport, LA in Sub-No. 138; Leon County, TX for Jewett, TX in Sub-No. 161; Cass County, NE for Plattsmouth, NE in Sub-No. 162; Crawford County, AR for Van Buren, AR in Sub-Nos. 181 and 225F; Harrison County, MS for Gulfport, MS in Sub-No. 184; Washington County, MD for

Williamsport, MD in Sub-No. 188; McPerson County, KS for McPerson, KS in Sub-No. 189; McLennan County, TX for Waco, TX in Sub-Nos. 190 and 274F; St. Clair County, AL for Pell City and Ragland, AL in Sub-Nos. 225F and 230F; Upshur County, WV for Buckhannon, WV in Sub-No. 228F; Jefferson County, AL for Birmingham, AL in Sub-Nos. 230F and 240F; Pueblo County, CO for Pueblo, CO in Sub-No. 229F; Lubbock County, TX for Lubbock, TX in Sub-No. 229F; San Bernardino County, CA for Fontana, CA in Sub-No. 229F; Los Angeles County, CA for Long Beach, CA in Sub-No. 229F; Allegheny County, PA for Pittsburgh, PA in Sub-No. 233F; Beaver County, PA for Aliquippa and Josephstown, PA in Sub-Nos. 233F and 264F; Hill County, TX for Hillsboro, TX in Sub-No. 237F; Knox County, IL for Galesburg, IL in Sub-No. 240F; Lebanon County, PA for Annville, PA in Sub-No. 240F; Scotland County, NC for Laurinburg, NC in Sub-No. 240F; Story County, IA for Story City, IA in Sub-No. 240F; Boone County, MO for Columbia, MO in Sub-No. 250F; Boyd County, KY for Ashland, KY in Sub-No. 253F; Giles County, TN for Pulaski, TN in Sub-No. 262F; Whiteside County, IL for Sterling and Rock Falls, IL in Sub-No. 273F; Perry County, IL for Pinckneyville, IL in Sub-No. 278F; Tulare County, CA for Lindsay, CA, Orange County, CA for Santa Ana, CA, and San Joaquin County, CA for Stockton, CA, all in Sub-No. 283F; and Meriwether County, GA for Greenville, GA, and Morgan County, GA for Madison, GA, in Sub-No. 290F; (3) to replace existing one-way authority with radial authority between points in the indicated States and points throughout the United States: Sub-Nos. 39(WI); 51(NE); 53(NE); 60(IL); 64(NE); 69(PA/OH); 79(MD); 84(MN); 92(PA/OH); 94(IL); 97(TX); 99(KS); 105(NE); 106(IN); 109(OH); 116(NE); 118(IN); 122(NY); 130(NJ); 133(IL); 137(OH); 138(LA); 144(NE); 147(NE); 161(TX); 162(NE); 167(NE); 178(NE); 181(AR); 182(NE); 183(IL); 184(MS); 188(MD); 189(KS); 190(TX); 193(NE); 220(WI); 223F(AL); 224F(NE); 225F(AR/AL); 228F(WV); 229F(6 western States); 230F(AL); 233F(PA); 236F(TX); 237(TX); 240F(6 eastern States); 241F(NE); 250F(MO); 253F(KY); 262F(TN); 263F(OH); 264F(PA); 273F(IL); 274F(TX); 275(IL); 277F(OH); 278F(IL); 283F(CA) and; 290F(GA); (4) to remove plant site or facilities restrictions in Sub-Nos. 53, 60, 84, 97, 99, 106, 109, 118, 122, 130, 133, 137, 138, 144, 147, 161, 162, 178, 183, 189, 190, 193, 228F, 229F, 230F, 236F, 237F, 241F, 250F, 253F, 263F, 264F, 273F, 274F, 277F, and 278F; (5) to remove restrictions limiting service to traffic destined to named points, in Sub-No. 39 (Evansville,

WI) and Sub-No. 84 (Norfolk, NE); (6) to remove restrictions limiting service to traffic originating at named points in Sub-No. 51 (Omaha, NE); Sub-No. 69 (New Kensington, PA and Niles, OH); Sub-No. 130 (Florence, NJ); Sub-No. 137 (Middletown, OH); Sub-No. 147 (Madison County, NE); Sub-No. 236F (Houston, TX); Sub-No. 241F (Valley, NE); Sub-No. 253F (Middletown, OH and Ashland, KY); and Sub-No. 263F (Warren, OH); (7) to remove restrictions limiting service to traffic originating at and destined to named points in Sub-No. 60 (IL), Sub-No. 182 (Omaha, NE); Sub-No. 229F (Lubbock, TX), and Sub-No. 230F (AL); (8) to remove restrictions against the transportation of commodities in bulk in Sub-Nos. 116, 162, 193, 237F, and 280F; (9) to remove restrictions against the transportation of iron and steel pipe in Sub-Nos. 109, 183, and 283F; (10) to remove the restrictions against the transportation of Mercer and earth drilling equipment in Sub-Nos. 53, 94, 116, and 144; (11) to remove "size and weight" restrictions in Sub-Nos. 51, 53, 94, and 116; to remove restrictions against the transportation of traffic within NE in Sub-No. 182 and within TX in Sub-No. 97; (12) to remove restrictions against service to AK and HI wherever they appear, and (13) to broaden the territorial scope of its MC-146087 (Sub-No. 1)F permit to between points in the United States under continuing contract(s) with named shippers.

MC 97699 (Sub-51)X, filed March 23, 1981. Applicant: BARBER TRANSPORTATION, CO., P.O.D. 1970 Rapid City, SD 57701 Representative: Leslie R. Kehl 1660 Lincoln St., Suite 1600 Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 5, 8, 13, 14, 16, 17, 19, 20, 22, 26, 27, 29, 30, 32, 33, 34, 35, 36, 41, 43, 44, 45, 47, 48F, and 49F, certificates to (1)(a) delete all exceptions other than classes A and B explosives from its general commodity authorities in all certificates except Sub-No. 35; (b) broaden the commodity description in Sub-No. 35, from clay to "clay, concrete, glass or stone products"; (2) in Sub-No. 4, delete restriction "to delivery only on traffic moving from Sioux City, IA"; (3) in Sub-Nos. 13 and 17, remove the territorial descriptions limiting service to "ballistic missiles testing and launching sites and supply points therefor" and "railheads" in named counties; (4) in Sub-No. 14, delete "serving junction U.S. Hwys 83 and 16 for joinder purposes only"; (5) in Sub-Nos. 19, 33, 35, and 36, remove the directional restrictions on service at Mobridge, SD, Winner, SD, and Denver, CO; (6) in Sub-No., 22, delete the restriction against traffic moving to,

from or through Minneapolis and St. Paul, MN, Sioux City, IA, Chicago, IL, and Omaha, NE, and their commercial zones; (7) in Sub-No. 29, eliminate the "originating at or destined to" restriction; (8) in Sub-No. 33, sheet 2, remove "serving the intermediate points of Rushville, NE, for joinder only"; (9) in Sub-No. 34, delete the named facilities limitation at Underwood, IA; (10) replace irregular route city-wide authority with county-wide authority: in Sub-Nos. 13 and 35, Rapid City with Pennington County, SD; in Sub-No. 35, Upton and Osage with Eston County, WY; (11) authorize service to all intermediate points on specified regular routes in CO, IA, IL, KS, MN, MT, NE, ND, SD, and WY, in Subs 2, 4, 5, 8, 14, 22, 26, 27, 30, 33, 36, 45, 48F, and 49F; and (12) provide two-way authority in lieu of one-way authority between Chicago, IL and Sioux City, IA, in Sub-No. 4.

MC 113855 (Sub-529)X, filed March 24, 1981. Applicant: INTERNATIONAL TRANSPORT, INC. 2450 Marion Road SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Applicant seeks to remove restrictions in its MC-4405 Sub-Nos. 362 and 387 certificates, and E-40, E-41 and E-75 letter notices (acquired in MC-F-14421F) to (1) broaden the commodity descriptions from machinery, equipment, materials, and supplies used in connection with the construction, operation, repair, servicing maintenance, and dismantling of pipelines, etc and machinery, equipment, materials and supplies used in connection with the discovery, development, etc of natural gas and petroleum, etc to "rubber and plastic products; clay, concrete, glass or stone products; metal products; machinery; transportation equipment; and such hazardous materials, as are used in connection with Mercer Commodities," in Sub-Nos. 362 and 387, and E-40, E-41, and E-75; (2) to remove "size and weight" restrictions from Sub-Nos. E-40, E-41, and E-75; (3) remove the restriction against the transportation of any such commodities to be used in, or in connection with, main or truck pipelines, in Sub-No. E-40; (4) remove the restrictions limiting service to traffic moving to or from pipeline rights-of-way in Sub-Nos. 362 and 387; (5) replace city-wide authority with county-wide authority: Shelby County, TN for Memphis, TN and Crittenden County, AR for West Memphis, AR in Sub-No. 362; and (6) to replace one-way authority with radial authority: between Shelby County, TN and Crittenden County, AR, and between Crittenden

County, AR and points in MS in Sub-No. 362.

MC 114015 (Sub-35)X, filed March 20, 1981. Applicant: HUSS, INCORPORATED, Highway 47 West, Chase City, VA 23924. 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. 4, 6, 7, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 22, 24F, 25F, 28F, 29F, 30F, and 31F permits to (A) broaden the commodity descriptions as follows: in Sub-No. 4, from shooks to "lumber and wood products"; in the lead and Sub-Nos. 6, 7, and 9, from shooks and excelsior to "lumber and wood products, pulp, paper and related products, and rubber and plastic products"; in Sub-No. 10 from pallets and pallet material, and in Sub-Nos. 11, 15, 17, 28F, and 30F from shooks, pallets and (wood) pallet material (and damaged or defective shipments) to "lumber and wood products, pulp, paper and related products, rubber and plastic products and metal products"; in Sub-No. 13, from nails, waterproof paper, steel strapping, wire, baling ties and wrapping paper to "metal products and pulp, paper and related products"; in Sub-No. 29F from strapping and strapping machines to "textile mill products, rubber and plastic products, pulp, paper and related products, metal products, and machinery"; in Sub-No. 31F from part (1) iron and steel articles to "metal products"; and in Sub-No. 25F from general commodities, with the usual exceptions, to "general commodities (except classes A and B explosives)"; and (B) to broaden the territorial scope by (a) authorizing service between points in the United States under continuing contract(s) with named shippers, in all of its authorities except Sub-Nos. 4 and 6 which are under continuing contract(s) with unnamed shippers; and (b) removing the restriction limiting the transportation to traffic originating at or destined to the named facilities in Sub-No. 25F.

MC 114896 (Sub-3)X, filed March 19, 1981. Applicant: PUROLATOR ARMORED INC., 255 Old New Brunswick Road, Piscataway, NJ 08854. Representative: Peter A. Greene, 1920 N Street, N.W., Washington, D.C. 20036. Applicant seeks to remove restrictions in a portion of its Sub-No. 13 permit to broaden the territorial description to between points in the United States on shipments of coin, currency, bullion, bank bills, bonds, securities, notes, drafts, other valuable papers, articles of unusual value and such commodities as require transportation in armored vehicles accompanied by armed guards.

MC 119988 (Sub-279)X, filed March 17, 1981. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75901. Representative: Larry Norwood (same as above). Applicant seeks to remove restrictions in its Sub-Nos. 51, 55, 84, 90, 99, 115, 127, 131, 145F, 152F, 154F, 158F, 177F, 199F, 204F, 218F, 243F and 261F, certificates to (A) broaden the commodity description to (1) "such merchandise as is manufactured, dealt in or used by manufacturers or distributors of rubber and plastic articles" from (a) acrylics and materials, equipment and supplies, in Sub-No. 51, (b) polystyrene shapes, and forms and disposable plastic tableware, in Sub-No. 90, (c) plastic articles and materials and supplies, in Sub-Nos. 55, 115, 127, 204F and 218F, (d) rubber and plastic articles, materials, equipment and supplies, in Sub-No. 145F, (e) expanded plastic articles, in Sub-No. 154F part (1), and (f) plastic bags and plastic rollfilm, in Sub-No. 261F; (2) "such merchandise as is manufactured, dealt in or used by manufacturers or distributors of paper and paper products" from (a) paper and paper products, and wood pulp, in Sub-No. 55, (b) paper, paper products and wood pulp and materials and equipment, in Sub-No. 84, and (c) paper and paper articles, in Sub-No. 177F; (3) "petroleum, petroleum products, petroleum polymers and synthetic lubricating oils, automobile parts and accessories, and such commodities as are dealt in by retail fuel stations and automobile service centers" from (a) petroleum products, in containers, and empty containers, in Sub-No. 99, (b) petroleum products in containers and used petroleum product containers, in Sub-No. 199F (c) petroleum products and synthetic lubricating oils, in Sub-No. 243F; (4) "building materials and paper and paper products" from forest products (except paper and paper products), lumber, composition board, plywood, flooring, millwork, molding, doors, wood cabinets, wood cabinet parts, and accessories, in Sub-No. 131; (5) "such merchandise as is dealt in or used by agricultural and horticultural supply stores" from agricultural supplies, horticultural supplies, molded pulp and peat packing materials, in Sub-No. 154F part (2); (6) "such commodities as are used by or dealt in by nursery, agricultural and horticultural supply stores" from such commodities as are dealt in by nursery and horticultural supply stores, in Sub-No. 158F; (B) eliminate the commodities in bulk exception, in Sub-Nos. 51, 55, 84, 127, 145F, 152F, 158F, 177F part (2), 204F, 218F, and 243F; (C) remove the

restriction prohibiting service to (1) AK and HI, in Sub-Nos. 51, 84, 145F, 152F, 154F, 158F, 204F, 243F and 261F, and (2) TX, in Sub-Nos. 145F and 204F part (b); (D) eliminate the "size and weight" exception, in Sub-No. 218F; (E) remove the facilities restriction, in Sub-Nos. 55, 84, 90, 99, 115, 127, 145F, 152F, 154F, 158F, 177F, 199F, 204F, 218F and 243F; (F) eliminate the restriction limiting service to the transportation of traffic originating at or destined to named facilities or other specified points in Sub-Nos. 115, 127, 145F, 152F and 158F; (G) broaden the territorial description to county-wide authority to replace existing city-wide service: Harris County, TX, for Sheldon, TX, in Sub-No. 84; Bell County, TX, for Temple, TX, in Sub-Nos. 90 and 115, 127; Jefferson County, TX, for Beaumont, TX, in Sub-No. 99, Dallas County, TX, for Irving, TX, in Sub-No. 145F; Johnson County, KS, for Lenexa, KS, Morris County, NJ, for Victory Gardens, NJ, and Kanawha County, WV, for Charleston, WV, in Sub-No. 158F; Mobile County, AL, for Mobile, AL, Jackson County, MS, for Moss Point, MS, Moorehouse Parish, LA, for Bastrop, LA, in Sub-No. 177F; Brazos County, TX, for Bryan, TX, in Sub-No. 204F part (b); Muskogee County, OK, for Muskogee, OK, in Sub-No. 218F; Union and Hudson Counties, NJ, for Bayonne and Bayway NJ, Harris County, TX, for Baytown, TX, in Sub-No. 243F; Smith County, TX, for Tyler, TX, in Sub-No. 261F; and (H) replace one-way service with radial authority between various combinations of cities and counties in numerous specified States throughout the U.S., in Sub-Nos. 55, 90, 99, 115, 127, 131, 152F, 154F part (1), 158F, 177F, and 199F.

MC 120636 (Sub-14)X, filed February 18, 1981, previously noticed in the Federal Register of March 3, 1981, republished as corrected this issue. Applicant: BRUNTON STORAGE & VAN CO., INC., P.O. Box 577, Chatsworth, IL 60921. Representative: E. Stephen Heasley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. Applicant seeks removal of restrictions in its Sub-No. 5 certificate to (1) remove all exceptions in its irregular-route general commodities authority "except classes A and B explosives," and (2) substitute Chicago, IL, for the named facility near Des Plaines, IL, and remove the restriction against service to AK and HI, to authorize radial service between Chicago, IL, and points in the U.S. The purpose of this republication is to correct part (2) from county-wide authority and Cook County, IL to Chicago, IL.

MC 121821 (Sub-17)X, filed March 27, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 5F and 9F certificates to (1) broaden the commodity descriptions from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; (2) authorize service to all intermediate points between (a) Nashville and Tiptonville, TN, in Sub-No. 5; and (b) Knoxville and Tiptonville, TN, and Chattanooga and Nashville, TN, in Sub-No. 9F, and (3) eliminate the restrictions "for the purpose of joinder only" in each certificate, and against traffic moving between Nashville and Chattanooga, TN, in Sub-No. 9F.

MC 124170 (Sub-162)X, filed March 27, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, P.C. 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 112F and 115F certificates to (1) broaden the commodity descriptions from foodstuffs, meats, meat products and meat byproducts and distributed by meat-packing houses to "food and related products" in each certificate; (2) remove the "except hides and commodities in bulk" restriction in each certificate; (3) expand one-way authority to radial authority between (a) points in the Lower Peninsula of MI, and points in CT, DE, IL, IN, IA, KS, KY, MD, MA, MI, MN, ME, MO, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI and DC in Sub-No. 112F; and (b) points in the Lower Peninsula of MI, and points in KY, TN, LA, MS, AL, GA, NC, SC, VA, WV, and FL in Sub-No. 115F; and (4) eliminate the restriction to transportation of shipments originating at points in the origin territory in Sub-No. 115F.

MC 124211 (Sub-385)X, filed March 23, 1981. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 DTS, Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 262 (M1F) and 357F certificates to broaden the commodity descriptions as follows: in Sub-No. 262 (M1F), which authorizes the transportation of non-ferrous junk, non-ferrous scrap, non-ferrous metals, non-ferrous articles, and non-ferrous waste materials, by (a) adding "materials, equipment and supplies used in the manufacture, sale and distribution of those commodities" and (b) removing the restriction "(except hides and parts

of hides and except waste materials, in bulk)" and the restriction against the transportation of non-ferrous metal articles and commodities which, because of their size and weight, require the use of special equipment between points in AL, IL, IN, IA, KY, MD, MI, MO, NY, OH, PA, TN, VA, and WV; and in Sub-No. 357F, by removing the except commodities in bulk restriction. Also in Sub-357F applicant seeks to remove the "except AK and HI" and "except in foreign commerce restrictions."

MC 126898 (Sub-15)X, filed March 18, 1981. Applicant: BULLDOG HIWAY EXPRESS, a corporation, P.O. Box 500, Charleston, SC 29402. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 6F, 8F, 9F, 10F, 11F, 12F, and 13F certificates to (1)(a) broaden the commodity descriptions: from siding, roofing and roofing materials (also damaged) and packaged roofing asphalt to "roofing and building materials" in the lead; from general commodities, with the usual exceptions, in marine containers, to "general commodities (except classes A and B explosives)" in Sub-No. 8F; from woodpulp, in rolls or bales, to "pulp, paper and related articles" in Sub-No. 9; from sand (except in bulk), to "ores and minerals" in Sub-No. 11F; from aluminum, aluminum products, and supplies, materials and equipment (except commodities in bulk), to "metal products and supplies, materials, and equipment used in the manufacture of metal products" in Sub-No. 12F; and from concrete building slabs to "clay, concrete, glass or stone products" in Sub-No. 13F; and (b) remove the restrictions "in containers or trailers" in Sub-No. 4, "(except in bulk)" in Sub-No. 6, and "in containers" in Sub-No. 10F; (2) broaden the territorial scope by removing and/or replacing the named facilities with county-wide authority and/or replacing one-way with radial authority as follows: between Charleston, SC, and points in GA, and part of NC, in the lead; between Charleston, SC, and points in FL, and part of NC, in Sub-No. 6F; Wayne and Chatham Counties (Jessup and Savannah), GA, in Sub-No. 9F; Chatham County (Savannah), Ga, in Sub-No. 10F; between points in Bradford County (Starke), and Tampa, FL and part of SC, in Sub-No. 11F; Berkeley County, SC, (facilities in Berkeley County), in Sub-No. 12F; and between points in Glynn County (Brunswick), GA, and points in NC and SC in Sub-No. 13F; and (3) remove the restriction limiting transportation to traffic having a

prior or subsequent movement by water, in Sub-Nos. 4 and 10F.

MC 135100 (Sub-12)X, filed March 16, 1981. Applicant: SIGNAL TRANSPORT, INC., 110 Philadelphia Street, La Porte, IN 46350. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restriction in its lead permit No. MC-2310 to broaden the territorial description to between points in the United States on authority to carry such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses.

MC 135524 (Sub-185)X, filed March 17, 1981. Applicant: G. F. TRUCKING COMPANY, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Road, Youngstown, OH 44509. Applicant seeks to remove restrictions in its lead and Sub-Nos. 6F, 14F, 16F, 38F, 45F, 47F, 50F, 54F, 61F, 62F, 68F, 83F, 84F, 91F, 100F, 110F, 115F, 121F, 126F, 128F, 133F, 135F, 141F, and 151F, to (1) broaden the commodity description in (a) Sub-No. 6F, from aluminum articles, iron and steel, scaffolds, sink frames, plumbing goods, materials and supplies to "metal products, building materials, clay, concrete, glass, or stone products, rubber, and plastic products, furniture and fixtures, and lumber and wood products"; (b) Sub-No. 14F, from dry animal feed to "farm products and food and related products"; (c) Sub-No. 16F, parts (1) and (2) from plastic pipe, fittings, couplings, accessories, to "rubber and plastic products, building materials, metal products, and lumber and wood products"; (d) in Sub-Nos. 38F and 50F, from lumber and wood products to "lumber and wood products, and forest products"; (e) in Sub-Nos. 45F and 54F, from bentonite clay to "Mercer Commodities"; (f) in Sub-No. 47F, from foodstuffs to "food and related products"; (g) Sub-No. 61F, from wire, wire products, fencing, fencing products, steel rods and steel wire carriers to "metal products and lumber and wood products"; (h) Sub-No. 62F, from glassware to "clay, concrete, glass or stone products"; (i) Sub-No. 68F, from lumber, lumber mill products, forest products, wood products and sawmill products to "lumber and wood products and forest products"; (j) Sub-No. 83F, from grain storage and drying equipment, parts, equipment, supplies and materials to "metal products, machinery, rubber and plastic products, and clay, concrete, glass or stone products"; (k) Sub-No. 84F, from iron and steel articles to "metal products"; (l) Sub-No. 91F, part (1), from

acoustical tile, panels, noise control products, accessories, to "lumber and wood products, rubber and plastic products, clay, concrete, glass, or stone products, metal products, and machinery"; (m) Sub-No. 100F, from residential heating and cooling units to "building materials and metal products"; (n) Sub-No. 110F, from paper and paper products to "pulp, paper and related products"; (o) Sub-No. 115F, from composition board to "lumber and wood products"; (p) Sub-No. 121F, part (1) from iron and steel articles, to "metal products"; (q) Sub-No. 126F, part (1) from pipe, pipe fittings, to "metal products, clay, concrete, glass or stone products, and rubber and plastic products"; (r) Sub-No. 128F, from iron and steel articles to "metal products"; (s) Sub-No. 133F, part (1) from utility bodies, tool boxes, dump bodies, parts, accessories, to "rubber and plastic products, metal products, machinery and transportation equipment"; (t) Sub-No. 135F, from brick veneer panels to "building materials, rubber and plastic products, and clay, concrete, glass or stone products"; (u) Sub-No. 141F, from wheels, wheelparts, accessories, material, equipment, supplies to "rubber and plastic products, machinery, metal products and transportation equipment"; (v) Sub-No. 144F, part (1) from brick and clay products, to "clay, concrete, glass or stone products"; (w) Sub-No. 151F, part (1) from plastic and plastic articles to "rubber and plastic products"; (2) remove the restriction "except Alaska and Hawaii" in Sub-Nos. 6F, 61F, 62F, 83F, 84F, 100F, 115F, 126F, 133F, 141F, and 151F; (3) remove "in bulk" restrictions in Sub-Nos. 14F, 16F, and 151F; (4) remove plantsite restrictions in Sub-No. 16F; (5) remove an "originating at, destined to" plantsite restriction at named points in Sub-No. 6F; (6) substitute round trip authority for existing one-way operations and in most instances to substitute specific counties for named plantsites or cities: in Sub-No. 38F, between Summit County, UT, (Kamas, UT) and 21 named states; in Sub-No. 47F, between Clifton, NJ, (plantsite Clifton, NJ) and those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX; in Sub-No. 50F, between Coconino, Gila, Navajo Counties, AZ; Garfield County, UT; Moffat and Eagle Counties, CO; (Fredonia, Payson, Whiteriver, AZ; Panguitch, UT, and Eagle, Craig, CO) and AR, IL, IN, KY, OH, TN, MI; in Sub-No. 54F, between Big Horn County, WY, (plantsite at or near Greybull, WY) and points in and east of MN, IA, MO, AR, and LA; in Sub-No. 62F, Blackhawk County, IA, (Waterloo, IA) and U.S.; in

Sub-No. 68F, between Chicago, IL, AR, LA, MS, AL, and SC, and those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX; in Sub-No. 100F, between Lorain County, OH, (Elyria, OH) and U.S.; in Sub-No. 110F, between Hancock County, KY, (plantsite at Hawesville, KY) and points in and east of MN, IA, MO, AR, LA; in Sub-No. 115F, between Houston, TX and Galveston County, TX, (Galveston, TX) and U.S.; and in Sub-No. 135F between Napa County, CA, (Napa, CA) and U.S.; and (7) expand facilities or cities to county-wide authority: in Sub-No. 6F, between Chicago, IL, and Mercer County, PA, (Greenville, PA) and U.S.; in Sub-No. 14F, between Franklin County, AL, and Lee County, MS, (plantsite at Red Bay, AL, and Tupelo, MS) and 28 named states; in Sub-No. 61F, between Crawford County, AR, (plantsite at Van Buren, AR) and U.S.; in Sub-No. 83F, between Christian County, IL, (Assumption, IL) and U.S.; in Sub-No. 91F, between Washington County, MD, (Hagerstown, MD), and points in and east of MN, IA, MO, AR, LA; in Sub-No. 126F, between Wheeling, WV, and Guersney County, OH, (Cambridge, OH) and U.S.; in Sub-No. 113F, between Bryan County, OK, (Durant, OK), and U.S.; and in Sub-No. 144F, part b, between Hunterdon County, NJ, (Flemington, NJ), and CT, IL, IN, KY, MA, MI, NY, OH, PA, and RI.

MC 135524 (Sub-166)X, filed March 17, 1981. Applicant: G. F. TRUCKING COMPANY, P.O. Box 229, 1028 West Rayen Avenue, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Road, Youngstown, OH 44509. Applicant seeks to remove restrictions in its lead certificate and Sub-Nos. 8F, 17F, 18F, 19F, 20F, 21F, 28F, 36F, 39F, 41F, 42F, 43F, 54F, 71F, 81F, 82F, 89F, 94F, 95F, 99F, 101F, 111F, 117F, 118F, 125F, 130F, 138F, 140F, 147F, and 148F, to (1) broaden the commodity description in Sub-No. 8F, from plastic pipe to "rubber and plastic products"; Sub-No. 17F, from treated poles, cross arms, cross ties, switch ties, lumber and piling to "lumber and wood products, rubber and plastic products, metal products"; Sub-No. 18F, from railroad ties, timbers, poles, pilings and lumber to "lumber and wood products, rubber and plastic products, metal products"; Sub-No. 19F, from roofing materials to "building materials"; Sub-No. 20F, from lumber mill products to "lumber and wood products, and forest products"; Sub-No. 21F, from lumber, lumber products and wood products to "lumber and wood products, and forest products"; Sub-No. 28F, steel pipe to "metal products"; Sub-No. 36F, from lumber and lumber mill

products to "lumber and wood products, and forest products"; in Sub-No. 39F from gypsum and gypsum products to "clay, concrete, glass or stone products, chemicals, and related products, and building materials"; Sub-No. 41F, from brick to "clay, concrete, glass or stone products"; Sub-No. 42F, from pulpboard to "pulp, paper and related products"; Sub-No. 43F, from doors, doorskins and lumber to "lumber and wood products, rubber and plastic products, and metal products"; Sub-Nos. 64F, 99F, from lumber to "lumber and wood products, and forest products"; Sub-No. 71F, from paper and paper products in part(1) to "pulp, paper and related products"; Sub-No. 81F, from aluminum and wood stepladders and extension and straight ladders to "lumber and wood products, rubber and plastic products, and metal products"; Sub-No. 82F, from aircraft ground support equipment to "machinery, rubber and plastic products, metal products, and transportation equipment"; Sub-No. 89F, from chemicals and plastic materials, to "chemical and related products, and rubber and plastic products"; Sub-No. 94F, from lumber, lumber mill products, forest products, wood products, and sawmill products to "lumber and wood products, and forest products"; Sub-No. 95F, from outdoor furniture to "furniture and fixtures"; Sub-No. 101F, from iron and steel articles to "metal products"; Sub-No. 111F, from grain products to "farm products and food and related products"; Sub-No. 117F, from composition board to "lumber and wood products"; Sub-No. 118F, from iron and steel articles in part(1) to "metal products"; Sub-No. 125F, from lumber, particleboard, composition board, and wallboard in part(1) to "forest products, lumber and wood products, pulp, paper and related products, and rubber and plastic products"; Sub-No. 130F, from pipe, fittings, valves, and hydrants to "metal products, rubber and plastic products, clay, concrete, glass, or stone products, and machinery"; Sub-No. 140F, from fencing in part(1) to "lumber and wood products and metal products"; Sub-No. 147F, from metal shelving, tables, checkout counters and display cases in part(1) to "furniture and fixtures"; Sub-No. 148F, from polyethylene pallets and bins in part(1) to "rubber and plastic products and metal products"; (2) remove the restriction "except AK and HI" in Sub-Nos. 8F, 20F, 21F, 94F, 95F, 138F, 140F, 147F, and 148F; (3) remove the "in bags" restriction in Sub-No. 111F; (4) remove the "except in bulk" restriction in Sub-No. 19F; (5) remove plantsite restrictions or city-wide authority and replace with

city or county-wide authority in (a) Sub-No. 39F, Grand Rapids, MI (Grand Rapids Gypsum Company); (b) Sub-No. 138F, Marion County, IL (facility at Centralia, IL); (c) Sub-No. 147F, Kaufman County, TX, (facility at or near Terrell TX); (d) Sub-No. 71F, Des Moines County, IA, Essex County, VT, Kalamazoo County, MI, Lewis, Washington and Clinton Counties, NY, (Burlington, IA, Gilman, VT, Kalamazoo, MI, Lyon Falls, Thomson and Plattsburg, NY), Richmond, VA, Gary, IN, and Cincinnati, OH; (e) Sub-No. 125F, Quachita and Calhoun Counties, AR (East Camden, AR); (f) Sub-No. 140F, Alpena, Delta, and Menominee Counties, MI (Alpena, Gladstone, and Stephenson, MI); and (g) Sub-No. 148F, Pierce and King Counties, WA (Tacoma and Enumclaw, WA); and (4) substitute round trip authority for existing one-way operations, and in most instances substitute specific counties for named plantsites or cities: in Sub-No. 8F, between Houston, TX, (plantsite at Houston) and points in the U.S.; in Sub-No. 17F, between Winston County, MS, and Madison County, TN (facilities at Louisville, MS, and Jackson, TN) to points in U.S. in and east of WI, IA, NE, KS, OK, and TX; in Sub-No. 18F, between Madison and Williamson Counties, IL, Indianapolis, IN, and Monroe, Vigo, and Pike Counties, IN, Pike and Galena Counties, OH, Louisville and Graves County, KY, (plantsite at Madison and Camaria, IL, Indianapolis, Bloomington, Terre Haute and Winslow, IN, Waverly, and Northup, OH, and Louisville and Mayfield, KY) and points in 14 States; in Sub-No. 19F, between Youngstown, OH, and Lake and Licking Counties, OH, (plantsite at Youngstown, Wickliffe, and Heath, OH) and points in 17 States; in Sub-No. 20F, between Vancouver, WA, and points in the U.S. (except CA and OR); in Sub-No. 21F, between Clay County, AR (plantsite near Corning, AR) and points in the U.S.; in Sub-No. 28F, between Baltimore, MD (plantsite at Baltimore, MD) and Cabell County, WV, (Huntington, WV), and points in TX, (2) between Jefferson County, AL, (Birmingham, AL), Darlington County, SC, (Darlington, SC), Morris and Ellis Counties, TX (Lone Star and Midlothian, TX) and Cabell County, WV, (Huntington, WV), and Baltimore, MD, (plantsite at Baltimore, MD); in Sub-No. 36F, between Winnebago County, WI, (Oshkosh, WI) and points in 13 states; in Sub-No. 41F, between points in CT and MD, and points in OH; in Sub-No. 42F, between Escambia County, AL (Brewton, AL) and points in OH and PA; in Sub-No. 43F, between Mobile County,

AL, Lee County, MS, and Milan County, TX (Mobile, AL, Tupelo, MS, and Cameron, TX) and points in the U.S., in and east of MT, WY, UT, and AZ; in Sub-No. 64F, between Washington County, IL (Nashville, IL) and St. Louis, MO, and points in 9 states; in Sub-No. 81F, between Nashville, TN (plantsite at Nashville) and points in 18 States; in Sub-No. 82F, between Benton and Pope Counties, MN and Cass County, ND (Foley and Glenwood, MN and Fargo, ND) and points in 10 states and 21 cities; in Sub-No. 89F, between Will County, IL (Joliet, IL) and Will Springs, IL, and points in OH and PA; in Sub-No. 94F, between points in Calvert, Charles, and St. Mary's Counties, MD and Westmoreland County, WV (Westmoreland, WV) and points in the U.S.; in Sub-No. 95F, between Sumner County, TN (Portland, TN) and points in U.S.; in Sub-No. 99F, between Harrison County, MS (facility near Gulfport, MI) and points in U.S. in and east of AL, IA, LA, MN, and MO; in Sub-No. 101F, (1) between Chicago, IL and Gary, IN (plantsites at Chicago, IL and Gary, IN) and points in MI and OH, (2) and between Stark, Cuyahoga, Lorain, Trumbull and Mahoning Counties, OH (plantsites at Canton, Cleveland, Elyria, Massillon, Niles, Warren, and Youngstown, OH) and points in IL, IN, and MI; in Sub-No. 111F, between Omaha, NE and Ottertail County, MN (Fergus Falls, MN) and points in IL, MI, and OH; in Sub-No. 117F, between Lauderdale County, MS (Meridian, MS) and points in U.S. in and east of ND, SD, NE, KS, OK, and TX; in Sub-No. 118F, between Jefferson County, AR (plantsite near Pine Bluff, AR) and points in the U.S., in and east of ND, SD, NE, KS, OK, and TX; and in Sub-No. 130F, between Upshur County, WV (Buckhannon, WV), and points in U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 142059 (Sub-185)X, filed March 6, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 4, 15, 19F, 22F, 23, 30F, 36F, 48F, 51F, 52F, 58F, 59F, 61F, 62F, 63F, 70F, 87F, 89F, 90F, 101F 117, and 134 certificates to (1) broaden the commodity description to "metal products" from lead and lead alloys in Sub-No. 4; iron, steel, zinc, lead and articles or products thereof and materials, equipment and supplies in Sub-No. 15; iron and/or steel tubing in Sub-Nos. 19F, 36F and 134F; aluminum and aluminum products, and materials and equipment in Sub-Nos. 22F, 30F, 48F, 52F, and 58F; iron and steel articles, and materials, equipment and supplies

in Sub-Nos. 23, 58F, 61F, 89F, 90F and 101F; tools in Sub-No. 51F; steel silos, waste storage tanks, livestock feed bunkers, animal waste spreader tanks in part of Sub-No. 70F; aluminum ingots and zinc alloy ingots in Sub-No. 62F; lead ingots in Sub-No. 117F; storage rack parts in part of Sub-No. 87F, to "building materials" from springs and construction materials in Sub-No. 15, to "machinery" from pollution control equipment housing and parts, in Sub-No. 63F; loading and unloading devices; forage metering devices, livestock feeding systems and manure spreaders and parts and accessories thereto in Sub-No. 70F, and to "furniture and fixtures" from storage racks in Sub-No. 87F, (2) remove the "in-bulk" restriction in Sub-Nos. 15, 22F, 23, 30F, 48F, 61F, 90F, and 101F, (3) remove the "originating at and destined to" restrictions in Sub-Nos. 15, 23, 30F, 52F, 58F and 90F, (4) remove the size or weight restriction in Sub-No. 4; (5) remove the restrictions against service to AK and HI in Sub-Nos. 4, 15, 36F, 48F, 52F, 58F, 63F, 87F, and 134F; (6) delete plant site limitations and replace with city or county-wide authority in Sub-No. 4, Herculaneum, MO with Jefferson County, MO; in Sub-No. 15, facilities at or near Blue Island, IL with Cook County, IL, Joliet, IL with Will County, IL; Cicero, IN with Hamilton County, IN; Elkhart, IN with Elkhart County, IN; Fort Wayne, IN with Allen County, IN; Kokomo, IN with Howard County, IN; Centerville, IA with Appanoose County, IA; Grand Rapids, MI with Kent County, MI; Lansing, MI with Ingham County, MI and Jackson, MS with Hinds County, MS, in Sub-No. 19F Shelby, OH with Richland County, OH, in Sub-No. 22F, facility at Buckeystown, MD with Frederick County, MD, in Sub-No. 23, facility at Cleveland, OH with Cleveland, OH in Sub-No., 30F facility at McCook, IL with Cook County, IL, in Sub-No. 36 facilities at Blue Island, Chicago and Evanston with Chicago, IL, in Sub-No. 48F, facilities at Berkeley County, SC with Berkeley County, SC, in Sub-No. 51F, Van Nuys, CA with Los Angeles County, CA, in Sub-No. 52F, facilities at East Chicago, Gary and Hammond, IN with Gary and Lake Counties, IN; Alton and Aurora, IL with Alton and Aurora, IL; Madison, IL with Madison County, IL; Toledo, OH with Lucas County, OH; Fontana, CA with San Bernardino County, CA; Sheffield, AL with Sheffield, AL; Anniston, AL with Calhoun County, AL; Russellville, AL with Franklin County, AL and Marietta, PA with Lancaster County, PA, in Sub-No. 56F, facility at Ravenswood, WV with Jackson County, WV, in Sub-

No. 58F, facility at Union, MO with Franklin County, MO, in Sub-No. 61F Cumberland, MD with Allegheny County, MD, in Sub-No. 62F plantsite at Maple Heights, OH with Cuyahoga County, OH, in Sub-No. 63F, facility at Rochester, IN with Fulton County, IN, in Sub-No. 70F DeKalb and Eureka, IL with DeKalb and Woodford Counties, IL and Vinton, IA with Benton County, IA, in Sub-No. 87F Pontiac, IL with Livingston County, IL, in Sub-No. 89F, facility at Monroe, MI with Monroe County, MI, in Sub-No. 90F, facility at the named counties with Cuyahoga, Lorain, Mahoning, and Stark Counties, OH and Allegheny and Westmoreland Counties, PA, in Sub-No. 101F facilities at Canfield, Martins Ferry, Mingo Junction Steubenville and Yorkville, OH; Allenport and Monessen, PA; and Beech Bottom, Benwood, Follansbee and Wheeling, WV with Belmont, Jefferson, and Mahoning Counties, OH, Steubenville, OH, Allenport and Monessen, PA; and Brooke, Marshall and Ohio County, WV in Sub-No. 117F Muncie, IN with Delaware County, IN and Murfreesboro, TN with Rutherford County, TN and in Sub-No. 134F Frankfort, IN with Clinton County, IN, and (7) change one-way to radial authority between (a) Jefferson County, MO, and points in Holt County, MO, and, points in the U.S. in Sub-No. 4, (b) Richland County, OH, and points in 11 States in Sub-No. 19, (c) Frederick County, MD, and, points in 22 States in Sub-No. 22F, (d) Chicago, IL, and points in the U.S. (except IL) in Sub-No. 36F, (e) Los Angeles County, CA, and, points in a described portion of the U.S., and Denver, CO and Albuquerque, NM in Sub-No. 51F, (f) Jackson County, WV, and points in 32 States and DC in Sub-No. 56F, (g) Franklin County, MO, and, points in the U.S. in Sub-No. 58F, (h) Allegany County, MD, and, Omaha, NE and points in 9 States in Sub-No. 61F, (i) Cuyahoga County, OH, and, points in 17 States in Sub-No. 62, (j) Fulton County, IN, and, points in the U.S. in Sub-No. 63F, (k) DeKalb and Woodford Counties, IL and Benton County, IA, and, points in a described portion of the U.S. in Sub-No. 70F, (l) Livingston County, IL, and, points in the U.S. in Sub-No. 87F, (m) Belmont, Jefferson and Mahoning Counties, OH, Brooke, Marshall and Ohio Counties, WV, Steubenville, OH, and, Allenport and Monessen, PA, and, points in 8 States in Sub-No. 101F, (n) Delaware County, IN, and Rutherford County, TN in Sub-No. 117-F, and (o) Clinton County, IN, and, points in the U.S. in Sub-No. 134F.

MC 142423 (Sub-14)X, filed March 24, 1981. Applicant: BIG D CARTAGE, INC.,

28091 Kingsberry Drive, Mt. Clemens, Michigan 48045. Representative: Robert E. McFarland, 2855 Coolidge Suite 201A, Troy, Michigan 48064. Applicant seeks to remove restrictions in its Sub-Nos. 3, 7, 10, 11, and 13 certificates to (1) broaden the commodity description from malt beverages to "food and related products" in Sub-No. 3; from malt beverages to "food and related products" in Sub-No. 7; from automobile parts to "transportation equipment, machinery, and supplies" in Sub-No. 10; from pickles, pickle products and pepper products to "food and related products" in Sub-No. 11; (2) replace specified plantsites and cities with county-wide authority as follows: Oswego County, NY for Fulton, NY in Sub-No. 3; Butler County, OH for plantsite near Trenton, OH; Dougherty County, GA for plantsite near Albany, GA, in Sub-No. 7; Detroit, MI, for plantsite at Detroit, MI in Sub-No. 10; Macomb and St. Clair Counties, MI, for plantsite near New Baltimore, MI in Sub-No. 11; Macomb County, MI for plantsite near Mt. Clemens, MI in Sub-No. 13; and (3) to authorize radial service between cities or counties in MI and numerous specified points in specified states and/or entire states located in the United States.

MC 144901 (Sub-7)X, filed March 24, 1981. Applicant: INTERMODAL SYSTEMS, INC., P.O. Box 281, Fort Scott, KS 66701. Representative: Elden Corban (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) broaden the commodity description from general commodities, (with exceptions) to "general commodities, (except classes A and B explosives)", (2) remove the restriction to traffic having a prior or subsequent movement by rail and (3) the except AK and HI restriction.

MC 144963 (Sub-3)X, filed March 19, 1981. Applicant: W. E. BATTLES, d.b.a. JOBBERS FREIGHT SERVICE, 111 North College St., Grangeville, ID 83530. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden the commodity description from such commodities as are dealt in by auto, truck, tractor supply houses; welding supplies; and compressed gases in containers to "such commodities as are dealt in or utilized by auto, truck and tractor supply houses, welding supplies and compressed gases", (2) replace authority to serve named facilities with city or county-wide authority: Clearwater County, ID for Orofino, ID; Idaho County, ID for Grangeville, ID; Latah County, ID for Moscow, ID; Lewis

County, ID for Kamiah, ID, Nez Perce County, ID for Lewiston, ID, and Asotin County for Clarkston, WA and (3) replace city-wide authority with county-wide authority, Spokane County, WA for Spokane, WA.

MC 145108 (Sub-41)X, filed March 9, 1981, previously noticed in the Federal Register of March 24, 1981, republished as corrected in this issue. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 13F permit to (1) broaden the commodity description from such commodities as are dealt in or used by pharmaceutical houses to "chemicals and related products, pulp, paper and related products, rubber and plastic products, food and related products, furniture and fixtures, ores and minerals, textile mill products, metal products, and machinery"; (2) remove the "except commodities in bulk" and "originating at or destined to" restrictions; and (3) to authorize service between points in the U.S. under a continuing contract(s) with a named shipper. The purpose of this republication is to change the scope of the commodity description sought to more closely represent that requested by applicant.

MC 145838 (Sub-3)X, filed March 25, 1981. Applicant: OHIO CONTAINER SERVICE, INC., 2701 Lakeside Ave., Cleveland, OH 44114. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden the commodity descriptions from general commodities, with exceptions to "general commodities (except classes A and B explosives)" in each certificate; (2) remove the restriction limiting transportation to traffic in intermodal containers, or in trailers; and eliminate part (2) of the commodity description "empty intermodal containers, or trailers" in Sub-No. 1F; and (3) remove the "ex-water" and "ex-rail" restrictions in Sub-Nos. 1F and 2F.

MC 145870 (Sub-23)X, filed March 20, 1981. Applicant: L-J-R HAULING, INCORPORATED, P.O. Box 899, Dublin, VA 24084. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 6F, 7F, 8F, 10F, 12F, 13F, 14F, 17F, 19F, 21F and 22F certificates to (A) broaden the commodity descriptions to (1) "machinery" from (a) mining machinery and equipment and parts, materials,

equipment and supplies, in Sub-Nos. 5F, 8F, 10F, 12F, and 17F (b) mining equipment, in Sub-No. 7F, and (c) mining and construction equipment and parts, in Sub-No. 21F; (2) "metal products" from (a) fabricated steel, in Sub-No. 7F, (b) iron and steel articles, in Sub-No. 13F, and (c) cast iron pressure pipe, pressure pipe fittings, and materials and accessories, in Sub-No. 19F; (3) "transportation equipment" from Kiln cars, in Sub-No. 7F, and (4) "chemicals and related products" from (a) soda ash briquettes, in Sub-No. 14F, and (b) iron oxide, in Sub-No. 22F; (B) eliminate the (1) "commodities in bulk" exception, in Sub-Nos. 5F, 8F, 17F, and (2) "in bags" restriction, in Sub-No. 22F; (C) remove the restriction prohibiting service to AK and HI, in Sub-No. 17F; (D) remove the facilities restriction, in Sub-Nos. 5F, 7F, 10F, 12F, 13F, 17F and 19F; (E) broaden the territorial description to authorize county-wide authority: (1) Pulaski and Wythe Counties, VA, for Pulaski and Rural Retreat, VA, in Sub-Nos. 5F and 17F; (2) Floyd and Harlan Counties, KY, for Allen and Harlan, KY, in Sub-No. 6F; (3) Tazewell County, VA, for Tazewell, VA, in Sub-No. 8F; (4) Mercer, Mingo and Raleigh Counties, WV, for Princeton, Varney, and Beckley, WV; Hamblen County, TN, for Morristown, TN; and Tazewell County, VA, for Tazewell, VA, in Sub-No. 10F; (5) Mercer County, WV, for Princeton, WV, in Sub-No. 12F; Salt Lake County, UT, for Salt Lake City, UT, in Sub-No. 14F; (6) authorize radial authority to replace existing one-way service between cities and counties in KY, VA and UT and points in numerous eastern States, in Sub-Nos. 6F, 7F, 8F, 13F, 14F and 19F.

MC 146996 (Sub-2)X, filed March 27, 1981. Applicant: YORKLIN TRANSIT, INC., P.O. Box 27, Yorklyn, DE 19736. Representative: James F. Flint, 406 World Center Bldg., 918 16th Street, N.W., Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 1F permit to (1) broaden its commodity description from plastic articles, to "rubber and plastic products"; and (2) broaden its territorial authority, to between points in the U.S. under continuing contract(s) with a named shipper.

MC 147096 (Sub-8)X, filed March 6, 1981, previously noticed in the Federal Register of March 24, 1981, republished as corrected in this issue. Applicant: MADISON BROTHERS DELIVERY SERVICE, INC., 101 Indiana Avenue, Toledo, OH 43602. Representative: Floyd Madison (same as applicant). Applicant seeks to remove restrictions in its MC-150974F permit and in its MC-147096 Sub-Nos. 2F and 6F certificates to (1)

broaden the territorial description of the lead permit to "between points in the United States", under continuing contract(s) with a named shipper; (2) broaden the commodity description of Sub-No. 6F certificate by including "aluminum allied products" in addition to aluminum and aluminum products; and (3) broaden the territorial description in Sub-No. 6F by replacing the named shipper facilities near Jones Mill and Gum Springs, AR, with county-wide authority, to serve radially between Memphis, TN, and points in Hot Spring and Clark Counties, AR, and, points in the U.S.; and (4) broaden the territorial description in Sub-No. 2 by replacing Toledo, OH, with county-wide authority, to serve radially between Lucas, Ottawa, and Wood Counties, OH, and Monroe and Lenawee Counties, MI, and, points in parts of IL, IN, and MI. The purpose of this republication is to indicate the proposed changes in MC-147096 (Sub-No. 2F).

MC 147452 (Sub-5)X, filed March 27, 1981. Applicant: W.D.W. TRUCKING, INC., 2620 S.W. 66th Terrace, Miramar, FL 33023. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 3 certificate by (1) removing from the commodity description the "except commodities in bulk" restrictions, (2) eliminating the facilities limitations, and (3) removing the restriction against serving AK and HI.

MC 148655 (Sub-11)X, filed February 19, 1981, previously noticed in the Federal Register of March 6, 1981, republished as corrected in this issue. Applicant: ERIEVIEW CARTAGE, INC., 100 Erieview Plaza, P.O. Box 6977, Cleveland, OH 44101. Representative: E. Stephen Heisley, 805 McLachlen Bank, 666 Eleventh St., NW., Washington, DC 20001. Applicant seeks to remove restrictions from its Sub-No. 2F certificate by (1) removing the restriction "except in bulk, in tank vehicles" from the commodity description "materials equipment and supplies used in the manufacture and distribution" of named commodities such as glass products, metal products, and plastic products, and (2) broadening the territorial description by (a) eliminating "except AK and HI" from radial territorial authority of points in the U.S., (b) deleting the facilities limitation at Des Plaines, IL, and (c) substituting Chicago, IL for Des Plaines, IL as the base territory. The purpose of this republication is to correct part (2)(c) from Cook County to Chicago, IL.

MC 149578 (Sub-1)X, filed March 23, 1981. Applicant: STOUT CORPORATION, P.O. Box 186, Provo, UT 84601. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84601. Applicant seeks to remove restrictions in its MC-126079 Sub-Nos. 1, 3, and 7 permits to (1) broaden the commodity descriptions to "metal products" from fabricated sections of steel storage tanks and field equipment used in the erection thereof, in Sub-Nos. 1 and 3; from tools equipment and surplus materials and supplies used in the erection of steel storage tanks, in Sub-No. 3; and from roofing products, insulation products, wallboard, and panel electric wallboard and materials, equipment and supplies used in the manufacture, distribution and installation of commodities above, in Sub-No. 7(f); and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

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BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-109

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 8515 (Sub-4-7TA), filed March 26, 1981. Applicant: TOBLER TRANSFER, INC., Junction Interstate 80 and Illinois 89, Spring Valley, IL 61362. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. *Magazines, periodicals, catalogs, and materials, used in the manufacture thereof, and other related commodities, between IL, PA, IN, KY, TN, VA, NC, OH, on the one hand, and, on the other, all points in the U.S. An underlying ETA seeks 120-day authority. Supporting shipper: R. R. Donnelley & Sons Co., P.O. Box 189, N. Rte. 45 Mattoon, IL 61938.*

MC 15546 (Sub-4-1), filed March 25, 1981. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Avenue, Chicago, IL 60612. Representative: Abraham A. Diamond, 29 South LaSalle St., Chicago, IL 60603. *Contract Irregular: Rubber and Plastic Products; Pulp, Paper and Related Products; Chemicals and Related Products; between the facilities of BOF, Ltd and its subsidiaries, on the one hand, and, on the other, points in the U.S. Restricted to traffic moving under continuing contract with BOF, Ltd. Supporting shipper: BOF, Ltd, 1140 West Grand River, Williamston, MI.*

MC 30837 (Sub-4-10TA), filed March 26, 1981. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4314-39th Avenue, Kenosha, WI 53142. Representative: Albert P. Barber (same address as applicant) *Motor Vehicles, in secondary movements, in truckaway service, from Wilmington, DE to the States of IN, KY, MI and OH. An underlying ETA seeks 120 days authority. Supporting shipper: Volkswagen of America, 818 Sylvan Avenue, Englewood Cliffs, NJ 07632.*

MC 109633 (Sub-4-5TA), filed March 25, 1981. Applicant: ARBET TRUCK LINES, INC., P.O. Box 697, Sheffield, IL 61361. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. *Paper and paper products produced or distributed by manufacturers of paper products from*

the plant site of Boise Cascade Corporation at LaPorte, IN to Muscatine, IA. Supporting shipper: Boise Cascade Corporation, P.O. Box 7747, Boise, ID 83707.

MC 124078 (Sub-4-64TA), filed March 25, 1981. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1801, Milwaukee, WI 53201. *Limestone, gypsum, and decorative stone, from Durham, IA and Irvington, KY to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: American Pelletizing Corporation, 7200 Hickman Road, Des Moines, IA 50322.*

MC 125777 (Sub-4-11TA), filed March 27, 1981. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, IN 46403. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Contract: general commodities (except classes A & B explosives), between points in the U.S. (except AK and HI) under continuing contract(s) with Miller & Company of Chicago, IL. Supporting shipper: Miller & Company, 55 East Monroe Street, Chicago, IL 60603.*

MC 125985 (Sub-4-1TA), filed March 26, 1981. Applicant: AUTO DRIVEAWAY CO., 310 S. Michigan Ave., Chicago, IL 60604. Representative: Ronald I. Fredriksen (same address as applicant). *Trailers designed to be drawn by passenger vehicles, in driveaway service, between points in the U.S. Supporting shipper: Winnebago Industries, Inc., Junction Highways 9 and 60, P.O. Box 152, Iowa City, IA 50436.*

MC 126154 (Sub-4-2TA), filed March 26, 1981. Applicant: NEIL BARGLIND, d.b.a. BARGLIND TRUCKING, P.O. Box 111, Iron Mountain, MI 49801. Representative: Robert W. Hansley, 120 North 6th Street, Escanaba, MI 49829. *Carbonated beverages from Detroit, MI, to Iron County, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Range Beverage, Inc., 115 5th Avenue North, Hurley, WI.*

MC 128205 (Sub-4-13TA), filed March 26, 1981. Applicant: BULKMATIC TRANSPORT COMPANY, 12000 S. Doty Avenue, Chicago, IL 60628. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Corn grits, corn meal and corn flour, between Kankakee, IL and Mount Vernon, IN, on the one hand, and, on the other, points in MI, KY, IN, NY, WI, OH, TX, LA, AR, and IL. Supporting shipper: J. R. Short Milling Co., 233 South Wacker Drive, Sears Tower, Suite 6143, Chicago, IL 60606.*

MC 138493 (Sub-4-4TA), filed March 27, 1981. Applicant: JAKUM TRUCKING, INC., Rural Route 2, Miley Road, Sheboygan Falls, WI 53085. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, Wisconsin 53703. *Contract irregular: Foodstuffs, and materials, equipment and supplies between Ripon, WI on the one hand, and, on the other, points in AZ, CA, CO, GA, LA, OR, TN, TX, and WA, restricted to service performed under continuing contract(s) with Ripon Foods, Inc. and Heritage Wafers, Ltd. Underlying ETA seeks 120 days authority. Supporting shipper: Ripon Foods, Inc., Heritage Wafers, Ltd., Oshkosh Street, Ripon, WI 54971.*

MC 138987 (Sub-4-1TA), filed March 26, 1981. Applicant: MEIER TRUCKING COMPANY, Rural Route Number 4, Pontiac, IL 61764. Representative: William J. Boyd, P. C., 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. *Fertilizer and fertilizer material from Clinton County, IA to points in IL. An underlying ETA seeks 120 days authority. Supporting shipper: Kaiser Agricultural Chemicals, Division of Kaiser Aluminum and Chemical Sales, Inc., 101 W. Jefferson St., Sullivan, IL 61951.*

MC 139663 (Sub-4-3TA), filed March 25, 1981. Applicant: HASKINS & SON, INC., 815 Max Avenue, P.O. Box 20276, Lansing, MI 48901. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Coal, in dump vehicles, from points in Campbell County, TN to points in Genesee County, MI. An underlying ETA seeks 120 days authority. Supporting shipper: General Motors Corporation, Buick Motor Division, 902 E. Hamilton Ave., Flint, MI 48550.*

MC 144927 (Sub-4-8TA), filed March 25, 1981. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Jack Luck (address same as applicant). *(1) Hollow Metal Doors, Metal Door Frames, Elevator Cabs and Doors for Elevator Cabs and (2) Materials and supplies incidental to or used in connection with the manufacture, sale and distribution of (1) above, from (1) Brooklyn, NY to (2) points in and east of MN, IA, MO, AR and LA; and from points in item (2) to item (1) above. An underlying ETA seeks 120 days authority. Supporting shipper: Williamsburg Steel Product Co., Inc., Paidge Avenue, Brooklyn, NY 11222.*

MC 145171 (Sub-4-1TA), filed March 27, 1981. Applicant: ROBERT D. ZARNDT TRUCKING, INC., Route Number 2, Box 330, Aurora, IL 60504.

Representative: Martin J. Kennedy, 120 West Madison, Suite 718, Chicago, IL 60602. *Contract: (1) Building materials, lime, metal fencing, paint, slag and soda ash; (2) Hardboard, particle board and plywood; (3) Machinery; and (4) Materials and supplies used in the manufacture and distribution of Hardboard, Particle Board and Plywood. (1) Between Chicago, IL and points in its Commercial Zone and points in IN, IA, KY, MI, MN, MO, NE, NJ, NC, OH, PA, VA, WV, WI, and WY. (2) From the facilities of Cardinal Industries, at or near Bloomingdale, IL to points in MN and MO and from the facilities of Laminite Plastics of Chicago, IL at Chicago, IL to points in CT, MA, MS, NJ, NY, and PA. (3) Between Chicago, IL and points in its Commercial Zone and points in IN, IA, KY, MI, MN, MO, NE, NJ, NC, OH, PA, VA, WV, WI and WY. (4) From points in MN and MO to the facilities of Cardinal Industries, at or near Bloomingdale, IL and from points in CT, MA, MS, NJ, NY and PA to the facilities of Laminite Plastics of Chicago at Chicago, IL. An underlying ETA seeks 90 days authority. Supporting shipper(s): West Side Erectors, 280 Carlton Drive, Carol Stream, IL 60187; Cardinal Industries, P.O. Box G, Bloomingdale, IL 60108; Laminite Plastics of Chicago, 2607 West Monroe Street, Chicago, IL 60612; Material Unlimited, 127 South Washington Street, Naperville, IL 60540.*

MC 145623 (Sub-4-5), filed March 26, 1981. Applicant: O.K. MESSENGER SERVICE, INC., 9107 Telegraph Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Building materials from Walled Lake, MI to all points in the U.S. under a continuing contract with Chandler Corporation. Supporting shipper: Chandler Corporation, P.O. Box 2840, Boise, Idaho.*

MC 145623 (Sub-4-6), filed March 27, 1981. Applicant: O.K. MESSENGER SERVICE, INC., 9107 Telegraph Road, Taylor, MI 48180. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Building materials from Walled Lake, MI to all points in the U.S. under a continuing contract with Hansen Corporation. Supporting shipper: Hansen Corporation, 1000 Decker Road, Walled Lake, MI 48088.*

MC 146886 (Sub-4-4TA), filed March 26, 1981. Applicant: CONLAN TRUCK LINES, INC., 6160 South 116th St., Hales Corners, WI 53130. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Contract: Irregular. Such commodities as are dealt in by wholesale drug business houses*

and retail drug stores and pharmacies from LaCrosse, WI to points in IA and MN under continuing contract(s) with Yahr-Lange LaCrosse Drug Company, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Yahr-Lange LaCrosse Drug Company, Inc., 800 Wall Street, Elm Grove, WI 53122.

MC 146886 (Sub-4-5TA), filed March 25, 1981. Applicant: CONLAN TRUCK LINES, INC., 6160 South 116th St., Hales Corners, WI 53130. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Such commodities as are dealt in by distributors of household products (except commodities in bulk) from the facilities of Stanley Home Products, Inc. at or near Dubuque, IA to points in WI on and west of U.S. Hwy 51. An underlying ETA seeks 120 days authority. Supporting shipper: Stanley Home Products, Inc., P.O. Box 58, Dubuque, IA 52001.*

MC 149387 (Sub-4-1TA), filed March 26, 1981. Applicant: DEAN BRENNAN TRANSPORT, INC., 2529 Highway 42, Manitowoc, WI 54220. Representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract: Liquid smoke flavoring, in bulk in tank vehicles, from Manitowoc, WI, to points in the U.S., under continuing contract(s) with Red Arrow Products Co.; supporting shipper: Red Arrow Products Co., 633 South 20th Street, Manitowoc, WI 54220.*

MC 149406 (Sub-4-2), filed March 26, 1981. Applicant: E. W. WYLIE CORPORATION, P.O. Box 1188, Fargo, ND 58107. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402. *Lumber or wood products, between Beltrami County, MN, on the one hand, and, on the other, points in ID, IL, IA, MN, MT, NE, ND, OR, SD, WA and WI. Supporting shipper: The Mead Corporation, Courthouse Plaza NE, Dayton, OH 45463.*

MC 151566 (Sub-4-2TA), filed March 27, 1981. Applicant: PERRY TRANSPORT, INC., 14375 172nd Ave., Grand Haven, MI 49417. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract Irregular: Food and related products and equipment, materials and supplies used in the manufacture, sale and distribution between points in Ottawa County, MI, on the one hand, and, on the other points in the U.S. except AK & HI under contract to Squirt Pak, Inc. Supporting shipper: Squirt Pak, Inc., Holland, MI 49423.*

MC 153148 (Sub-4-3TA), filed March 26, 1981. Applicant: MERLE HOUGH, Detroit Lakes, MN 56501.

Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58126. *Fertilizer and fertilizer ingredients* from Minneapolis-St. Paul, MN Commercial Zone, to points in ND. An underlying ETA seeks 120 days authority. Supporting shipper: Peavey Company, 730 2nd Avenue South, Minneapolis, MN 55402.

MC 153803 (Sub-4-2TA), filed March 26, 1981. Applicant: HELEN B. MIRR d.b.a. RAY F. MIRR TRUCKING, 202 North Fulton Street, Princeton, WI 54968. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Contract irregular: Tank heads*, from Youngstown, OH to Princeton, WI, restricted to service to be performed under continuing contract(s) with McDowell Tanks, Inc. An Underlying ETA seeks 120 days authority. Supporting shipper: McDowell Tanks, Inc., 500 River Road, P.O. Box 177, Princeton, WI 54968.

MC 154585 (Sub-4-1TA), filed March 26, 1981. Applicant: FLEMING CARGO, INC., 239 Park Avenue South, Minneapolis, MN 55415. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract: Irregular: Furniture or fixtures*, between points in the U.S. under continuing contract(s) with Hudson Sales, Inc. and Furniture Barn, Inc. of Minneapolis, MN. Supporting shippers: Furniture Barn, Inc., 233 Park Avenue So., Minneapolis, MN; Hudson Sales, Inc., 2125 Broadway NE, Minneapolis, MN.

MC 154681 (Sub-4-2TA), filed March 26, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., R.R. 2, Box 83B, Fargo, ND 58102. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Lumber and wood products*, from points in MT and ID, to points in CA, CO, IL, IA, MN, NE, ND, SD, UT, WI and WY. Supporting shippers: Regulus Stud Mill, Inc., Box 337, St. Maries, ID 83861; Plum Creek Lumber Company, P.O. Box 160, Columbia Falls, MT 59912; and H. E. Simpson Lumber Company, Inc., Box 1097, Kalispell, MT 59901.

MC 154887 (Sub-4-1TA), filed March 24, 1981. Applicant: DON BASS TRUCKING, INC., 2044 W. Willow Road, Palatine, IL 60067. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract: Raw Plastic; Paper; and Lubricating, Protective, and Transformer Oil*, between Elk Grove Village, IL, on the one hand, and, on the other, points in IN, MI, MN, NY, OH, TX, and WI, under continuing contract(s) with Pace Warehouse Corp. of Elk Grove Village, IL. Supporting shipper: Pace Warehouse

Corp., 1300 Morse Ave., Elk Grove Village, IL 60007.

MC 154907 (Sub-4-1TA), filed March 26, 1981. Applicant: THE BUCK COMPANY, 631 W. Cherry St., Wayland, MI 49348. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Contract irregular: Flour and bakery products used in the manufacture, distribution and sale of bakery products* between points in IL, IN, MI and MN (except in bulk). Supporting shippers: Atlas Baker Supply, 525 Hupp, Jackson, MI 49203 and the Peavey Company, 730 2nd Ave. So., Minneapolis, MN 55402.

MC 154948 (Sub-4-1), filed March 25, 1981. Applicant: DON A. LARSON d.b.a. LARSON SERVICE COMPANY, 1132 Chateaugay Avenue, Naperville, IL 60540. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract: Irregular: (1) Brass strips, (2) parts and components for electronic and electrical appliances and equipment; also (3) materials, supplies, and equipment used in the manufacture of commodities in (1) and (2)*, Between South Bend, IN, and points in the Chicago, IL, Commercial Zone, on the one hand, and on the other, Baltimore, MD; Bethlehem, PA; Bristol, CT; Lincoln, NE; Mt. Vernon, IN; and Nogales, AZ; under continuing contract(s) with Molex, Inc. of Lisle, IL. Supporting shipper: Molex, Inc., 2222 Wellington Ct., Lisle, IL 60532.

MC 154971 (Sub-4-1TA), filed March 27, 1981. Applicant: JERRY HAMMANN TRANSPORTATION, INC., 12828 River Road, Grand Rapids, MN 55744. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract: Commodities dealt in, utilized and sold by grocery stores*, between points in Douglas County, WI, on the one hand, and, on the other points in the U.S. under contract to Twin Ports Grocery Co. for 270 days. Supporting shipper: Twin Ports Grocery Co., 1230 Poplar Ave., Superior, WI 54880.

MC 95376 (Sub-4-1), filed March 23, 1981. Applicant: McVEY TRUCKING, INC., R. R. 1, Oakwood, IL 61858. Representative: Michael W. O'Hara, 300 Reich Building, Springfield, IL 62701. *Coal* from Veederburg, IN to Oakwood, IL. An underlying E/T/A seeks 120 days authority. Supporting shipper: Circle City Coal Corp., 7002 Graham Rd., Indianapolis, IN 46220.

MC 117730 (Sub-4-13TA), filed March 24, 1981. Applicant: KOUBENEC MOTOR SERVICE, INC., Route No. 47, Huntley, IL 60142. Representative: Stephen H. Loeb, 33 North LaSalle, Suite 2027, Chicago, IL 60602. *Foods and related products and materials*,

supplies, and equipment used in the manufacture and distribution of foods and related products, between the facilities of Paramount Foods, Inc., at Louisville, KY, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Paramount Foods, Inc., P.O. Box 32150, Louisville, KY 40232.

MC 123765 (Sub-4-3TA), filed March 24, 1981. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 East National Avenue, Milwaukee, WI 53204. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract: Irregular: Empty beverage containers*, (1) from points in the Milwaukee, WI, Commercial Zone, to points in IL and IN; and (2) from points in IL to points in WI; under continuing contract(s) with Jos. Schlitz Brewing Company; Supporting shipper: Jos. Schlitz Brewing Company, 235 West Galena, Milwaukee, WI 53212.

MC 133189 (Sub-4-11TA), filed March 24, 1981. Applicant: VANT TRANSFER, INC., 1257 Osborne Road, Minneapolis, MN 55432. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. *Metal products and materials, equipment and supplies used in the manufacture and distribution of cranes and excavators*, from points in MN to Cedar Rapids, IA. Supporting shipper: FMC Corporation, 1201 6th Street NW., Cedar Rapids, IA 54206.

MC 139440 (Sub-4-2TA), filed March 24, 1981. Applicant: HAMMOND YELLOW & CHECKER CAB, INC., d.b.a. AIRPORT LIMOUSINE, 5850 Calumet Avenue, Hammond, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Passengers*, between points in the Chicago, IL, Commercial Zone. Supporting shippers: 100.

MC 139482 (Sub-4-30TA), filed March 24, 1981. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Barry M. Bloedel, P.O. Box 877, New Ulm, MN 56073. *General commodities*, between Chicago, IL and its commercial zone and Atlanta, GA, Baltimore, MD, Boston, MA, Dallas, TX, Denver, CO, Detroit, MI, Hackensack, NJ, Houston, TX, Jacksonville, FL, Kansas City, KS, Los Angeles, CA, Miami, FL, Memphis, TN, Minneapolis, MN, New Orleans, LA, New York, NY, Orlando, FL, Philadelphia, PA, Phoenix, AZ, Portland, OR, San Francisco, CA, Salt Lake City, UT, Seattle, WA, St. Louis, MO, and Tampa, FL. Restricted to the transportation originating at or destined to members of Trans-Am Shippers

Cooperative Association, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Trans-Am Shippers Cooperative Association, Inc., 3750 W. 47th St., Chicago, IL 60632.

MC 142059 (Sub-4-19TA), filed March 24, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant). *Paste, adhesive glue and solvent, in boxes*, from Detroit, MI to points in MA, NJ, NY, PA and Chicago, IL and St. Paul, MN and their respective commercial zones. Supporting shipper: Ross Chemical Co., 8485 Melville, Detroit, MI 48209.

MC 142059 (Sub-4-20), filed March 24, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same as applicant). *Plastic film* from Illiopolis, IL to Cleveland, OH; Dallas, TX; Minneapolis, MN and Milltown and Gloucester City, NJ. Supporting shipper: Borden Chemical Division, 1 Clark Street, North Andover, MA 01845.

MC 142715 (Sub-4-18TA), filed March 23, 1981. Applicant: LENERTZ, INC., P.O. Box 479, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). (1) *Caulking compounds, adhesives, sealants, epoxies, urethanes and coatings*, and (2) *equipment, materials and supplies used in the manufacture and distribution of commodities in (1) above (except commodities in bulk in tank or hopper vehicles)*, between Minneapolis and St. Paul, MN; Port Byron, IL; Westwego, LA; Madison, WI, and Beaumont, Corpus Christi and Houston, TX on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Restricted to traffic originating at or destined to Minneapolis-St. Paul, MN; Port Byron, IL; Westwego, LA; Madison, WI and Beaumont, Corpus Christi and Houston, TX. Supporting shippers: Technical Sealants and Adhesives, Inc., 43 East Water Street, St. Paul, MN 55107, and Gulf Seal Specialties, Inc., 601 Jefferson, Suite 535, Houston, TX 77002.

MC 143230 (Sub-4-2TA), filed March 25, 1981. Applicant: LUCK TRUCKING, INC., Rural Route 1, Box 190, Wolcott, IN 47995. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Fertilizers*, from Lee County, IA to points in IL, IN, KY, MO, and WI. Supporting shipper: Luck Trading, Inc., 2724 Washington Avenue, Vincennes, IN 47591.

MC 143500 (Sub-4-7TA), filed March 24, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean Wolfe,

Suite 145, 4 Professional Dr., Gaithersburg, MD 20780. *Contract, irregular fertilizer (except in bulk), fertilizer products, and materials and supplies used in the manufacture thereof*, between Lexington, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: International Spike, Inc., 817 E. Third St., Lexington, KY 40593.

MC 144867 (Sub-4-6TA), filed March 24, 1981. Applicant: R & J TRANSPORT, INC., 929 North 24th Street, Manitowoc, Wisconsin 54220. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, Wisconsin 53703. *Construction materials and supplies* from points in IL, IN, MI, MN, MO and OH to WI and the Upper Peninsula of MI, for 270 days. Supporting shipper: Amerhart, Ltd., 2355 Century Road, Green Bay, WI 54303.

MC 145228 (Sub-4-1), filed March 23, 1981. Applicant: AUGUST D. BADALI, Jr., d.b.a. A & M CARTAGE, 17401 Odell St., Tinley Park, IL 60477. Representative: Philip A. Lee, 120 W. Madison St., Suite 618, Chicago, IL 60602. *Flyash in bulk, in pneumatic tank trucks*, from the Chicago Commercial Zone to points and places in MI, MS, WI, & AL; also from Waukegan, IL to points and places in WI. Supporting shipper: American Flyash Company, 606 Potter Rd., Suite 355, Des Plaines, IL 60016.

MC 147546 (Sub-4-2), filed March 24, 1981. Applicant: DEPENDON, INC., East Rand Road, Des Plaines, IL 60016. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Contract: Diesel electric generating sets*, from Itasca, IL, to points in the U.S. Restricted to traffic moving under continuing contract with Western Engine Corporation. Supporting shipper: Western Engine Corporation, 500 South Lombard Road, Addison, IL 60101.

MC 148125 (Sub-4-2TA), filed March 25, 1981. Applicant: JAMES N. SKRZYPCHAK, an individual, d.b.a. SUN DOG TRUCKING, 9709 Highway 29 West, Wausau, WI 54401. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract; irregular; rough and finished lumber* from points in MT, OR, and WA to points in Marathon County, WI. Restricted to transportation performed under continuing contract(s) with Kolbe Brothers Lumber Company. An underlying ETA seeks 120 days authority. Supporting shipper: Kolbe Brothers Lumber Company, 9509 Highway 29 West, Wausau, WI 54401.

MC 148751 (Sub-4-6TA), filed March 24, 1981. Applicant: LINCOLN FREIGHT

LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Welding equipment and supplies*, from Troy, OH, to all points in the United States (except AK and HI). Supporting shipper: Hobart Brothers Co., 600 W. Main St., Troy, OH 45373.

MC 150358 (Sub-4-2TA), filed March 24, 1981. Applicant: NORTHWEST DELIVERY SERVICE, 4060 Trenton Ave. North, Plymouth, MN 55441. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN. *Food and related products*, from Minneapolis-St. Paul, MN to points in the Upper Peninsula of MI, and WI. An underlying ETA seeks 120 days authority. Supporting shipper: Gourmet Food, Inc., 860 Vandalia St., St. Paul, MN 55114.

MC 150596 (Sub-4-4TA), filed March 25, 1981. Applicant: ROBERT J. SPENCER d.b.a. SPENCER BROS. TRUCKING, 212 South Lincoln St., Lake Crystal, MN 56055. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Edina, MN 55424. *Metal products and machinery* between Lake Crystal, MN, on the one hand, and, on the other, points in the U.S. Supporting shippers: JMF Manufacturing, Inc., P.O. Box 9, Lake Crystal, MN 56055. Crysteel Manufacturing, Inc., Highway 60 East, Lake Crystal, MN 56055.

MC 151329 (Sub-4-2TA), filed March 24, 1981. Applicant: MID WEST STORAGE & TRANSPORTATION, INC., 20950 MacArthur Rd., Warren, MI 48089. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613. *Common; irregular: Iron & steel; iron & steel products and materials used in the manufacture, process and preparation for distribution thereof* between Middlesex County, NJ on the one hand, and, on the other, points in IL, IN, KY, MI, MO, OH, WV, and WI. Supporting shipper: Paritan River Steel Company, P.O. Box 309, Perth Amboy, N.J. 08862.

MC 152064 (Sub-4-2TA), filed March 23, 1981. Applicant: PLAIN-O-TRUCKING, INC., 537 1/2 West Walnut Street, Albany, IN 47320. Representative: David O. Foreman, 104 Fred Court, Munice, IN 47302. *Commodities (except in bulk) as are dealt in by wholesale, retail, chain grocery and food business houses and in connection therewith, equipment, material and supplies used in the conduct of such business*, between OH, AL, CA, CO, FL, GA, IL, IN, KS, KY, MA, MI, MO, NC, NJ, NY, PA, RI, SC, TN, TX, UT, VA and WA. Supporting shipper: The Drackett Products Company, 5020

Spring Grove Ave., Cincinnati, OH 45232.

MC 152064 (Sub-4-3TA), filed March 23, 1981. Applicant: PLAIN-O-TRUCKING INCORPORATED, 537 1/2 West Walnut Street, Albany, IN 47320. Representative: David O. Foreman, 104 Fred Court, Munice, IN 47302. *Cleaning and polishing compounds and associated chemicals required in the manufacture thereof* between points in the U.S. except AK and HI. Supporting shipper: Continental Chemical Corp., P.O. Box 994, Terre Haute, IN.

MC 152082 (Sub-4-3TA), filed March 25, 1981. Applicant: R.C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Elaine M. Conway, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. *Contract; irregular: Telecommunications equipment, from Franklin Park and Bensenville, IL; Greenville, MS; St. Stevens, SC; Memphis, TN and Milwaukee, WI to points in the U.S. under continuing contract with Reliance Comm. Tech. An underlying ETA seeks 120 days authority. Supporting shipper: Reliance Comm. Tech, 11333 Addison Street, Franklin Park, IL 60131.*

MC 154523 (Sub-4-1TA), filed March 24, 1981. Applicant: MAC'S TRANSPORT, INC., 20352 U.S. No. 6, Milford, IN 46542. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second Street, Elkhart, IN 46516. *Contract irregular: Trailers and buildings, from Nappanee, IN, to points in the U.S., under continuing contracts with Fairmont Homes, Inc., Nappanee, IN, its subsidiaries and affiliates. Supporting shipper: Fairmont Homes, Inc., P.O. Box 27, Nappanee, IN 46550.*

MC 154886 (Sub-4-1), filed March 24, 1981. Applicant: NINTH, INC., 5217 W 87th Street, Oak Lawn, IL 60453. Representative: Leonard Wehrmelter (same as applicant). *Contract General commodities between Chicago, IL & its Commercial zone and Milwaukee, WI, and its Commercial zone. Restricted to traffic moving under continuing contract with Boyle Midway Company Div, American Home Products. Supporting shipper: Boyle Midway Company, 515 W. 73rd St., Chicago, IL 60638.*

MC 95876 (Sub-4-16TA), filed March 30, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Robert D. Givold, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Lumber and wood products, between Beltrami County, MN on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY,*

NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI. Supporting shipper: The Mead Corporation, Courthouse Plaza, NE, Dayton, OH 45463.

MC 108185 (Sub-4-15TA), filed March 27, 1981. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, 215 South 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Aluminum, copper or steel wire, cable, strands or rods; reels used in the distribution thereof and equipment, material and supplies used in the manufacture of the above commodities, between Los Angeles and Orange, CA; Atlanta, Forest Park and Watkinsville, GA; Sycamore, IL; Indianapolis and Marion, IN; Portland, OR; Middletown, PA (Dauphin County) and Arlington, TX on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Anaconda Ericson, Inc., 303 W. Palm Ave., Orange, CA 92666.*

MC 135154 (Sub-4-3TA), filed March 30, 1981. Applicant: BADGER LINES, INC., 3109 West Lisbon Avenue, Milwaukee, WI 53208. Representative: William P. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Malt beverages, from Chicago, IL, to points in WI. An underlying ETA seeks 120 days authority. Supporting shipper: The Stroh Brewing Co., 1 Stroh Drive, Detroit, MI, 48226.*

MC 143636 (Sub-4-3TA), filed March 27, 1981. Applicant: RON SMITH TRUCKING, INC., R.R. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, P.C., 913 South Sixth Street, Springfield, IL 62703. *Sand, rock, gravel and aggregates, in bulk, from Covington, IN, to Champaign, IL, and, haydite, in bulk, from Brooklyn, IN, to Champaign, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Central Material Company, Box 968, Champaign, IL, 61820.*

MC 145454 (Sub-4-8TA), filed March 30, 1981. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 7336 West 15th Avenue, Gary, IN 46406. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract irregular: Such commodities as are dealt in or used by wholesale or retail chain grocery and food business houses from points in the U.S. in and east of ND, SD, KS, OK, and TX, to points in IL, MI, and WI under a contract or continuing contracts with Roundy's, Inc. and its subsidiaries. An underlying ETA seeks 120 days authority. Supporting shipper: Roundy's,*

Inc., P.O. Box 473, Milwaukee, Wisconsin, 53201.

MC 147299 (Sub-4-2TA), filed March 30, 1981. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. LaSalle St., Rm. 1620, Chicago, IL 60603. *Contract, irregular; expanded plastic packaging, materials, and articles, between points in the U.S. in and east of ND, SD, NE, KS, OK and TX, under continuing contracts with Free-Flow Packaging Corporation, 2500 Middlefield Road, Red Wood City, CA 94063. Supporting shipper: Free-Flow Packaging Corp., 2500 Middlefield Road, Red Wood City, CA 94063.*

MC 150867 (Sub-4-3TA), filed March 30, 1981. Applicant: PRESS EXPRESS, 15234 Ezers, Dolton, IL 60419. Representative: William H. Shawn, Suite 501, 1730 M Street, Northwest, Washington, D.C. 20036. *Contract: transporting those commodities which, because of their size or weight, require the use of special handling or equipment, between all points in the U.S. (except Hawaii), for or on behalf of Industrial Filter & Pump Manufacturing Co. Supporting shippers: Industrial Filter & Pump Manufacturing Co., Cicero, IL 60650.*

MC 151319 (Sub-4-1TA), filed March 30, 1981. Applicant: SEQUIN BUS LINES, P.O. Box 69, 1615 Badger Parkway, Marinette, WI 54143. Representative: Richard A. Rechlicz, N88 W16414 Main Street, Menomonee Falls, WI 53051. *Passengers and their baggage, in special and charter operations and in round-trip sightseeing, pleasure and educational tours, from points beginning and ending in Marinette County, WI, and extending to points in MI, MN, IL, IN, and IA. Supporting shipper(s): Dornier's Travel Inc., Pine Tree Mall, Marinette, WI 54143. Johnny's Loof & Stein Ltd., Marinette, WI 54143. University of WI Extension, P.O. Box 105, Courthouse, Marinette, WI 54143.*

MC 154961 (Sub-4-1TA), filed March 30, 1981. Applicant: WINSKY CARTAGE COMPANY, 27275 Mound Road, Warren MI 48092. Representative: John S. Barbour, 2711 East Jefferson, Suite 202, Detroit, MI 48207. *Contract, irregular: Machinery, machine tools, castings, weldments, electrical controls and motors, materials, and supplies used in the manufacture, sale, and distribution thereof, between all points in the U.S., except AK, HI, and MI, under continuing contract(s) with the Cross Company. Supporting Shipper: The Cross Company, Fraser, MI 48026.*

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 31879 (Sub-5-3TA), filed March 25, 1981. Applicant: EXHIBITORS FILM & DELIVERY SERVICE, INC., 101 West 10th Ave., North Kansas City, MO 64116. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Thread, twine, yarn, zippers, dry goods, paperback books, cloth, fiber, plastic articles, needles, notions, displays, racks and tape*, between points in IA, MO, KS, NE, points in Boone and Carroll Counties, AR; Weld, Adams, Denver, Jefferson, Douglas, El Paso, Fremont, Pueblo, Huerfano, Las Animas, Logan, Sedgewick, Phillips, Morgan, Washington, Yuma, Arapahoe, Elbert, Lincoln, Kit Carson, Cheyenne, Crowley, Kiowa, Otero, Benton, Prowers, and Baca Counties, CO; Laramie and Goshute Counties, WY; points in IL within the St. Louis, MO-East St. Louis, IL commercial zone as defined by the Commission and those in Cook, Kane, DuPage, Rock Island, and Will Counties, IL, those points in that part of IL bounded on the west by the Mississippi River, and, on the east, north and south by a line beginning at Chester, IL and extending along IL Hwy 150 to junction IL Hwy 154, then along IL Hwy 154 to junction US Hwy 51, then along US Hwy 51 to junction IL Hwy 15, then west along IL Hwy 15 to junction US Hwy 127, then north along IL Hwy 127 to junction US Hwy 50, then east along US Hwy 50 to junction US Hwy 51 to Decatur, IL, then east along US Hwy 36 to Springfield, IL, then along combined US Hwys 36 and 54 to junction US Hwy 36, and then US Hwy 36 to the Mississippi River, including points on the indicated portion of the highways specified, and those points in that part of NM in and on a line beginning at the northwest corner of Colfax County, NM, at the CO-NM state line and extending along the western boundary of Colfax County to the western boundary of Mora County, then along the western boundary of Santa Fe County, NM, then in a northerly and westerly direction along the Santa Fe County boundary to the boundary of Los Alamos County, NM, then in a northerly and westerly direction along the Los Alamos County boundary until that boundary meets the Santa Fe County boundary at the southern tip of Los Alamos County, then along the Santa Fe County boundary to junction combined US Hwy 85 and Interstate Hwy 25, then along US Hwy 60 to the NM-TX state line, and then along the NM state line in

a northerly and westerly direction to the point of beginning. Supporting shipper: Coats & Clark, P.O. Box 48266, Doraville, Atlanta, GA 30340. Applicant intends to interline.

MC 33037 (Sub-5-2TA), filed March 25, 1981. Applicant: STUDER TRUCK LINE, INC., Beattie, KS 66406. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. *Liquid fertilizer*, from Topeka, KS to the state of OK. Shipper: Getty Refining & Market Co., P.O. Box 1850, Tulsa, OK 74102.

MC 35320 (Sub-5-55TA), filed March 25, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *General commodities, except household goods as defined by the Commission, and classes A and B explosives*, between points in Lincoln County, OK, on the one hand, and, on the other points in the U.S. Supporting shippers: Allied Materials, Oklahoma City, OK. T.I.M.E.-DC, Inc.'s Environmental Protection Agency Number is TXD007934193.

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 35320 (Sub-5-56TA), filed 3-25-81. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *Common, regular. General commodities, except Classes A and B explosives*, serving points in Webb County, TX as off-route points in connection with carrier's otherwise authorized regular-route operations. Supporting shippers: Six (6).

Note.—Applicant intends to tack to its existing authority and any authority it may obtain in the future and interline with other carriers.

MC 35831 (Sub-5-2TA), filed March 25, 1981. Applicant: E. A. HOLDER, INC., P.O. Box 69, Kennedale, TX 76060. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Lumber and wood products*, between points in AR, OK, LA and TX. Supporting shipper: W W Johnson Wholesale Lumber Co., 1126, Texarkana, TX 75504.

MC 106398 (Sub-5-65TA), filed March 24, 1981. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (same as applicant). *Steel I-Beams*, from Avon, MA to Elkhart, IN. Supporting shipper: Odyssey Building Systems, Inc., Avon Industrial Park, Avon, MA 02322.

MC 106398 (Sub-5-66TA), filed March 24, 1981. Applicant: NATIONAL

TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (same as applicant). *Wood, wooden products and accessories*, between points in NY on the one hand, and, on the other, all points in the United States (except AK and HI). Supporting shipper: Unadilla Silo Company, Inc., 32 Clifton Street, Unadilla, NY 13849.

MC 119493 (Sub-5-53TA), filed March 24, 1981. Applicant: Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone, Traffic Manager, Monkem Company, Inc., P.O. Box 1196, Joplin, MO 64801. *Roofing* from Stroud, OK to pts in TX restricted to traffic from or to facilities owned or used by The Elk Corporation. Supporting shipper: John Parker, Traffic Supervisor, Elk Corporation of Texas, P.O. Box 500, Ennis, TX 75119.

MC 124174 (Sub-5-44TA), filed March 24, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momen, 13811 "L" Street, Omaha, NE 68137. (1) *Iron and steel and iron and steel articles*; (2) *Fencing and livestock handling equipment*; and (3) *Trailers and trailer beds* (1) From Maverick, Hidalgo, Webb, and Harris Counties, TX; Knox and Madison Counties, NE; Washington County, KS; Brown, Milwaukee, and Kenosha Counties, WI; Cook County, IL; and Berrien, St. Joseph, and Wayne Counties, MI, on the one hand, and to pts in AR, OK, KS, NE, IA, CO, MI, MN, and MO on the other; (2) between Knox and Madison Counties, NE; and Washington County, KS, on the one hand, and pts in the USA on the other; and (3) between Marion County, KS, on the one hand, and pts in the USA, on the other. Supporting shippers: Mid Con Steel Corporation, 620 East 30th, Hutchinson, KS 67501; Linn Post & Pipe Supply, Linn, KS 66953; Donahue Corp., Durham, KS 67438.

MC 124236 (Sub-5-16TA), filed March 24, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Rodney D. Cokendolpher (same as applicant). *Chemicals, in bulk*, between Dallas, TX, and Calcasieu Parish, LA. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 125350 (Sub-5-2TA), filed March 25, 1981. Applicant: D. R. BURCHER INC., Box 65, Audubon, IA 50025. Representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, IA 50309. *Contract irregular, metal products and machinery* between pts in the US under contract with Pittsburg Des Moines Steel

Co., Green Construction Co., and Gibbs Cook Co. Supporting shippers: Pittsburg Des Moines Steel Co., Box 1596, Des Moines, IA. Gibbs Cook Co., 104th and Hickman, Des Moines, IA., and Green Construction Co., 2015 Grand Ave., Des Moines, IA 50309.

MC 129830 (Sub-5-2TA), filed March 24, 1981. Applicant: JACOBSMA TRANSPORTATION COMPANY, 2600 Highway 75 North, Sioux City, IA 51105. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *Form Machinery, Equipment and Supplies.* Between Sioux City, IA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Lilliston Corporation, P.O. Box 3930, Albany, GA 31708.

MC 129908 (Sub-5-50TA), filed March 23, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Petroleum Products and Chemicals including materials, equipment & supplies used in the manufacture and distribution thereof;* between Olathe & Wichita, KS; Omaha, NE; and Spencer, IA; on the one hand, and, points in the states AL, AR, CA, FL, GA, IL, IN, KY, LA, MD, MO, MS, OH, NC, PA, SC, TN, VA, WV, on the other hand. Supporting shipper: Southwest Petro-Chem, Inc., a Wholly Owned Subsidiary of Witco Chemical Corporation, 1400 S. Harrison Ave., Box 1974, Olathe, KS 66061.

MC 134134 (Sub-5-15TA), filed March 25, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Foodstuffs,* from Dunkirk, NY to pts in OH, MI, IN, KY, TN, WI, IL, MN, IA, MO, AR, NE, KS, OK, and CO. Supporting shipper: Cliffstar Corporation, 1 Cliffstar Avenue, Dunkirk, NY 14048.

MC 134328 (Sub-5-2TA), filed March 25, 1981. Applicant: D & G TRUCKING CO., INC., P.O. Box 1004, Wynne, AR 72396. Representative: James N. Clay, III, 222 E. Mallory Ave., Memphis, TN 38109. *Contract, Irregular; Glass containers, bottles and jars and items used in the manufacture and distribution of such items,* from Jonesboro, AR to points in CA. Supporting shipper: Arkansas Glass Container Corporation, 516 W. Johnson, Jonesboro, AR 72401.

MC 135399 (Sub-5-3TA), filed March 25, 1981. Applicant: HASKINS TRUCKING, INC., 1208 F.M. 1845, P.O. Drawer 7729, Longview, TX 75602. Representative: A. William Brackett, 1108 Continental Life Building, Fort

Worth, TX 76102. *Charcoal, charcoal briquettes, vermiculite, activated carbon, hickory chips, lighter fluid, charcoal grills, and accessories, materials, equipment and supplies used in the manufacture and distribution thereof (except commodities in bulk)* from Branson, MO to points in TX, LA, AR, TN, NM, CO, AZ, and OK. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346.

MC 135691 (Sub-5-8TA), filed March 25, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Plastics, except in bulk,* from Houston, TX, to points in the United States. Supporting shipper: Bamberger Polymers, Inc., 6401 Cavalcade, Houston, TX 77026.

MC 140635 (Sub-5-10TA), filed March 25, 1981. Applicant: ADAMS LINES, INC., 2619 N Street, Omaha, NE 68107. Representative: John L. Hornung (same as above). *Metals, metal products and related articles, chemicals, and materials, equipment and supplies used in the manufacture or sale of the above commodities (except in bulk),* between points in the U.S. (except AK and HI), restricted to the facilities utilized by St. Joe Minerals, and its subsidiary companies. Supporting shipper: St. Joe Minerals, Inc., 7733 Forthside Blvd., Clayton, MO 63105.

MC 141879 (Sub-5-1TA), filed March 24, 1981. Applicant: L. D. CHILDRESS TRUCKING COMPANY, P.O. Box 486, Briscoe, TX 79011. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe; and Farm machinery and implements, attachments, accessories and parts thereof,* Between points in the States of TX, OK, KS, NM, & NE. Supporting shippers: There are eight supporting shippers.

MC 141914 (Sub-5-19TA), filed March 25, 1981. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same as applicant). *Rubber products and raw materials used in the manufacture of rubber products (except*

commodities in bulk) between Coos County, NH, on the one hand, and, on the other, points in the U.S. (except AK & HI). Supporting shipper: Tellodson Rubber Company, Inc., Dixeville, NH 03576.

MC 143024 (Sub-5-1TA), filed March 24, 1981. Applicant: JACOBSMA TRANSPORT, INC., OF SIOUX CITY, 2600 Highway 75 North, Sioux City, IA 51105. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. *Such commodities as are dealt in or used by manufacturers and distributors of fertilizers, feed ingredients and agricultural chemicals.* Between facilities of Terra Chemical International, Inc., Woodbury City, IA and points in MN, MO, ND, NE, SD, WI. Supporting shipper: Terra Chemical International, Inc., 4th and Jackson Sts., Sioux City, IA 51102.

MC 143594 (Sub-5-9TA), filed March 24, 1981. Applicant: NATIONAL BULK TRANSPORT, INC., P.O. Box 402535, Dallas, TX 75240. Representative: Patrick M. Byrne, P.O. Box 2298, Green Bay, WI 54306. *Slurry clay* from points in Twigg and Jefferson Counties, GA to points in the U.S. (except AK and HI). Supporting shipper: J. M. Huber Corporation, Thornall Street, Edison, NJ 08837.

MC 144622 (Sub-5-78TA), filed March 25, 1981. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. *General commodities (except household goods as defined by the Commission and classes A and B explosives),* between the facilities of Ohio Valley Shippers Association and its members facilities, located at points in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Ohio Valley Shippers Association, 1428 Dalton, Cincinnati, OH 45214.

MC 146360 (Sub-5-13TA), filed March 24, 1981. Applicant: DIMENSION TRANSPORTATION, INC., P.O. Box 28656, Oklahoma City, OK 73126. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *Food and related products* between Louisville, KY and points in its commercial zone on the one hand, and, on the other, points in NC, AL, TN, VA, MI, IL, GA, and TX. Supporting shipper: Bexco Products, Inc., 6303 Kenjoy Drive, Louisville, KY 40214.

MC 149155 (Sub-5-3TA), filed March 25, 1981. Applicant: MIDWEST CARTAGE, INC., P.O. Box 318, Atchison, KS 66002. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. *Rubber and plastic products and*

metal products between points in CA, CO, IA, IL, IN, KS, MD, MI, MN, MO, NE, NJ, NY, OK, SC, TN, and TX. Shipper: C. L. Smith Co., 1311 S. 39th St., St. Louis, MO 63110.

MC 149157 (Sub-5-5TA), filed March 25, 1981. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. Contract; Irregular. *Such commodities as are dealt in, or used by, wholesale and retail home furnishings outlets, from pts in AL, CA, GA, KY, MS, NC, OH, PA and TX, to Omaha, NE.* Supporting shipper: Nebraska Furniture Mart, Inc., 700 South 72nd Street, Omaha, NE 68114.

MC 150578 (Sub-5-30TA), filed March 25, 1981. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2944 Motley Dr., Ste. 302, Mesquite, TX 75150. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Food and related products, from Waco, TX and Hackettstown, NJ to pts. in CA, AZ, and Arlington, Houston, Tyler, San Antonio, Corpus Christie and Waco, TX.* Supporting shipper: M & M/MARS, Division Mars, Inc., High St., Hackettstown, NJ 07840.

MC 150645 (Sub-5-6TA), filed March 24, 1981. Applicant: TILEWAYS, INC., 7834 Hawn Freeway, Dallas, TX 75217. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. Contract; irregular; *foodstuffs and malt liquors; from points in CA, OR, ID, WA, MO & WI to points in AR, LA & TX under continuing contract(s) with the Ben E. Keith Company.* Supporting shipper(s): Ben E. Keith Company, P.O. Box 2628 Ft. Worth, TX 76113.

MC 151435 (Sub-5-4TA), filed March 24, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Charles Dixon, 6311 Raytown Rd., Raytown, MO 64133. Contract, Irregular. *Steel siding, vinyl siding, aluminum siding, soffits, guttering, and other steel, vinyl, and aluminum products and raw materials used in the manufacture, from Lawrence, KS, Waverly, OH, Lincoln Park, MI to pts in the U.S.* Supporting shipper: Wolverine Aluminum Corporation, 2500 Lakeview Road, Lawrence, KS 66044.

MC 151435 (Sub-5-5TA), filed March 24, 1981. Applicant: MOTRAN SERVICES, INC., 6311 Raytown Rd., Raytown, MO 64133. Representative: Charles Dixon, 6311 Raytown Rd., Raytown, MO 64133. Contract, Irregular. *Boxes, Packing products, point of purchase displays manufactured from plastic, cardboard, steel and aluminum,*

and raw materials used in the manufacture of boxes, packing, and point of purchase displays, from Lawrence, KS to pts in the U.S. Supporting shipper: E and E Specialties, Inc., 910 E. 29th Street, Lawrence, KS 66044.

MC 152021 (Sub-5-18TA), filed March 24, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin (same as applicant). Contract; Irregular; (A) *Paper and Paper Articles, (B) Plastic Fence Posts, and (C) Paper and Paper Articles, Plastic Film or Sheet, Plastic Articles, Wax, Equipment, Materials, and Supplies used in the manufacture thereof, between all points in the U.S. except AK and HI, under continuing contract with (A) Container Service Corporation, (B) Sunbelt Manufacturing, Inc., and (C) Dixico, Inc.* Supporting shippers: Container Service Corporation, 3061 W. Saner, Dallas, TX; Sunbelt Manufacturing, Inc., 2511 Dalworth, Grand Prairie, TX; Dixico, Incorporated, P.O. Box 225116, Dallas, TX.

MC 153003 (Sub-5-2TA), filed March 25, 1981. Applicant: OKLAHOMA INTERSTATE LINES, INC., 1508 North 32nd St., P.O. Box 1372, Muskogee, OK 74401. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Iron and steel and iron and steel articles, and fabricated metal products, and materials, equipment used in the manufacture, sale and distribution thereof, between points in OK on the one hand, and, on the other, points in CA, CO, AR, IL, KS, LA, MO, ND, NE, PA, IA, TN, TX, VA, WI, KY, MA and WY.* Supporting Shippers: There are six.

MC 153423 (Sub-5-1TA), filed March 24, 1981. Applicant: THOMAS G. & GEORGE CRAFT d.b.a. B&G TRUCKING COMPANY, 6120 Holmes Street, Omaha, NE 68117. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. Contract Irregular; *Meat & Meat Products, (Except hides and commodities in bulk in tank vehicles) from Omaha, NE, to points in the Commercial Zones of Chicago, IL and Kenosha, WI.* Supporting shipper: John Roth & Sons, Inc., 42nd & T Sts., Omaha, NE 68107.

MC 153457 (Sub-5-2TA), filed March 25, 1981. Applicant: GOLD STAR CARRIERS, INC., Rte. Box 528, Springtown, TX 76082. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Wire, tubing, fittings and connectors, and materials and supplies used in the manufacture and*

distribution of such commodities, between points in Tarrant County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper: Eclipse Supply Co., 8711 Clifford Street, Fort Worth, TX 76108.

MC 153457 (Sub-5-3TA), filed March 25, 1981. Applicant: GOLD STAR CARRIERS, INC., Rte. 3, Box 528, Springtown, TX 76082. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Dry and liquid chemicals, in containers, and materials and supplies used in the manufacture and distribution of such commodities, between Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Redondo Chemical Co., 1104 West Pioneer Parkway, Arlington, TX 76013.

MC 15347 (Sub-5-4TA), filed March 25, 1981. Applicant: GOLD STAR CARRIERS, INC., Rte. 2, Box 528, Springtown, TX 76082. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. *Oil and oil products, in containers, and materials and supplies used in the processing and distribution of such commodities, between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in the U.S.* Supporting shipper: R. D. Lanzer Oil Co., 1104 West Pioneer Pkwy, Arlington, TX 76013.

MC 154596 (Sub-5-1TA), filed March 25, 1981. Applicant: BILL DAVIS TRUCKING, INC., P.O. Box 2504, Batesville, AR 72501. Representative: Bill Davis, P.O. Box 2504, Batesville, AR 72501. *Electric Motors, Components and Parts used in the manufacture and distribution of electric motors from points in IL, IN and OH to Bald Knob and Forrest City, AR; restricted to the facilities of Arkansas General Industries in Bald Knob and Forrest City, AR.* Supporting shippers: The General Industries Company, Olive & Taylor Streets, Elyria, OH 44035.

MC 154768 (Sub-5-3TA), filed March 25, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 682 61st Street, Des Moines, IA 50312. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. Contract, irregular; *Clothing and wearing apparel, (1) between pts in IA, (2) between pts in IA, on the one hand, and, on the other, Omaha, NE, and (3) between Omaha, NE, and pts in IA, on the one hand, and, on the other, points in Rock Island County, IL, under continuing contract(s) with K-Mart Apparel Corp., Bergess, NJ.* Supporting shipper: K-Mart Apparel Corp., 7373 Westside Avenue North, Bergess, NJ 07047.

MC 154774 (Sub-5-1TA), filed March 24, 1981. Applicant: OVERLAND CARRIER SERVICE, INC., d.b.a. OCS, INC., 1135 Avenue J. East, Grand Prairie, TX 75050. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Air conditioning equipment, heating equipment and solar hot water heating equipment*; between Hutchins, TX and points in the U.S., restricted to shipments originating or destined to the facilities of Northrup, Inc. located at Hutchins, TX. Supporting shipper(s): Northrup, Inc., 302 Nichols Drive, Hutchins, TX 75141.

MC 154872 (Sub-5-1TA), filed March 24, 1981. Applicant: SOLAR TRANSPORT, INC., P.O. Box 537, 420 Central Avenue West, Hampton, IA 50441. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Liquid fertilizer materials*, from Hampton, IA, to points in MN. Supporting shipper: Twin State Engineering and Chemical Company, 3541 East Kimberly Road, Davenport, IA 52807.

MC 154888 (Sub-5-1TA), filed March 24, 1981. Applicant: HARTNETT MOVING & STORAGE CO., INC., 3227 Rear South Kingshighway Blvd., St. Louis, MO 63139. Representative: Thomas J. Hartnett, 5306 Neosho, St. Louis, MO 63109. *Used household goods* between St. Louis, MO and Macoupin, Montgomery, Bond, Jersey, Madison, St. Clair, Clinton, Washington, Randolph, Greene, and Monroe Counties, IL. Supporting shipper: Scott Air Force Base, Scott Air Force Base, IL 62225.

MC 154930 (Sub-5-1TA), filed March 25, 1981. Applicant: VIRGINIA EDMONDS, d.b.a. EDMONDS TRANSPORT COMPANY, 733 Grubb Circle, Mesquite, TX 75149. Representative: James W. Hightower, Hightower, Alexander and Cook, P.C., First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237. *Automobile parts*, between Carrollton, TX, on the one hand, and, on the other, Oklahoma City, OK and Shreveport, LA. Applicant intends to interline. Supporting shipper: Ford Motor Company, One Parklane Blvd., Suite 200, Parklane Towers East, Dearborn, MI 48126.

MC 154934 (Sub-5-1TA), filed March 25, 1981. Applicant: T.B. SMITH, 1514 North Byers, Mangum, OK 73554. Representative: T.B. Smith, 1514 North Byers, Mangum, OK 73554. *Fertilizer*, from points in KS, NM and TX to points in Greer, Harmon, Jackson and Beckham Counties, OK. Supporting shipper: Mangum Farmers Coop Gin, 1508 North Oklahoma, Mangum, OK 73554.

MC 35320 (Sub-5-57), filed March 27, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant). *General commodities, except Classes A and B explosives*, between points in Wright County, MN., on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack and interline. Supporting shipper: Delano Granite, Inc., Delano, MN.

MC 61396 (Sub-5-13TA), filed March 26, 1981. Applicant: HERMAN BROS., INC., P.O. Box 189, Omaha, NE 68103. Representative: Scott E. Daniel, 800 Nebraska Savings Building, 1623 Farnam, Omaha, NE 68102. (1) *Asphalt and asphalt products* and (2) *coal tar pitch emulsion*, (1) between points in IA, NE, MN and SD and (2) from St. Louis, MO to points in IA, IL, MO, KY and AR. Supporting shipper(s): Bitucote Products Co., 1824 Knox Avenue, St. Louis, MO 63139.

MC 61440 (Sub-5-11TA), filed March 27, 1981. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 N.W. 63rd Street, Oklahoma City, OK 73116. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Contract, irregular; *General Commodities (except Classes A & B explosives)* between all points in the U.S. (except AK and HI) under continuing contract(s) with The Coleman Company, Inc., Wichita, KS.

MC 96877 (Sub-5-1TA), YUMA COUNTY TRANSPORTATION CO., 2128 East Highway 30, Grand Island, NE 68801. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *General Commodities (except Class A and B explosives)*. Between points in NE, on the one hand, and, on the other, points in the United States. There are 7 supporting shippers.

MC 99427 (Sub-5-13TA), filed March 27, 1981. Applicant: ARIZONA TANK LINES, INC., 606 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. *Salt* between points in AZ, CA, NV, NM and TX. Supporting shipper: Southwest Salt Co., P.O. Box 1237, Litchfield Park, AZ 85340.

MC 119493 (Sub-5-54TA), filed March 27, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Charcoal, charcoal briquettes, wood chips, sawdust, wax impregnated fireplace logs, materials and supplies and equipment used in the processing and distribution thereof except commodities in bulk*. Between: AL, CA, KY, MD, MO, PA, and WV on the one hand, and,

points in the U.S. in and east of MN, IA, MO, OK, and TX on the other hand. Restricted to traffic originating at or destined to facilities of The Kingsford Company. Supporting shipper: The Kingsford Company, 1700 Commonwealth Bldg., P.O. Box 1033, Louisville, KY 40201.

MC 119493 (Sub-5-55TA), filed March 27, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Plastic articles and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk)*. Between: Nevis, MN and Falun and Siren, WI on the one hand, and, CT, DE, MD, MN, MA, NE, NY, NJ, NC, NH, PA, RI, SC, VA, VT, WV, and WI on the other hand, restricted to traffic originating at or destined to facilities of North States Industries, Inc. Supporting shipper: North States Industries, Inc., 2650 Fremont Avenue, N, Minneapolis, MN 55412.

MC 119493 (Sub-5-56TA), filed March 27, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Flour, grain milled products and materials and supplies used in the processing and distribution thereof except commodities in bulk*. Between Chattanooga, TN on the one hand, and, points in AR, AL, GA, IL, IN, KY, LA, MS, MO, NC, OK, OH, SC, VA, and WV on the other hand. Restricted to traffic originating at or destined to facilities of Seaboard Allied Milling Corporation. Supporting shipper: Seaboard Allied Milling Corporation, 9000 W. 67th, P.O. Box 2969, Shawnee Mission, KS 66201.

MC 119493 (Sub-5-57TA), filed March 27, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Metal articles and materials and supplies used in the manufacture and distribution thereof (except commodities in bulk)*. Between Jasper County, MO on the one hand and points in the U.S. in and east of MT, WY, CO, and MN on the other hand, restricted to traffic originating at or destined to facilities of Joplin Container Corp. Supporting shipper: Joplin Container Corp., 1300 W. 10th St., Joplin, MO 64801.

MC 124174 (Sub-5-45TA), filed March 27, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Mosen, 13811 "L" Street, Omaha, NE 68137. (1) *Cast iron pipe fittings, valves, hydrants, and accessories*; (2)

Iron and steel and iron and steel articles, from (1) Coshocton County, OH to points in FL; (2) Between Wyandotte County, KS and points in IL, MI, IN, OH, MO, LA, WI, TN, AL, MS, TX, OK, NE, IA, AR, and MN, and between Nodaway and Newton Counties, MO and Pueblo County, CO, on the one hand, and points in IA, MN, MO, NE, IL, WI, and SD, on the other. Supporting shipper(s): Clow Corporation, 1211 West 22nd Street, Oak Brook, IL 60521; Slitco Steel Corporation, 1401 Fairfax Trafficway, Building "H", Kansas City, KS 66115; L.M.P. Steel and Wire Co., Maryville, MO 65568.

MC 124673 (Sub-5-11TA), filed March 26, 1981. Applicant: FEED TRANSPORTS, INC., P.O. Box 2167, Amarillo, TX 79105. Representative: Gail P. Johnson (same as applicant). *Fertilizer, fertilizer ingredients, and fertilizer compounds*, between Ford County, KS, and points in OK, TX, NM, AZ, CO, NE, ID, OR, WA, UT and CA. Supporting shipper: Ruffin, Inc., P.O. Box 940, Dodge City, KS 67801.

MC 126045 (Sub-6TA), filed March 26, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Pig iron*: Between Rock Island, IL, on the one hand, and, on the other, points in MO, KS, IA, NE, MN, WI, IN, KY, TN and AR. Supporting shipper: Miller and Company, 55 East Monroe Street, Chicago, IL 60603.

MC 126118 (Sub-5-61TA), filed March 27, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, (same as applicant). *Chemicals and related products*, between points in WA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Kalama Chemical Company, Inc., Helen Rasmussen, Marketing Coordinator, Suite 1110 Bank of California Center, Seattle, WA 98164.

MC 126822 (Sub-5-52TA), filed March 27, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same as applicant). *Food or kindred products and malt beverages*, between points in the U.S., restricted to the transportation of shipments for All Brand Importers, Inc. Supporting shipper: All Brand Importers, Inc., Suite 304A, 99 Powerhouse Road, Roslyn Heights, NY 11577.

MC 126822 (Sub-5-53TA), filed March 27, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061.

Representative: John T. Pruitt (same as applicant). *Food and animal food*. Between KS and MO, on the one hand, and points in the U.S., on the other, restricted to shipments from, to or between the facilities of CHB Foods, Inc. Supporting shipper: CHB Foods, Inc., P.O. Box 3510, Terminal Island, CA 90731.

MC 129908 (Sub-5-51TA), filed March 27, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Copper wire, insulated or plain, copper cable, copper rod, copper scrap, reels, containers machinery, materials, equipment and supplies used in the manufacture thereof* between the 48 United States restricted to traffic originating at or destined to the facilities of Essex Group, Inc. (traffic can originate from manufacturing facilities throughout the United States.) Supporting shipper: Essex Group, Inc., 1601 Wall Street, Fort Wayne, IN 46804.

MC 129908 (Sub-5-52TA), filed March 27, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St., Oklahoma City, OK 73107. Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147. *Rubber and plastic products and machinery, equipment, materials and supplies used in the manufacture thereof*; between Lenexa and Lawrence, KS and Reno, NV on the one hand, and, on the other, points in the states of AL, CA, DE, FL, GA, IL, IN, KS, KY, MD, MI, MS, NC, NJ, NV, OH, PA, SC, TN, VA, WI and WV. Supporting shipper: Packer Plastics, Inc., 2330 Packer Road, Lawrence, KS 66044.

MC 134783 (Sub-5-4TA), filed March 27, 1981. Applicant: DIRECT SERVICE, INC., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Bottles*, from Milwaukee, WI and points in its commercial zone to San Antonio, TX and points in its commercial zone. Supporting shipper: Lone Star Brewing Company, Inc., 600 Lone Star Blvd., San Antonio, TX 78206.

MC 135797 (Sub-5-109TA), filed March 27, 1981. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 130, Lowell, AR 72745. Representative: Paul R. Bergant, Esq. (address same as applicant). *Steel nuts and materials, equipment and supplies used in the manufacture and distribution of steel nuts*, between Randolph County, AR and points in the United States (except AK and HI). Supporting shipper: Amerace

Corporation, 3200 Country Club Road, Pocahtontas, AR 72455.

MC 139923 (Sub-5-6TA), filed March 27, 1981. Applicant: MILLER TRUCKING CO., INC., 105 South 8th Street, Stroud, OK 74079. Representative: Michael H. Lennox, 8903 North Western, Oklahoma City, OK 73114. *Foodstuffs*, from Memphis, TN and Springfield, MO to Amarillo, TX. Supporting shipper: Affiliated Foods, Inc., Box 30300, Amarillo, TX 79120.

MC 141312 (Sub-5-3TA), filed. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Feed ingredients*, from Dodge, Platte, Cumming, Hall, Douglas, Madison and Lancaster Counties, NE and Reno County, KS, to points in IA. Supporting shipper: Land O'Lakes, 2827 Eighth Avenue South, Fort Dodge, IA 50501.

MC 144667 (Sub-5-5TA), filed March 27, 1981. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. *Contract, Irregular. Soda ash and sodium bicarbonate*, from Sweetwater County, WY, to pts in CO, under a continuing contract(s) with Van Waters and Rogers, Division of Univar. Supporting shipper: Van Waters and Rogers, Division of Univar, P.O. Box 5287, Denver, CO 80217.

MC 145904 (Sub-5-9TA), filed March 27, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Apt. 307, Minneapolis, MN 55424. *General commodities (except Classes A and B explosives)* between points in the Chicago, IL, commercial zone, on the one hand, and, on the other, points in IA, IN, KS, IL, MI, MN, MO, NE, OH, SD and WI. Applicant intends to tack. Supporting shipper: Allied Shippers and Receivers Association, 2029 West Hubbard Street, Chicago, IL 60612.

MC 146078 (Sub-5-22TA), filed March 27, 1981. Applicant: CAL-ARK, INC., 854 Moline, P.O. Box 610, Malvern, AR 72104. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Foodstuffs*, from Houston, TX; St. Louis, MO; Anderson, IN; Los Angeles, CA; Linden, NJ; Morris Plains, NJ; and Denver, CO; to all points and places in AR, CO, IL, IN, KS, MO, WI, IA, and TX. Supporting shipper: Dana Brown Private Brands, Inc., 4907 W. Pine Boulevard, St. Louis, MO.

MC 148035 (Sub-5-7TA), filed March 26, 1981. Applicant: QUANDT

TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Anhydrous ammonia and fertilizer*, from points in NE to points in IA, SD, MN and KS. Supporting shipper: Land O'Lakes, Inc., 2827 8th Ave., Fort Dodge, IA 50501.

MC 153025 (Sub-5-2TA), filed March 27, 1981. Applicant: FLANCO TRANSPORTATION, INC., 3105 North Highway 75, Corsicana, TX 75110. Representative: (same as applicant). (1) *Structural steel parts and components, for oil field rigs*, (2) *materials, equipment, and supplies used in the manufacture of oil field rigs*. Between the facilities of Western National Rig at Corsicana, TX, on the one hand, and, on the other, points in WY, NM, OK, LA, and TX. Supporting shipper: Western National Rig, 301 North 7th, Corsicana, TX 75110.

MC 153550 (Sub-5-3TA), filed March 27, 1981. Applicant: MEXICAN ORIGINAL TRANSPORTATION, INC., P.O. Box 1368, Fayetteville, AR 72767. Representative: Mark S. Gray, P.O. Box 872, Atlanta, GA 30301. *Food and kindred products (except frozen)*. Between the facilities used by The Pillsbury Co. in the U.S. on the one hand, and, on the other, points in U.S. (except AK and HI). Supporting shipper: The Pillsbury Co., Agri-Industrial Foods Div., Minneapolis, MN 55402.

MC 154178 (Sub-5-1TA), filed March 27, 1981. Applicant: MERIT BAKING COMPANY, P.O. Box 40, Boone, IA 50036. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Canned goods*, from Lamar County, TX, to Boone County, IA. Supporting shipper: Fareway Stores, Inc., Boone, IA 50036.

MC 154666 (Sub-5-1TA), filed March 27, 1981. Applicant: TLC, INC., 3031 Quebec, Suite 120, Dallas, TX 75247. Representative: John P. McHargue, 3031 Quebec, Suite 120, Dallas, TX 75247. *Ball and Roller Bearings, Electric Motors, Power Transmission Machinery, Gearmotors, Controllers in boxes, cartons, and crates and parts and accessories thereof*, between Dallas, TX, on the one hand, and, on the other, Baytown, Beaumont, Ft. Worth, Freeport, Houston, Longview, Orange, Pasadena, Port Aruther, Port Lavaca, Texarkana, and Tyler, TX, and their commercial zones, having prior movement in interstate commerce. Supporting shipper: Dodge Manufacturing Division, Reliance Electric Co., Highway 127 North, Lawrenceburg, KY 40342.

MC 154768 (Sub-5-4TA), filed March 27, 1981. Applicant: IOWA EXPRESS DISTRIBUTION, INC., 682 61st Street, Des Moines, 50312. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Contract irregular. Such commodities as are dealt in by retail department stores*, (1) Between pts in IA, (2) between pts in IA, on the one hand, and, on the other, Omaha, NE, and (3) between Omaha, NE, and pts in IA, on the one hand, and, on the other, pts in Rock Island County, IL, under continuing contract(s) with supporting shipper: Target Stores, 777 Nicollet Mall, Minneapolis, MN 55402.

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 151132 (Sub-6-5TA), filed March 25, 1981. Applicant: AMERICAN WESTERN TRANSPORT INC., P.O.B. 20622, Salt Lake City, UT 84120. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, DC 20005. *Alcoholic beverages (except in bulk)*, from Madera, CA to points in the U.S., restricted to traffic originating at and/or destined to the facilities of United Vintners, for 270 days. Supporting shipper: United Vintners, 601 4th St., San Francisco, CA 94107.

MC 52793 (Sub-6-13TA), filed March 26, 1981. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Microfoam Sheeting and related products*, from Greenup County, KY, to MI, IN, VA, WV, NC, SC, GA, FL, AL, TN, WI, IL, MO, AR, MS, LA, TX, OK, KS, NE, SD, ND, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NY, CA, IA, MN, and DC, for 270 days. Supporting shipper: E. I. duPont de Nemours & Co., Inc., 1007 Market St., Wilmington, DE 19898.

MC 154784 (Sub-6-1TA), filed March 26, 1981. Applicant: COMMODITY TRANSPORT, INC., P.O. Box 7776, Murray, UT 84107. Representative: Lee Redman (same as applicant). *Chemicals, materials and supplies, used in mining operations and in the discovery, development and transmission of Natural Gas, Petroleum and Geo-Thermal products and by-products, except drilling rigs and tubular goods*, between points in CA, CO, ID, KS, MT, NE, NV, NM, OK, SD, TX, UT and WY, for 270 days. (An underlying ETA seeks 120 days authority.) Supporting shippers: Rocky Mountain Refractories, 2436 W. Andrew SLC UT 84104 Elemco Mud Co., Inc., Box 469, Enid, OK 73701;

Halliburton Services, POB 339, Vernal, UT 84078; and Drilling Mud, Inc., 2821 NW 50th St., Oklahoma City, OK 73112.

MC 134060 (Sub-6-1TA), filed March 23, 1981. Applicant: DOMAN-MARPOLE TRANSPORT LTD., 12751 Vulcan Way, Richmond, BC CD V6V 1J7. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055. *Cement*, from points in OR and WA to points in ID, MT and WA on the international boundary line between the U.S. and Canada, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Centurion Lumber Ltd., 9341 Trans Canada Hwy., Chemainus, BC, CD.

MC 125996 (Sub-6-5TA), filed March 25, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Food and related products* between the Milwaukee, WI, commercial zone and the Chicago, IL, commercial zone on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: V. LaRosa & Sons, Inc., 1495 Greenleaf Avenue, Elk Grove Village, IL 60007.

MC 145860 (Sub-6-1TA), filed March 24, 1981. Applicant: HOWLETT'S TRUCKING, 2821 Medina Dr., San Bruno, CA 94066. Representative: James Milton Howlett (same as applicant). *Contract carrier; Irregular routes: Cosmetics, Toilet Preparations* from Pasadena, CA to points in OR, WA and ID, for the account of AVON PRODUCTS, INC. for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Avon Products, Inc., 2940 E. Foothill Blvd., Pasadena, CA.

MC 48958 (Sub-6-7TA), filed March 25, 1981. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 16404, Denver, CO 80216. Representative: Robert A. Haddock (same as applicant). *Contract carrier, Irregular route: Dental, hospital, surgical supplies and products used in the manufacture thereof*, between Sherman, TX and Chicago, Argonne, and Bedford, Park, IL for the account of Johnson & Johnson, Inc., for 270 days. Supporting shipper: Johnson & Johnson, Inc., 501 George St., New Brunswick, NJ 08903.

MC 147832 (Sub-6-7TA), filed March 25, 1981. Applicant: JIM EDDLEMAN, d.b.a. J & J CATTLE COMPANY, 3395 Wright St., Wheat Ridge, CO 80033. Representative: Truman A. Stockton, Jr., 1365 Logan St., Suite 100, Denver, CO 80203. *Alcoholic and Non-Alcoholic*

Beverages from points in AZ, MA, NJ, NY, TX and WA to Denver, CO for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): C & C Distributing Co., Box 7446, Denver, CO 80207.

MC 133037 (Sub-6-4TA), filed March 25, 1981. Applicant: MILE-HI EXPRESS, INC., 1335 E. 40th St., Denver, CO 80205. Representative: Charles H. Kimball, 1800 Sherman St. #350, Denver, CO 80203. *Common, Regular; (1) Food and related products, between Denver, CO and points in its commercial zone, on the one hand, and, Gallup, NM, on the other, serving (a) all intermediate points and points in their commercial zones, and (b) all off-route points in NM on and east of Interstate Highway No. 25 and on and north of U.S. Highway No. 66 and Interstate Highway No. 40.*

(i) from Denver, CO over Interstate Highway No. 25 to its junction with Interstate Highway No. 40, then over Interstate Highway No. 40 to Gallup, NM, and return over the same route

(ii) from Denver, CO over U.S. Highway No. 285 to its junction with U.S. Highway No. 160 [then over U.S. Highway No. 160 to its junction with U.S. Highway No. 866, then over U.S. Highway No. 866 to Gallup, NM and return over the same route], and

(iii) from Denver, CO, over Interstate Highway No. 25 to U.S. Highway No. 160 for 270 days. An underlying ETA seeks authority for 120 days.

Applicant seeks authority to tack three routes, so that it can serve the points from either direction over a combination of the routes. Supporting shipper(s): There are 13 shippers. Their statements may be examined at the Regional office listed.

MC 144572 (Sub-6-11TA), filed March 25, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80632. Representative: John T. Wirth, 717-17th St., Ste. 2600, Denver, CO 80202. *Contract carrier, irregular routes: (1) Paper and paper products, (2) photocopying equipment and supplies, (3) advertising materials and advertising specialty items (including keyholders, wallets, card cases, desk top accessories, clocks, and limited edition collectibles), and (4) film and film products, between points in the U.S. under continuing contract(s) with Saxon Industries, Inc., for 270 days. Supporting shipper: Saxon Industries, Inc., 1230 Ave. of the Americas, New York, NY 10020.*

MC 150084 (Sub-6-2TA), filed March 25, 1981. Applicant: PRIDE TRANSPORT, 1005 Jewel Ave., Salt Lake City, UT 84104. Representative: D.

Jeffrey England (same address). *General Commodities* (except articles of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk; and articles because of their size and weight requiring special equipment) between points in the U.S., restricted to traffic for the Church of Jesus Christ of Latter-Day Saints for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Corporation of the Presiding Bishop, Church of Jesus Christ of Latter-Day Saints, 50 East North Temple, Salt Lake City, UT 84103.

MC 135082 (Sub-6-11TA), filed March 24, 1981. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, Albuquerque, NM 87125. Representative: R. G. Russell, (same address as applicant). *Materials and supplies used in or incidental to the drilling of oil and gas wells, between points in ND, SD, & WY on the one hand, and on the other, points in LA, NM, OK, & TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Dowell Fluid Services, 4900 Woodway, Suite 900, Houston, TX 77056; Eagleston's 1010 E. Reno, Oklahoma City, OK 73117.*

MC 154636 (Sub-6-1TA), filed March 26, 1981. Applicant: WAYNE S. STEWART TRUCKING, 5458 Edgewood Dr., Salt Lake City, UT 84117. Representative: Everett E. Dahl, 760 E. Center St., Midvale, UT 84047. *Contract Carrier: Irregular routes; Medical supplies and materials and supplies used in the manufacture, sale and distribution of medical supplies (except in bulk) between the facilities of the Deseret Company, subsidiary of Warner-Lambert Company, at or near Sandy, UT, on the one hand, and, on the other, points in the U.S. (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Deseret Company, subsidiary of Warner-Lambert Company, 9450 So. State St., Sandy, UT 84070.*

MC 151878 (Sub-6-1TA), filed March 25, 1981. Applicant: THREE WAY CORPORATION, 1120 Karlstad Dr., Sunnyvale, CA 94086. Representative: Anthony Bonino (same as applicant). *Piece Goods and Clothing from San Francisco, CA to Price, UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Koret of California—617 Mission St., San Francisco, CA 94105.*

MC 142969 (Sub-6-1TA), filed March 25, 1981. Applicant: WESTERN DISTRIBUTING TRANSPORTATION CORPORATION, 1800 Bassett, Unit A, Denver, CO 80217. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver,

CO 80202. *(1) Malt beverages and related advertising materials, and (2) empty used beverage containers and materials and supplies used in and dealt with by breweries, between Jefferson County, CO on the one hand, and, on the other, points in CA, MO, and TN, for 270 days. An underlying ETA seeks authority for 120 days. Supporting shipper: Adolph Coors Company, Golden, CO 80401.*

MC 29456 (Sub-6-1TA), filed March 26, 1981. Applicant: OREGON TRANSFER CO., P.O. Box 2804, Portland, OR 97208. Representative: John A. Anderson, Suite 1600, One Mail Pl., 101 SW Main Street, Portland, OR 97204. *Contract carrier, irregular routes: granulated sugar and liquid sweetener, in bulk, from the facilities of Amstar Corporation, Spreckels Sugar Division, at Milwaukie, OR to points in WA, under continuing contract(s) with Amstar Corporation, Spreckels Sugar Division, San Francisco, CA for 270 days. Supporting shipper: Amstar Corporation, Spreckels Sugar Division, 50 California St., San Francisco, CA 94111.*

MC 141867 (Sub-670TA), filed March 26, 1981. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 2301 Milwaukee Way, Tacoma, WA 98421. Representative: Ronald R. Brader (same as applicant). *Items dealt in or used by the manufacturers or suppliers of aircraft, aircraft assemblies, aerospace crafts, parts, materials and equipment used in the maintenance, servicing, operation and manufacture of aircraft, aerospace vehicles and hardware, hydrofoil boats, asphalt plants, wind turbine systems and water purification systems, between points in and west of ND, SD, NE, AR, MO and LA, for 270 days. Supporting shipper: The Boeing Co., P.O. Box 3707, M/S 3N-65, Seattle, WA 98124.*

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-10673 Filed 4-7-81; 8:43 am]

BILLING CODE 7035-01-M

[Section 5b Application No. 2¹]

Western Railroads—Agreement

Decided: March 18, 1981.

AGENCY: Interstate Commerce Commission.

¹ This decision also embraces Section 5b Application No. 3, Eastern Railroads—Agreement and Section 5b Application No. 6, Southern Railroads—Agreement.

ACTION: Clarification of prior notice of decision and imposition of labor protective conditions.

SUMMARY: The Commission issued a final decision, served January 21, 1981, disapproving the proposed collective ratemaking agreements. Notice of that decision was published at 46 FR 9218, on January 28, 1981. A subsequent amendment was published at 46 FR 11894 on February 11, 1981. The Traffic Executive Association—Eastern Railroads sought clarification on two issues. First, should the single-line restriction on general rate increases be delayed? The Commission finds no reason for a delay. Second, what level of labor protection is required for employees adversely affected by implementation of the Staggers Act? The Commission finds that affected employees must be afforded, at a minimum, the *New York Dock* conditions. Agreements which seek to modify these conditions must be filed with, and approved by, the Commission.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder, or Jane F. Mackall, (202) 275-7656

SUPPLEMENTARY INFORMATION: On February 18, 1981, the Traffic Executive Association—Eastern Railroads (TEA) sought clarification of our January 21, 1981 decision in two respects:

1. Should the single-line restriction on general rate increases in the January 21, 1981 order be delayed until the cost recovery index proposed in Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures* (not printed) (notice served November 1 and 28, 1980), is implemented?

2. Does the Staggers Act require rail rate bureaus to adopt plans providing labor protection for rate bureau employees adversely affected by implementation of the Staggers Act and file those plans with the Commission for approval? If so, would an application or modification of the labor protective conditions approved by the Commission in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 affirmed *sub nom. New York Dock Ry. v. United States*, 609 F.2d 83 (2d Cir. 1979) (*New York Dock*), be sufficient?

1. *The single-line restriction on general rates increases.*—The Staggers Rail Act of 1980, Pub. L. 96-448, prohibits a rate bureau from permitting:

A rail carrier to discuss, to participate in agreements related to, or to vote on single-line rates proposed by another carrier, except that for purposes of general rate increases and broad tariff changes only, if the

Commission finds at any time that the implementation of this clause is not feasible, it may delay or suspend such implementation in whole or in part. 49 U.S.C. 10706(a)(3)(A)(i).

In our January 21, 1981 decision, we stated that the proper interpretation of this provision is that the general prohibition against one rail carrier discussing and voting on the single-line rate proposals of another carrier extends to the single-line rate changes made through general rate increases and broad tariff changes, unless the Commission finds that the application of the clause to either ratemaking mechanism is not feasible. The above provision was effective immediately and the Commission was not compelled to make a finding as to feasibility. Nevertheless, after a lengthy discussion, we found the prohibition against single-line rate changes through general rate increases and broad tariff changes had not been shown to be infeasible. Consequently, the entire provision was to be implemented.

TEA argues in its petition that implementation of the single-line restriction on general rate increases should be delayed until the cost recovery index in Ex Parte No. 290 (Sub-No. 2), *supra*, has gone into effect. It argues that the Commission based its feasibility finding solely upon the use of this index. Additionally, TEA offers the same antitrust liability argument presented throughout the duration of this proceeding. This argument has been duly considered and found unpersuasive. While the cost recovery index will certainly be a useful mechanism for inflationary cost increases and will be placed into effect in the very near future, the temporary absence of the index does not make implementation of the restriction infeasible.

We have listed at length the various actions the Commission is taking to provide a more flexible environment for individual ratemaking (deprescription of class rates, elimination of the open aggregate rule and the commercial closing doctrine, revision of tariff regulations, et cetera). The rail carriers offered no convincing evidence as to why they are unable to separate single-line rate proposals from general rate increases when they must separate single-line from joint-line proposals for other than general rate increases. Our finding of feasibility was based on all of the above not merely on the usage of cost recovery index.

2. *The Labor Protection Provisions of the Staggers Act.*—On October 14, 1980, the Staggers Rail Act of 1980, Public Law

96-448 was enacted. Section 219(g), to be codified at 49 U.S.C. 10706 *et seq.*, states:

The Interstate Commerce Commission shall require rail carrier members of a rate bureau to provide the employees of such rate bureau who are affected by the amendments made by this section with fair arrangements no less protective of the interests of such employees than those established pursuant to Section 11347 of Title 49, United States Code. For purposes of this subsection, the term "employees" does not include any individual serving as president, vice president, secretary, treasurer, comptroller, counsel, member of the board of directors, or any other person performing such functions.

It is clear that Congress intended that affected employees of these bureaus are to have at least the same minimum protections as granted to rail employees affected by mergers, acquisitions, consolidations and similar transactions. These protections developed pursuant to 49 U.S.C. 11347, are set forth in *New York Dock, supra*.

If rate bureaus and their employees agree to the *New York Dock* conditions as the level of protection, there is no need for us to review the agreement. If the parties seek to modify the conditions, the agreement must be submitted to us for our approval. Moreover, the submission must indicate how the agreement differs from the *New York Dock* Conditions.

We note that the *New York Dock* conditions are self-executing. They provide for negotiation, and if necessary arbitration, of implementing agreements and other disputes and/or claims. These implementing agreements and other disputes need not be brought to our attention because the *New York Dock* provisions cover these questions.

TEA also requested that we discuss other questions regarding labor protection that has been raised earlier by the Office of Special Counsel. Because TEA argues that these questions raise "practical obstacles to the inauguration of any sort of labor protective plan," we will answer them now.

The first question concerns which rate bureau employees were entitled to protection. We believe that any employees employed on October 1, 1980, are covered by the Staggers Act provisions. The Staggers Act indicates that October 1, 1980 is the effective date.

The second question deals with how the labor protection will be enforced. As indicated above, the *New York Dock* conditions are basically self-executing.

The third question asks who is to pay the cost of the protection. We believe

that the members of the rate bureaus must determine this amongst themselves.

The fourth question asks whether we can require that tariff publication bureaus be staffed by rate bureau employees affected by the Staggers Act. We believe the possible reemployment of affected employees is a matter best left to the parties to negotiate.

The fifth question asks if there is any cutoff date after which the protections will no longer be available. The statute requires that employees be afforded the *New York Dock* conditions. These conditions set forth the circumstances under which an employee is entitled to protection and the minimum extent and duration of that protection. There can be no Commission-imposed cutoff date.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources and will not have an adverse impact on small business.

(49 U.S.C. 10321, 10706)

Commissioner Gresham joined by Commissioner Clapp dissenting in part:

The prohibition against collective consideration of single-line rates through the mechanism of general increases should be delayed, at minimum, until implementation of a cost recovery index as proposed in Ex Parte No. 290 (Sub-No. 2), *Railroad Cost Recovery Procedures*.

It is ordered:

1. The petition for clarification is granted.
2. Rate bureau rail carrier members are required to provide rate bureau employees affected by section 219 of the Staggers Rail Act of 1980 with protection at least as beneficial as that set forth in the *New York Dock* conditions.
3. Protective agreements adopting the *New York Dock* conditions need not be submitted to the Commission for approval, but employee protective agreements containing conditions other than those in *New York Dock* must be submitted to the Commission for approval.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham, joined by Commissioner Clapp, dissented in part with a separate expression.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-10543 Filed 4-7-81; 8:45 am]
BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

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 Forty-Second meeting of the Board for International Food and Agricultural Development (BIFAD) on April 23, 1981.

The purpose of the meeting is to confer with BIFAD Support Staff on frequency of meetings and style of operation. (The regular BIFAD meeting will not be held.)

The meeting will begin at 9:00 a.m. and adjourn at 3:00 p.m., and will be held at the National Association of State Universities and Land Grant Colleges, Room 610, 1 Dupont Circle, Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Coordinator Title XII Strengthening Grants and University Relations, Development Support, Agency for International Development (A.I.D.), is designated as A.I.D. Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: April 1, 1981.

Erven J. Long,

A.I.D. Advisory Committee Representative,
Board for International Food and Agricultural Development.

[FR Doc. 81-10507 Filed 4-7-81; 8:45 am]
BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-40 (Preliminary)]

Secondary Aluminum Alloy in Unwrought Form From the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the

institution of investigation No. 731-TA-40 (Preliminary) to determine whether there is a reasonable indication that 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 from the United Kingdom of secondary aluminum alloy in unwrought form, provided for in item 618.0650 of the Tariff Schedules of the United States Annotated (TSUSA), which are allegedly sold or likely to be sold in the United States at less than fair value (LTFV).

EFFECTIVE DATE: March 24, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade Commission, Room 346, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0242.

SUPPLEMENTARY INFORMATION: On March 24, 1981, petitions were simultaneously filed with the U.S. Department of Commerce and the U.S. International Trade Commission by the Aluminum Recycling Association, Inc., on behalf of its member firms alleging that secondary aluminum alloy in unwrought form from the United Kingdom is being sold in the United States at LTFV and that an industry in the United States is being materially injured or threatened with material injury by reason of such imports. Accordingly, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), the Commission is instituting preliminary antidumping investigation No. 731-TA-40 (Preliminary) to determine whether a reasonable indication of such injury exists. The Commission must make its determination within 45 days after the date on which the petition was received, or in this case by May 8, 1981. The investigation will be conducted according to the provisions of part 207, subpart B, of the Commission's Rules of Practice and Procedure (19 CFR 207).

For purposes of this investigation, secondary aluminum alloy is aluminum alloy which has been produced from aluminum recovered from scrap.

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 April 24, 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).

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR 207), and Part 201, Subparts A through E (19 CFR 201).

Conference: The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 10 a.m., e.s.t., on Monday, April 20, 1981, at the U.S. International Trade Commission Building. Parties wishing to participate in the conference should contact the supervisory investigator for this investigation, Mr. Lynn Featherstone (202-523-0242). It is anticipated that parties in support of the petition for antidumping duties and parties opposed to such petition will each be collectively allocated 1 hour within which to make an oral presentation at the conference. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

Inspection of Petition: The petition filed in this case is available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

By order of the Commission.

Issued: March 30, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-10627 Filed 4-7-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-36 (Preliminary)]

Truck Trailer Axle-and-Brake Assemblies, and Parts Thereof

Determination

On the basis of the record developed in investigation No. 731-TA-38 (Preliminary), the Commission determines pursuant to section 733(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured or

is threatened with material injury¹ by reason of imports from Hungary of truck trailer axle-and-brake assemblies, and parts thereof, provided for in items 692.32 and 692.60 of the Tariff Schedules of the United States, which are allegedly sold at less than fair value.

Background

On February 12, 1981, Rockwell International Corp., Pittsburgh, Pa., filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that truck trailer axle-and-brake assemblies, and parts thereof are being, or are likely to be, sold in the United States at less than fair value. Accordingly, the Commission, on February 19, 1981, instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that 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 from Hungary, of truck trailer axle-and-brake assemblies and parts thereof, provided for in items 692.32 and 692.60 of the Tariff Schedules of the United States (TSUS), which are allegedly sold, or likely to be sold, at less than fair value. The statute directs that the Commission make its determination within 45 days of its receipt of the petition, or in this case by March 30, 1981.

Notice of the institution of the Commission's investigation and of the public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register of February 25, 1981 (46 FR 14095). A public conference was held in Washington, D.C. on March 5, 1981, at which all interested parties were afforded the opportunity to present information for consideration by the Commission.

On March 5, 1981, the Department of Commerce issued a notice announcing that it had found the petition to be properly filed within the meaning of its rules and that it was instituting an investigation. The notice to such effect was published in the Federal Register on March 11, 1981 (46 FR 16109).

In arriving at its determination, the Commission has given due

¹Chairman Alberger determines that there is a reasonable indication that an industry in the United States is materially injured by reason of such imports.

consideration to the information provided by the Department of Commerce, to all written submissions from interested parties, and to information adduced at the conference and obtained by the Commission's staff from questionnaires, documented personal interviews, and other sources, all of which have been placed on the administrative record of this preliminary investigation.

Views of the Commission

Determination

On the basis of the record developed in investigation No. 731-TA-38 (Preliminary), we determine pursuant to section 733(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from Hungary of truck trailer axle-and-brake assemblies, and parts thereof,² which are allegedly sold at less than fair value.³

The Imported Article and the Domestic Industry

Section 771(4)(A) defines the term "industry" to mean the domestic producers of a product which is like that being imported. "Like product," in turn, is defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation * * *."

In this case the imported products are trailer axles. The imported trailer axles are rectangular or tubular steel beams with cam shafts, air chamber brackets, axle spindles, spindle nuts, and brakes attached. To date, the imported trailer axles have been designed by Eaton Corp. (Eaton) of Cleveland, Ohio with Eaton-designed single anchor pin brakes. This Eaton-designed brake is an easy maintenance brake which allow it to be dismantled quickly in order to change brake linings and perform other repairs, the trailer axles which are being imported are standard, "no frills" axles. The standard Hungarian axles are for the higher volume segment of the market.

Domestic trailer axles are either tubular, rectangular, or square beams with cam shafts, air chamber brackets,

²Items 692.32 and 692.60 of the Tariff Schedules of the United States.

³Chairman Alberger determines only that there is a reasonable indication of material injury to the domestic industry. It is his view of our statutory responsibility that a finding of reasonable indication of material injury negates the need for a consideration of reasonable indication of threat of material injury.

axle spindles, spindle nuts and brakes attached. Preliminary indications are that square axles are interchangeable with rectangular and tubular trailer axles.⁴

Some domestic axles use the single anchor pin design, but the majority of domestic trailer axles use brake assemblies of a double anchor pin design. This double anchor pin design provides the same quick change feature and ease of maintenance, as does the single anchor pin design.⁵

The domestic trailer axles, though made in the exact specifications of the imported axles, are also made in a number of different cam shaft lengths for different size vehicles. Those domestic trailer axles of the same specifications are interchangeable with the imported trailer axles. All of the domestic axles compete commercially with the imported axles.⁶

Furthermore, the function of the domestic trailer axles is identical to that of the imported trailer axles, that is to act as a load-carrying rigid beam on which the wheels rotate freely. The trailer axle itself has no steering or driving capability.

In general, both domestic and imported trailer axles are sold to manufacturers of commercial trailers. Trailer axles can carry weight in the range of 19,500 to 26,000 pounds and are generally used on class 6 truck trailers, which include platform bed trailers, low bed heavy haulers, automobile transport trailers, tankers, refrigerated trailers, and container trailers.

Based upon the above characteristics and uses of the imported and domestic trailer axles, we conclude that domestic trailer axles are like imported trailer axles.⁷

⁴ We note that square axles are manufactured only by the Pro-Par Division of Fruehauf Corp. for internal consumption and by Eaton Corp. which manufactures a few square axles a year. See staff report at A-3.

⁵ To the best of our knowledge, the difference between the single anchor pin design and the double anchor pin design is that there is one pin and two pins with appropriate modification for the brake parts. Functionally, however, the single anchor pin and the double anchor pin provide the same quick change features and brake characteristics.

⁶ Commissioner Calhoun disassociates himself from this language. See his additional views.

⁷ Chairman Alberger and Commissioner Stern note: In our examination of "like product," we have exhaustively considered the uses and characteristics of the various kinds of axles in order to arrive at an appropriate definition of the domestic industry. It is most difficult to establish a detailed, objective, *a priori* standard for "like product" which can be valid for all fact situations; a case-by-case approach is thus indispensable. Additional analysis of production information and market phenomena such as commercial competition between the products under consideration may, however, be useful because such analysis can

Eaton argued that drive, steering, pusher, and tag axles should be included in the domestic industry. We find that these axles should be differentiated from the imported trailer axles in terms of both their characteristics and uses. Drive axles are used on trucks, rather than trailers, and have power transfer capability, *i.e.*, power is transferred from the engine to the wheels of the truck. Because of the power transfer function, drive axles are substantially heavier and thicker and have more components than trailer axles. Drive axles cannot be substituted for trailer axles except for major modification, and trailer axles cannot be substituted for drive axles because trailer axles do not have power transfer capability.

Steering axles are also used on a truck rather than a trailer, and have steering knuckles which permit the wheel to be turned to the right or the left in response to the steering wheel. Trailer axles cannot be used as steering axles because of the lack of steering capacity. A steering axle cannot be used as a trailer axle because it would be uncontrollable as a result of not being attached to the steering apparatus.

elucidate exactly which features of a product are important, for all practical purposes, in the marketplace.

Our approach in the instant case is the one followed by the Commission in previous cases. In *Plastic Animal Identification Tags from New Zealand*, Inv. No. 303-TA-14 (Final) (Feb. 1981), all Commissioners found that the product like the imported one included both one- and two-piece tags because of their basic characteristics and uses. The Commissioners, with the exception of Vice-Chairman Calhoun, took cognizance of market phenomena in reaching this conclusion. (See "Views of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Paula Stern" at 4-5 and "Views of Commissioner Catherine Bedell" at 26.)

We discussed our framework for the concept of likeness in *Portable Electric Nibblers from Switzerland*, Inv. No. 731-TA-35 (Preliminary) (Nov. 1980), at 4-8: "The concept of likeness does not require exact identity, but it does require that the goods be substantially the same in uses or characteristics." The terms "like" and "similar" have found wide applicability in U.S. trade law without any distinction between them. We note in passing that had we not been able to find a domestic product like the imported one in this case, section 771(10) would have required the Commission to examine the domestic product most similar to the imported one.

Finally, we note that the Commission has never explicitly or implicitly equated "virtually identical" with "like." In *Leather Wearing Apparel from Uruguay*, Inv. No. 701-TA-68 (Preliminary) (Dec. 1980), and *Barium Carbonate and Strontium Carbonate from the Federal Republic of Germany and Strontium Carbonate from Italy*, Inv. Nos. 731-TA-31-33 (Preliminary) (Oct. 1980), the Commission described the domestic products as being "virtually identical" to the imported ones in reaching its conclusions on like products. These cases merely demonstrate that "like" products include those which are "virtually identical" to the imported ones. The notion of "virtually identical" is narrower than, but comprehended within, the term "like product."

Pusher axles are load bearing axles which are used in front of a drive axle on a truck, rather than a trailer. This axle is bent in the middle so that the prop shaft can get by. Because of its special configuration, a pusher axle is not interchangeable with a trailer axle and a trailer axle is not interchangeable with a pusher axle.

Accordingly drive, steering, and pusher axles are not like the imported trailer axles.

Tag axles are load bearing axles sold to truck manufacturers for use on a truck behind the drive axle. Because the suspension systems of a truck and a trailer are different, the suspension brackets used to attach the trailer axle and the tag axle are different. At this preliminary stage because of the different characteristics and uses, we find that a tag axle is not like a trailer axle.⁸

On the basis of the above analysis, we determine under section 771(4) that the domestic industry consists of the U.S. producers of trailer axles, because domestic trailer axles are like the imported products. The domestic industry is composed of six U.S. producers of trailer axles:

- (1) C & M Axles, Division of Dana Corp., Montgomery, Ala.
- (2) Standard Forge and Axle Co., Montgomery, Ala.
- (3) Eaton Corp., Louisville, Ky.
- (4) K. B. Axle Co., Los Angeles, Calif.
- (5) Fruehauf Corp., PRO-PAR Division, Delphos, Ohio.
- (6) Rockwell International, Kenton, Ohio.

Under section 771(4)(B) the Commission has discretion to exclude a domestic producer from the industry if it is the importer of the dumped product or related to the importer or exporter of the dumped product. At this preliminary stage, it has not been necessary for the purpose of this investigation to reach the question of whether Eaton should be excluded from the domestic industry under the related parties provision, because our determination would not have been different if Eaton were excluded from the domestic industry. If this matter returns to the Commission, interested parties will be invited to address further the question of whether it is appropriate to exclude Eaton from the domestic industry under section 771(4)(B).

⁸ If information becomes available in a final investigation which indicates that contrary to the Commission's information tag axles are like trailer axles, the industry may be expanded to include tag axle producers.

Reasonable Indication of Material Injury

The Tariff Act of 1930 (sec. 733(a)) directs that the Commission "shall make a determination, based upon the best information available to it at the time of the determination * * *". The act further specifies in section 771(7) (A), (B), and (C) that the Commission shall consider, among other factors, (i) the volume of imports of the merchandise which is the subject of this investigation, (ii) the effect of imports of that merchandise on prices in the United States for like products, and (iii) the impact of imports of such merchandise on domestic producers of like products. In light of these directives, we base our decision on the preliminary findings of fact and conclusions of law discussed below.

Hungary is the only known source of imports of trailer axles allegedly sold at less than fair value in the United States and all such imports are produced by the Hungarian Railway Carriage and Machine Works ("RABA"). Imports of complete trailer axles from Hungary did not commence until 1980. Eaton purchased from RABA a sizable amount of imported Hungarian trailer axles during the 1980 calendar year.⁹ In the first 2 months of 1981, Eaton's purchases from RABA were equal to nearly a third of Eaton's total purchases of the imported products during the previous year.¹⁰ In addition, U.S. imports of trailer axles from Hungary captured a sizable share of the declining commercial and total U.S. markets in 1980.¹¹

From 1978-80 commercial shipments of trailer axles by domestic producers declined by 42 percent.¹² Captive shipments experienced an even sharper decline.¹³ During the same period the industry's capacity utilization declined from 89 percent in 1978 to 52 percent in 1980.¹⁴ End of year inventories of trailer axles held by domestic producers increased irregularly by 63 percent from 1978 to 1980. As a result of declining production and commercial shipments, the average number of persons employed in the production of trailer axles declined by 27 percent during the

period.¹⁵ Similarly hours worked by trailer axle production workers also declined by 27 percent in the 1978-1980 period.

Profit-and-loss data submitted to the Commission show a significant decline in the profitability of the domestic industry. Net sales and net operating profits of the four largest commercial producers of trailer axles declined by 21 percent and 63 percent, respectively, from 1978 to 1980.¹⁶

The Commission's preliminary comparisons of prices for domestic and imported trailer axles indicate that the imported products have consistently undersold the domestic product.¹⁷ As a result of the underselling, the U.S. industry lost a number of trailer axle sales to the alleged LTFV imports. The Commission was able to verify these lost sales and in many instances price was given as the reason for switching to the imported product.¹⁸

We also find that trends in the domestic market, including increased imports and the low price of the imported axles, along with the estimated shipments of substantial numbers of trailer axles in the Eaton/RABA Purchase Agreement, give a reasonable indication that an industry in the United States is threatened with material injury.

Conclusion

On the basis of the information available to the Commission at this time, we believe that there is a reasonable indication of material injury, or threat thereof¹⁹ to the domestic industry by reason of imports of allegedly dumped trailer axles from Hungary and therefore, this proceeding should continue to completion.

Additional Views of Vice Chairman Michael J. Calhoun

While I have joined the majority opinion, I wish to delineate further my views on the issue of like product.

To met, the identification and analysis of what domestic product is like the imported article in characteristics and uses or, in the absence of like, most similar in characteristics and uses with the imported article is one of the critical questions before us in any Title VII investigation. It is based upon our identification of the like product that we define the industry. Our definition of the industry, in turn, establishes the pool of domestic producers whose health we are to assess.

Because of this critical role our like product finding plays, I think we ought to be especially clear and as consistent as possible

in how we reach this finding. Thus, I think we are obliged to have an objective standard which we always use in applying the law to facts before us. While such a standard may be implied in the opinion here, if that discussion is read in conjunction with the like product discussion in *Animal Identification Ear Tags from New Zealand*²⁰ a serious question arises as to what exactly is our standard and what is the precise status of the Commission standard alluded to in *Leather Wearing Apparel from Uruguay and Barium Carbonate and Strontium Carbonate from West Germany and Italy*.²¹

In the instant case, no specific standard is established or alluded to regarding the level of coincidence of characteristics and uses between the domestic product and the imported article necessary to establish that they are like. Furthermore, no reference to past cases is made in this connection. I wish to be explicit that, for me, the standard for finding a product to be like continues to be that the products are virtually identical in characteristics and uses for all practical purposes in the marketplace. Moreover, while no standard is mentioned in the opinion, my like product analysis, which is accurately reflected in the opinion, was undertaken employing this standard.

In particular, the like product analysis in our opinion in this case observes that, [t]hose domestic trailer axles of the same specifications are interchangeable with the imported trailer axle. All of the domestic axles compete commercially with the imported axles.

I disassociate myself with this language. The conclusion we have reached in this case is that domestic axles are like products with the imported axles because the two are like, not similar to each other. Thus, I fail to see how analysis of the discrete question of whether a domestic product is like an import is advanced by observing that it is interchangeable or commercially competitive with the imported article.

The presence of interchangeability or commercial competitiveness goes to the existence of a competitive relationship between the two products. Products will be competitive whether they are like or similar. Since with similarity the coincidence of characteristics and uses is much less than with like, factors in the marketplace are very important considerations. Thus, the fact of such a relationship can be very helpful in determining whether two products are similar. But the fact that the two products are competitive is irrelevant to me here as it provides no useful information in assessing whether the coincidence of characteristics and uses of the two axles is so great as to support a finding that they are like. Indeed, to mention these factors in the context of a like product analysis based on like is to obscure further the standard we use in this analysis.

In my additional views in *Animal Identification Ear Tags*,²² I discussed my view of the appropriate standard for finding a

⁹ Staff Report at A-12.

¹⁰ Staff Report at A-12.

¹¹ Staff Report at A-21. The commercial market excludes production of trailer axles for internal consumption by the producing firms.

¹² Staff Report at A-11.

¹³ The question has arisen as to whether it is appropriate, in examining the impact of the alleged LTFV imports, to analyze all shipments or just those in the commercial market. Commissioner Stern invites submissions on this question from interested parties in the event that this case returns for a final determination.

¹⁴ Staff Report at A-7.

¹⁵ Staff Report at A-14.

¹⁶ Staff Report at A-17.

¹⁷ Staff Report at A-25.

¹⁸ Staff Report at A-22.

¹⁹ See Footnote 2, p. 1.

²⁰ See Commission Report, Inv. No. 303-TA-14.

²¹ See Commission Report, Inv. Nos. 701-TA-66 and 731-TA-31-33, respectively.

²² *Supra*.

domestic product to be like. I also addressed, to some extent, my perception of the policy underlying the statutory language. To the extent applicable here, I reaffirm these views.

Issued: March 30, 1981.

By Order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-10628 Filed 4-7-81; 8:45 am]

BILLING CODE 7920-02-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Behavioral and Neural Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Anthropology (Archaeology)

Date and time: April 27-28, 1981, 9:00 A.M.-5:00 P.M.

Meeting and time: Harbor View Holiday Inn, 1617 First Avenue, San Diego, California 92101

Type meeting: Closed to public.

Contact person: Dr. John E. Yellen, Program Director for Anthropology NSF, Room 320, Washington, D.C. 20550 (202) 357-7804

Purpose of subcommittee: To provide advice and recommendations concerning support for research in anthropology (archaeology).

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial (salary) data, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 3, 1981.

[FR Doc. 81-10616 Filed 4-7-81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee for Sensory Physiology and Perception

Date and time: April 25 and 26, 1981, 9:00 a.m. to 5:00 p.m.

Place: Sheraton Sandcastle Hotel, Sarasota, Florida.

Type of meeting: Closed.

Contact person: Dr. Terrance R. Dolan, Program Director, Sensory Physiology and Perception Program, Room 320, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposal being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 3, 1981.

[FR Doc. 81-10618 Filed 4-7-81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Law and Social Sciences of the Advisory Committee for Social and Economic Science; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Law and Social Sciences of the Advisory Committee for Social and Economic Science.

Date and time: April 24 and 25, 1981, 9:00 AM to 5:00 PM, each day.

Place: Room 643, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of meeting: Closed—9:00 AM to 5:00 PM, April 24 and 25, 1981.

Contact person: Dr. Felice J. Levine, Program Director, Law and Social Sciences, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9567.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Law and Social Sciences.

Agenda: Closed—to review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Walker,

Committee Management Coordinator.

April 3, 1981.

[FR Doc. 81-10617 Filed 4-7-81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee on Population Biology and Physiological Ecology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Population Biology and Physiological Ecology of the Advisory Committee for Environmental Biology.

Date and time: April 23 and 24, 1981; 8:30 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Jerry F. Downhower, Program Director, Population Biology and Physiological Ecology Program, Room 338, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9728.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator,
April 3, 1981.

[FR Doc. 81-10615 Filed 4-7-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating Licenses

[Dockets Nos. 50-313 and 50-368]

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 54 and 22 to Facility Operating Licenses Nos. DPR-51 and NPF-6, issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Units, Nos. 1 and 2 (ANO-1&2) located in Pope County, Arkansas. The amendments are effective as of the date of issuance.

The amendments modify the ANO-1&2 Appendix A Technical Specifications dealing with the surveillance frequency of fire detectors in the reactor buildings.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's application dated June 26, 1980, (2) Amendment No. 54 to License No. DPR-51 and Amendment No. 22 to License No. NPF-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Tech University, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of March 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,
Chief, Operating Reactors Branch No. 3,
Division of Licensing.

[FR Doc. 10602 Filed 4-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-22, issued to Northern States Power Company, which revised the License for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance, and is to be implemented in accordance with the provisions of 10 CFR 73.40(b) and 10 CFR 7355.(b)(4).

The amendment adds license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as a part of the license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(c)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

The licensee's filings dated March 23, 1979, August 20, 1980, August 17, 1979 and May 27, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 4 to License No. DPR-22 and (2) the

Commission's related letter to the licensee dated March 27, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of the amendment and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of March 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 10600 Filed 4-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-329 OM; 50-330 OM and Docket Nos. 50-329 OL; 50-330 OL]

Consumers Power Co. (Midland Plant, Units 1 and 2); Change in Date and Location of Prehearing Conference

April 1, 1981.

Notice is hereby given that, at the joint request of the Applicant and NRC Staff (to which no party objected), the prehearing conference previously scheduled for April 2-3, 1981 (see 46 Fed. Reg. 16383, March 12, 1981) is rescheduled to commence at 9:30 a.m. on Monday, April 27, 1981, and to continue (if necessary) at 9:00 a.m. on Tuesday, April 28, 1981. The conference will be held in Room 256-258, Holiday Inn, 1500 W. Wackerly, U.S. 10 and Eastman Roads, Midland, Michigan 48640. The purpose of the conference will be as previously stated. Parties may submit proposed or revised proposed agenda, which should reach the Board no later than Wednesday, April 22, 1981.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,
Chairman, Administrative Judge.

[FR Doc. 81-10604 Filed 4-7-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-237, 50-249, 50-254, 50-265]

Commonwealth Edison Co. and Iowa-Illinois Gas & Electric Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 57 to Provisional Operating License No. DPR-19 and

Amendment No. 50 to Facility Operating License No. DPR-25, issued to Commonwealth Edison Company, which revised the Technical Specifications for operation of the Dresden Nuclear Power Station, Unit Nos. 2 and 3, respectively, located in Grundy County, Illinois. The Commission has also issued Amendment No. 65 to Operating License DPR-29 and Amendment No. 59 to Facility Operating License No. DPR-30 issued to Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company, which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Unit Nos. 1 and 2, located in Rock Island County, Illinois.

The amendments revise the Technical Specifications to increase the sump flow monitoring surveillance frequency from once per day to once per eight hour shift.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated May 22, 1978, (2) Amendment No. 57 to Provisional Operating License No. 50 to Facility Operating License No. DPR-30, Amendment No. 65 to Facility Operating License No. DPR-29 and Amendment No. 59 to Facility Operating License No. DPR-25, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois for Dresden 2 and 3, and at the Moline Public Library, 504-17th Street, Moline, Illinois for Quad Cities 1 and 2. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of March, 1981.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.

[FR Doc. 81-10003 Filed 4-7-81; 8:45 am]

BILLING CODE 7590-01-M

[License No. 47-11883-01 EA 81-06]

Nondestructive Inspection Service, Inc.

Order Imposing Civil Monetary Penalties

I

Nondestructive Inspection Service, Inc., P.O. Box 215, Hurricane, West Virginia, (the "licensee") is the holder of License No. 47-11883-01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission"). License No. 47-11883-01 authorizes industrial radiographic operations and timely application for renewal was filed on November 30, 1980.

II

An investigation of the licensee's activities under the license was conducted on September 16-19, 1980, at the licensee's facility located in Hurricane, West Virginia. As a result of this investigation, it appears that the licensee has not conducted its activities in full compliance with the conditions of its license and with the requirements of NRC Regulations. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated January 16, 1981, which stated the nature of the violations, the provisions of Nuclear Regulatory Commission regulations and license conditions which the licensee had violated, and the amount of civil penalties proposed for each violation. An answer dated January 27, 1981, to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for deferral, compromise, mitigation, or cancellation contained therein as set forth in Appendix A to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation should be imposed, except for Item F and part of Item H. Item F and its proposed civil penalty is withdrawn and remitted in its entirety, and the civil

penalty for Item H is mitigated from Two Hundred Dollars to One Hundred Dollars. The Notice of Violation is modified accordingly.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282) and 10 CFR 2.205, It is hereby ordered that:

The licensee pay civil penalties in the total amount of Four Thousand Seven Hundred Dollars (\$4,700) within twenty-five days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement.

V.

The licensee may, within twenty-five days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, U.S.N.R.C., Washington, D.C. 20555. A copy of the hearing request shall also be sent to the Executive Legal Director, U.S.N.R.C., Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. Upon failure of the licensee to request a hearing within twenty-five days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

VI

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) whether the licensee violated NRC regulations and the conditions of its license as set forth in the modified Notice of Violation referenced in Section III above; and,

(b) whether, on the basis of such violations, this Order should be sustained.

Dated this 26th day of March 1981 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

R. C. DeYoung,

Acting Director, Office of Inspection and Enforcement.

Appendix A—Evaluation and Conclusion

Each violation and associated civil penalty identified in the Notice of Violation dated January 16, 1981, is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to each item is presented.

Statement of Noncompliance

A. 10 CFR 34.24 requires that radiation survey instruments be calibrated at intervals not to exceed three months.

Contrary to the above, for the period from 1/1/79 to 9/17/80, Gamma Industries Model 250B Survey meter, Serial No. 0638 had been calibrated only on 11/27/79 and 4/14/80, and Serial No. 287 had been calibrated only on 6/6/79 and 8/24/79. Eberline Model E120G Survey Meter, Serial No. 376 was calibrated only on 1/10/80. The following survey meters, although labelled as being currently calibrated, have not been calibrated at the required intervals since 1/1/79: Gamma Industries Model 250B, Serial Numbers 0221, 0287 and 0638. Based on record reviews and interviews, it was determined that these survey instruments were being used when not calibrated at the required frequency.

This is a Severity Level III Violation (Supplement VII.C.6). (Civil Penalty—\$800).

Evaluation of Licensee Response

The licensee has stated that it was in noncompliance with this regulation and has therefore admitted the violation.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

B. 10 CFR 34.43(a) requires that at least one calibrated and operable radiation survey instrument be available at the location of radiographic operations whenever radiographic operations are being performed.

Contrary to the above, on September 17, 1980, radiography was performed at a field site near Pinch, WV, with an inoperable survey meter. The survey meter was an Eberline E120G, Serial No. (illegible).

This is a Severity Level III Violation (Supplement VII.C.6). (Civil Penalty—\$500).

Evaluation of Licensee Response

The licensee has stated that the survey meter, an Eberline E120G, Serial No. 263, was operating on the morning of September 17, 1980, and that the technician had no way of knowing when the batteries were going to fail. The licensee also stated that upon discovery of the failed batteries, the technician acted properly in that he ceased operation and asked the NRC inspector to use his survey meter in determining that the source had returned to a shielded position. Despite the licensee's contention, radiographic operations were performed with an inoperable survey meter.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

C. 10 CFR 34.43(b) requires that a survey with a radiation survey meter be made after each radiographic exposure to determine that the sealed source has been returned to its shielded position. The entire circumference of the radiographic exposure device shall be

surveyed. If the radiographic exposure device has a source guide tube, the survey shall include the guide tube.

Contrary to the above, the required survey of the exposure device and guide tube was not performed after two exposures at a field location near Pinch, WV on September 17, 1980.

This is a Severity Level III Violation (Supplement IV.C.4). (Civil Penalty—\$500).

Evaluation of Licensee Response

The licensee has stated that the technician doing the exposures on the occasion of the violation had received both formal instruction and on-the-job training in proper techniques of using a survey meter to survey sealed sources after each radiographic exposure. The licensee has stated that it has emphasized to its employees the necessity of doing such surveys.

The licensee has not denied that a violation occurred. Proper training in survey techniques so as to assure compliance with NRC requirements is expected and thus, the licensee's emphasis on the training it has conducted is not a basis for remission or mitigation of the civil penalty. In addition, the emphasis the licensee has placed on training has apparently been ineffective in that the surveys required by 10 CFR 34.43(b) were in fact not made.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

D. 10 CFR 20.201(b) requires each licensee to make or cause to be made such surveys as may be necessary to comply with the regulations in Part 20. In addition, Condition 16 of your license incorporates procedures contained in your letter dated October 9, 1975. One of these procedures requires that surveys be performed to verify that radiation levels at the boundary of the restricted area do not exceed 2 mR/hr.

Contrary to the above, surveys were not performed as necessary to assure compliance with 10 CFR 20.105(b) "permissible levels of radiation in unrestricted areas." Specifically, surveys were not made on September 17, 1980, to verify that radiation levels in unrestricted areas near Pinch, WV did not exceed 2 mR/hr.

This is a Severity Level III Violation (Supplement IV.C.4). (Civil Penalty—\$500).

Evaluation of Licensee Response

The licensee has again stressed the training it has given its employees on the necessity of doing surveys to verify that the 2 mR/hr limit has not been exceeded. Such training is expected and does not serve as a basis for reducing the civil penalty.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

E. Condition 16 of your license requires that licensed material be used in accordance

with statements, representations and procedures contained in your letter dated October 9, 1975, as listed below:

1. Upon satisfactory completion of a formal training program and examination, all applicants will be required to work with experienced radiographers for a period of not less than two months.

Contrary to the above, three employees have been permitted to work as radiographers without the required two months supervised training. Specifically, one employee joined NIS, Inc., on 8/23/79 and began work as a radiographer on 9/13/79; another joined NIS, Inc., on 6/21/80 and began work as a radiographer on 6/26/80; another employee who joined NIS, Inc., on 5/12/80 began work as a radiographer on 6/16/80.

This is a Severity Level III Violation (Supplement VII.C.4). (Civil Penalty—\$800).

2. The immediate area where a radiographic test is to be made shall be restricted by a rope or similar barricade and all entrances to a radiation area shall be posted with signs displaying the words: "Danger—Radiation Area."

Contrary to the above, restricted areas at a field site near Pinch, WV, on September 17, 1980, were not roped off or barricaded, nor were all entrances to the radiation areas posted with appropriate signs.

This is a Severity Level III Violation (Supplement VII.C.1). (Civil Penalty—\$300).

3. A truck survey shall be completed before a vehicle carrying a radiographic device leaves the yard.

Contrary to the above, a survey was not performed on the truck used to transport a radiographic device to Pinch, WV on September 17, 1980.

This is a Severity Level III Violation (Supplement VII.C.4). (Civil Penalty—\$200).

4. A survey shall be performed each time the radiographic device is removed and returned to a temporary storage area.

Contrary to the above, surveys were not routinely performed each time the radiographic device was removed and returned to a temporary storage area.

This is a Severity Level III Violation (Supplement IV.C.4). (Civil Penalty—\$200).

5. A lead-lined storage container shall be mounted at the entrance to each portable darkroom.

Contrary to the above, vehicles used to transport radiographic devices are not equipped with a lead-lined storage container.

This is a Severity Level III Violation (Supplement VII.C.6). (Civil Penalty—\$200).

6. Certain records shall be maintained on a daily basis. These records include Utilization Logs, Vehicle Surveys, Camera and Source Storage Surveys, and Inspection and Maintenance Logs.

Contrary to the above, records reviewed on September 17, 1980 indicated that one radiographer pre-dated Utilization Logs, Vehicle Surveys, Camera and Source Storage Surveys, and Inspection and Maintenance Logs for September 18, 19 and 20, 1980. Records of surveys were not maintained on trucks used to transport radiographic devices to Pinch, WV on September 10, 11, 12, 13 and 15. A record of a

truck survey was not maintained for a vehicle transporting a radiographic device to Catlettsburg, KY on August 9, 1980.

This is a Severity Level III Violation (Supplement VII.C.6.) (Civil Penalty—\$300).

Evaluation of Licensee Response

With respect to items E1, E3, E4, and E6, the licensee has again emphasized that its employees had received proper formal and on-the-job training so as to assure compliance with the requirements described in these four items. Again, such training is expected and is not an appropriate basis for reducing the civil penalty.

With respect to item E2, the licensee has admitted that signs should have been posted, but has stated that no rope was available. The fact that no rope was available is not a basis to reduce the civil penalty. The licensee is required to have some means available that will enable it to restrict entry to the area where it is conducting radiographic operations.

With respect to item E5, the licensee has stated that it removed the lead-lined storage containers but did so because rusting of the containers and attached bolts presented a safety hazard. In addition, the licensee has stated that it will seek to amend its license in the future so as to remove the requirement for such containers. Nevertheless, the licensee is required by its present license to have such containers. When removing the containers, the licensee should have replaced them so as to remain in compliance with its license.

Conclusion

The items as stated are violations. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalties.

Statement of Noncompliance

F. 10 CFR 34.31(c) requires that records of field examinations required by 10 CFR 34.31(a) and (b) be maintained for three years.

Contrary to the above, records of the required field examinations were not maintained.

This is a Severity Level III Violation (Supplement VII.C.6.) (Civil Penalty—\$200).

Evaluation of Licensee Response

The licensee has denied this violation on the basis that "records are here and have been all the time". In view of the fact that the Radiation Safety Officer maintains these records and was not present when these records were requested, the NRC is withdrawing this violation.

Conclusion

The licensee has provided reasonable information that, had the request for these records been made to the Radiation Safety Officer, they would have been provided; the violation and its proposed civil penalty are withdrawn.

Statement of Noncompliance

G. 10 CFR 34.33(a) and (b) require, respectively, that pocket dosimeters be re-charged at the start of each shift and that exposures shall be recorded daily.

Contrary to the above, pocket dosimeters were not routinely re-charged at the start of

each shift; pocket dosimeters were often not re-charged for periods of time up to a week. Additionally, pocket dosimeter readings were not recorded for June 5, August 9, September 10, 11, 12, 13 and 15, 1980.

This is a Severity Level III Violation (Supplement VII.C.6.) (Civil Penalty—\$300).

Evaluation of Licensee Response

The licensee has stated that its employees have been instructed as to the necessity of recharging pocket dosimeters. Such instructions are expected and do not serve as the basis for reducing the civil penalty.

Conclusion

The item as stated is a violation. The information provided by the licensee does not provide a basis for remission or mitigation of the proposed penalty.

Statement of Noncompliance

H. 10 CFR 34.28 (a) and (b) require that the licensee check for obvious defects in radiographic exposure devices prior to use each day the equipment is used. Also, the licensee shall conduct a program for inspection and maintenance of radiographic exposure devices, storage containers and source changers at intervals not to exceed three months or prior to the first use thereafter to assure proper functioning of components important to safety. Records of these inspections and maintenance shall be kept for two years.

Contrary to the above, the required checks of radiographic exposure devices were not performed prior to use each day. Rather, the required checks are performed at the end of the work day when the exposure devices are returned to the shop. In addition, on September 19, 1980, records of the required quarterly inspection and maintenance program were not maintained.

This is a Severity Level III Violation (Supplement VII.C.6.) (Civil Penalty—\$200).

Evaluation of Licensee Response

The licensee has responded that it completes certain records on a daily basis. 10 CFR 34.28(b) requires the licensee to conduct a program for inspection and maintenance of radiographic exposure devices, storage containers, and source changers at intervals not to exceed three months or prior to the first use thereafter. Records of this inspection and maintenance program are to be kept by the licensee for two years. The daily records referenced by the licensee in its response are not the same records that are required to be kept by 10 CFR 34.28(b).

As to the daily checks of radiographic exposure devices required by 10 CFR 34.28(a), it appears that the licensee has performed the required checks prior to use, although not on the day the equipment was used. Accordingly, the civil penalty for this violation is being mitigated by \$100.

Conclusion

As discussed in the evaluation above, sufficient cause has been provided to justify mitigation of one-half of the civil penalty assessed for this item. Accordingly, the civil

penalty for this violation is mitigated from \$200 to \$100.

[FR Doc. 81-10005 Filed 4-7-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11714 (812-4787)]

Broad Street Investing Corp., et al.; Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicants From the Provisions of Section 22(d) of the Act and Rule 22d-1 Thereunder

April 1, 1981.

In the matter of Broad Street Investing Corporation, National Investors Corporation, Union Capital Fund, Inc., Union Income Fund, Inc., J. & W. Seligman & Co. Incorporated, and Seligman Distributor, Inc., One Bankers Trust Plaza, New York, New York 10006.

Notice is hereby given that Broad Street Investing Corporation, National Investors Corporation, Union Capital Fund, Inc., Union Income Fund, Inc. (the "Funds"), J. & W. Seligman & Co. Incorporated ("J. & W. Seligman") and Seligman Distributor, Inc. ("Seligman Distributor") (collectively the "Applicants") filed an application on December 24, 1980, and an amendment thereto on March 25, 1981, for an order of the Securities and Exchange Commission ("Commission"), pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit sales of the Fund's securities at net asset value to certain tax qualified employee benefit plans for employees of the Seligman Companies, as described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Funds are organized under the law of the state of Maryland, and are registered under the Act as diversified, open-end, management investment companies. The Funds are currently engaged in continuous public offerings of their shares through Union Service Distributor, Inc. As of January 1, 1981, such shares have been distributed through Seligman Distributor at public offering prices equal to net asset value plus a sales charge.

J. & W. Seligman, a Delaware corporation, became investment manager for the Funds on January 1,

1981. J. & W. Seligman currently has two wholly-owned subsidiaries. One, Seligman Distributor, is the general distributor of the Funds. The other, Seligman Securities, Inc., is a member firm of the New York and American Stock Exchanges. J. & W. Seligman and its subsidiaries, including any which may be formed after the date of the application, are hereinafter referred to as the "Seligman Companies". At January 1, 1981, the employees of the Seligman Companies (hereinafter "Seligman Affiliated Employees") totaled approximately 200 persons.

Applicants state that the Seligman Affiliated Employees are covered by two trustee employee benefit plans qualified under Section 401 of the Internal Revenue Code, both of which are empowered to invest in shares of the Funds. Applicants propose that the plans, the J. & W. Seligman & Co. Incorporated Profit Sharing Plan and the J. & W. Seligman & Co. Incorporated Retirement Income Plan (collectively the "Plans"), be permitted to make purchases of shares of the Funds at net asset value without the payment of any sales charge. In addition, Applicants state that distributions on Fund shares acquired under the Plans would be reinvested in Fund shares at net asset value.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus, and if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except at a current public offering price described in the prospectus. Rule 22d-1 permits reductions in, or elimination of, the sales load charged upon the sale of shares under certain circumstances. Applicants submit that the sale of Fund shares to Seligman Affiliated Employees at net asset value under the Plans may conflict with the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder.

Applicants argue that, while Rule 22d-1(i) permits sales without any sales charges to certain employees of affiliated persons of the Funds or employee benefit plans covering those employees, this would not be available to employees of the Seligman Companies who are employed in positions that do not directly provide investment advice to or distribute shares of the Funds. Applicants also claim that an argument may be made

that purchases of Fund Shares at net asset value by Seligman Affiliated Employees under the Plans are permitted by Rule 22d-1(f), which permits elimination of sales charges upon sale pursuant to a uniform offer described in the prospectus and made to certain types of employee benefit plans including the Plans. Applicants submit that it is not clear that net asset value sales to the Seligman Affiliated Employees by the Plans would meet the "uniform offer" requirement of Rule 22d-1(f) and have determined to seek an exemption from Section 22(d) of the Act and Rule 22d-1 thereunder, pursuant to Section 6(c) of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or any rule under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that investment by Seligman Affiliated Employees under the Plans in shares of the Funds at net asset value is supported by policy considerations, that such sales should result in demonstrable economics in sales effort and sales related expense as compared with other sales and would not be unjustly discriminatory, and that the grant of the exemption requested by Applicants is appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants further submit that the affiliation of the Funds with the other Seligman Companies is the basis for a unique relationship of the Seligman Companies to the Funds, which can be expected to result in economies of sales related expenses that justifies elimination of all sales charges on Fund shares purchased by the Plans without discriminating against other employee benefit plans or other purchasers of Fund shares.

Applicants state that prospectuses and existing sales literature of the Funds will be available to those persons making investment decisions for the Plans, but no individual sales efforts will be expended, and no independent dealers will be involved. All Seligman Affiliated Employees will receive, at least annually, notice from their employers concerning the Plans. This notice which will be furnished at the expense of the employers, will identify

the various Funds, describe their investment objectives, indicate that investments in the Plans would be at net asset value, and in the case of the Profit Sharing Plan detail the payroll deduction and other ways in which investments could be made. This material will also indicate that additional information concerning the Plans and the Funds can be obtained from their employer and Seligman Distributor, respectively, and will inform employees of the availability of Fund prospectuses from the employer. It is represented that Seligman Distributor will coordinate such sales and will provide such normal sales-related services as specifically requested by the Administrative committees or beneficiaries of the Plans. Applicants do not anticipate that there will be many such requests for services. Applicants state that employees can be expected to have familiarity with the Funds, thereby reducing necessary sales efforts. According to the application, Applicants have concluded that sales of Fund shares at net asset value to tax qualified employee benefit plans should be limited to the Plans on the grounds that the Seligman Affiliated Employees covered by the Plans, because of their familiarity with, and loyalty to, the Funds generally can be expected to need less selling effort and expense than would be the case with regard to sales to other tax qualified employee benefit plans. Applicants state that participants in the Plans will be required to undertake that they are acquiring Fund shares for investment purposes.

For the reasons stated above, Applicants believe that allowing the Plans to purchase Fund shares at net asset value without the payment of any sales charge will promote employee incentive, goodwill and loyalty on the part of the Seligman Affiliated Employees.

Notice is further given that any interested person may, not later than April 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-

at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-10596 Filed 4-7-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

April 1, 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: Richardson-Vicks, Inc., Common Stock, \$1 1/4 Par Value (File No. 7-5889).

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 22, 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. 81-10597 Filed 4-7-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11715; (812-4542, 812-4362, 812-4347)]

New York Municipal Trust, et al.; Filing of Application for an Order Amending Prior Orders Pursuant to Section 6(c) of the Act granting Exemptions From the Provisions of Section 22(d) of the Act and Approving Exchanges Pursuant to Section 11(a) of the Act

In the matter of New York Municipal Trust, Series 1 and Subsequent Series, Municipal Securities Trust, Series 1 and Subsequent Series, A Corporate Trust, Series 1 and Subsequent Series and Bear, Stearns & Co., 55 Water Street, New York, New York 10041.

Notice is hereby given that New York Municipal Trust, Series 1 and subsequent series ("New York Trust"), Municipal Securities Trust, Series 1 and subsequent series ("Municipal Trust"), A Corporate Trust, Series 1 and subsequent series ("Corporate Trust"), each a unit investment trust registered under the Investment Company Act of 1940 ("Act") (collectively, the "Trusts"), and their sponsor, Bear, Stearns & Co. ("Bear, Stearns") (collectively, with the Trusts, "Applicants"), filed an application on October 31, 1980, and an amendment thereto on February 26, 1981, seeking an order of the Commission amending, in the manner described below, three prior orders of the Commission dated October 17, 1978, November 8, 1978 (as amended on November 30, 1979) and May 23, 1980 (Investment Company Act Release Nos. 10444, 10475 (10966) and 11184). The prior orders ("Prior Orders") pursuant to Section 6(c) of the Act exempted Applicants from the provisions of Section 22(d) of the Act to the extent necessary to permit Applicants to establish the "Reinvestment Plan," the "Conversion Offer" and the "Exchange Privilege" and approved the terms of certain offers of exchange pursuant to Section 11(a) of the Act. Applicants now seek to amend the Prior Orders to modify the basis upon which securities under those special plans are priced for sales and purchases. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below. As stated in the application, Bear, Stearns organizes and

markets successive series of corporate and tax-exempt bond unit investment trusts. All units of such trusts sold by the sponsor or underwriter during the initial primary distribution of the trust are sold at a price based on the aggregate offer side evaluation of the bonds in the trust portfolio, plus accrued interest and the applicable sales charge. The sales charge (subject to volume discounts) on such trusts in 4 1/2 percent of the public offering price per unit. Although Bear, Stearns is not obligated to do so, it states that it has maintained and intends to continue to maintain a secondary market in the units of each trust for a period of 3 to 5 years from the date of its organization. Applicants state that prior to approximately November 1, 1980, the secondary market was based upon the offer side evaluation, but since that date, the pricing for all units resold or repurchased in the secondary market has been based upon the bid side evaluation of the bonds. Applicants represent that the offer price is generally 1 1/2 to 2% higher than the bid price. Accordingly, this change in the secondary market pricing results in investors who sell units to Bear, Stearns in the secondary market (at the bid side evaluation) receiving slightly less than before and investors who purchase secondary market units (at the bid side evaluation) paying a correspondingly lesser amount for their units than before.

According to the application, on October 17, 1978, with respect to Corporate Trust and on November 8, 1978, with respect to New York Trust, the Commission issued orders exempting the Trusts and Bear, Stearns, *inter alia*, from the provisions of Section 22(d) of the Act to permit the Trusts and Bear, Stearns to offer the Reinvestment Plan. Under the Reinvestment Plan Trust certificateholders who had elected to receive semi-annual distributions would have the option to reinvest automatically, and at a reduced sales charge (3 1/2%), income and principal distributions into units of future series of the Trusts or, if no future series were available, into units of a previously formed series which have been purchased by Bear, Stearns in the secondary market and with respect to which a registration statement is currently effective. The price of such units would be based on the offering side evaluation of the portfolio of the Trust. The original order issued to New York Trust was amended by a subsequent order issued on November 30, 1979, to enable certificateholders who had elected to receive annual distributions also to participate in the Reinvestment Plan.

As set forth in the application, on May 23, 1980, the Commission issued an order exempting Bear, Stearns and the Trusts from the provisions of Section 22(d) of the Act and approved certain proposed exchanges pursuant to Section 11(a) of the Act to enable Applicants to establish the Conversion Offer and the Exchange Privilege. The Conversion Offer allows unit owners of any registered unit investment trust for which no active secondary market is being maintained to redeem their units and reinvest the proceeds into units of any series of the Trusts at the net offering side evaluation of such units plus a fixed sales charge of \$15 per unit (rather than the usual 4½% sales charge). Pursuant to the Exchange Privilege, subject to certain conditions, trust unit owners are permitted to sell units of a Trust back to Bear, Stearns at the net offering side evaluation of such units and simultaneously purchase from Bear, Stearns units of another Trust at the net offering side evaluation of such units plus a fixed sales charge of \$15 per unit.

Applicants request an amendment to the Prior Orders so that all units purchased or sold under the Reinvestment Plan, the Conversion Offer or the Exchange Privilege will be priced based upon the aggregate bid price evaluation of the bonds in the applicable Trust portfolio rather than the aggregate offering price evaluation. Applicants represent that they are seeking this amendment to enable Bear, Stearns to conform its pricing practice for units purchased or sold under the Reinvestment Plan, the Conversion Offer and the Exchange Privilege to its pricing practice in effect for all Trust units purchased from and sold to public investors in regular primary and secondary market transactions. Applicants submit that the effect of the requested amendments will be that participants in the Reinvestment Plan, the Exchange Privilege and the Conversion Offer will purchase and sell units of the Trusts based upon the same portfolio pricing terms as all other investors who purchase and sell Trust units through Bear, Stearns or the underwriters in regular transactions. Therefore, Applicants state that if the requested order is granted, all purchases and sales of primary distribution Trust units will be priced based upon the offer side evaluation and all purchases and sales of secondary market Trust units will be priced based upon the bid side evaluation.

According to Applicants, if the Prior Orders are amended as requested, the Reinvestment Plan, the Exchange

Privilege and the Conversion Offer will operate as described below. Under the Reinvestment Plan, future Trust distributions will be reinvested in units of a current series of a Trust during its initial offering period at the aggregate offering price evaluation of the units plus accrued interest and the 3½% sales charge; if units of a Trust in primary distribution are unavailable, the distributions will be reinvested in secondary market units of a prior series of a Trust at the aggregate bid price evaluation of the units plus accrued interest and the 3½% sales charge. Similarly, units purchased pursuant to the Reinvestment Plan will be repurchased by Bear, Stearns from the investor at a price based upon the offering side evaluation during the initial offering period of the Trust and at a price based upon the bid side evaluation thereafter.

Applicants state that Bear, Stearns anticipates that there always will be a Trust in primary distribution available for reinvestment under the plan. Accordingly, investors who participate in the Reinvestment Plan should anticipate having their distribution reinvested in units based upon the higher, offering side evaluation rather than the lower, bid side evaluation. As justification for this result, Applicants submit that it is not economically feasible for Bear, Stearns to offer only secondary market units under the Reinvestment Plan or to offer all available secondary market units before offering any primary market units: in view of high interest costs, Bear, Stearns tries to maintain a low inventory of secondary market units and thus would not have sufficient units to meet all reinvestment needs; in addition, it would not be feasible economically to supply each participant (who must be furnished a prospectus of the reinvestment Trust) with prospectuses of several different Trusts and let the participant select the Trust for reinvestment. Moreover, Applicants cite the facts that the Reinvestment Plan is entirely optional and that participants have the option to decline to participate in any specific reinvestment under the plan. Finally, Applicants submit that participants under the Reinvestment Plan will continue to receive the benefit of the lower sales charge regardless of the price basis used.

Under the Exchange Privilege, as amended, units tendered for exchange will be priced according to the status of the Trust rather than always at the offering side: if the Trust is still in a primary distribution, the units will be repurchased by Bear, Stearns at a price

based upon the offer price evaluation of the underlying bonds in the Trust; if the initial distribution has been completed then the units will be repurchased at a price based upon the bid price evaluation. Likewise, the units of the Trust selected by the participant for purchase will be sold at a price based upon the offering price evaluation if the Trust into which the participant is exchanging is in primary distribution and the bid price evaluation if the initial distribution has been completed. In justification of this pricing method Applicants submit that the participant is free to choose to reinvest in a Trust in primary or secondary distribution so long as either or both are available.

The Conversion Offer will be affected by the amendment in the same manner as the Exchange Privilege; units of Trusts selected for reinvestment will no longer be priced based upon the offering price evaluation of the portfolio of the Trust. Rather, units will be priced, as set forth above, according to the status of the Trust selected. Again Applicants submit that the participant is free to choose, depending upon availability, either a Trust in primary distribution or a Trust in secondary distribution for reinvestment and thereby determine whether the units will be priced based upon the bid or offer side.

Notice is further given that any interested person may, not later than April 27, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-10598 Filed 4-7-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

National Advisory Council; Cancellation of Meeting

The U.S. Small Business Administration National Advisory Council public meeting scheduled for 3:00 p.m. on Monday, April 20, 1981, to 12:15 p.m. on Thursday, April 23, 1981, at The Mayflower Hotel, 1127 Connecticut Avenue, N.W., Washington, D.C., has been cancelled. The original notice was published March 16, 1981 (46 FR 16999). For further information, write or call Robert P. O'Malley, Acting Director, Office of Advisory Councils, U.S. Small Business Administration, 1441 L Street, N.W., Room 920-D, Washington, D.C. 20416—(202) 653-6478.

Dated: April 1, 1981.

Robert P. O'Malley,

Acting Director, Office of Advisory Councils.

[FR Doc. 81-10630 Filed 4-7-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 67

Wednesday, April 8, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, April 9, 1981, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

- General—1—*Title:* Order to Amend Part 73, Subpart C, EBS Rules. *Summary:* Order (1) to Revise the Weekly EBS Test Announcement and (2) to permit an Activation of the EBS to be substituted for the Weekly Test, as recommended to the Commission by the National Industry Advisory Committee.
- General—2—*Title:* Third Notice of Inquiry Relating to Preparation for an International Telecommunication Union (ITU) 1992 World Administrative Radio Conference (WARC) for Mobile Telecommunications. *Summary:* The Commission seeks to inform the public and to obtain comments of interested persons on the U.S. Preliminary Views for the 1992 World Administrative Radio Conference for Mobile Telecommunications.
- General—3—*Title:* Allocation of FY-1981 Policy Research Fund. *Summary:* Commission approval is sought to fund an Alaska Propagation Study out of the policy research budget. This project will study high latitude field strength measurements of standard broadcast band transmissions.
- Private Radio—1—*Title:* Petition to Revoke the Special Emergency Radio Service authorization of John S. Landes, M.D., for radio station KXQ-858. *Petition to Deny* the Application for renewal of the license for radio station KXQ-858. *Summary:* On April 4, 1980, the Commission authorized denial of Dr. John S. Landes' renewal application for his cooperatively shared Special Emergency Radio station, Dr.

Landes now seeks reconsideration of or other relief from that action. The following petitions are before the Commission: Petition for Reconsideration, Motion to Stay, Motion for Declaratory Ruling on Alternative Plan of Compliance, and Request for Waiver of the Commission's Docket 18921 Interim Policy Regarding Third Party Provision of "Packaged Services."

Common Carrier—1—*Title:* An Inquiry Into the Use of the Bands 825-845 MHz and 870-890 MHz for Cellular Communications; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems (CC Docket No. 79-318). *Summary:* The Commission will consider adoption of rules and standards for commercial authorization of cellular mobile communications systems. The Commission will consider how the relevant market should be defined; what entities should be eligible to provide cellular service; how many systems to authorize and how much spectrum should be available; whether there should be separate allocations for wireline and non-wireline carriers; and whether separate subsidiaries should be required for some entities. Also to be considered are questions of interconnection, resale and equipment and service offerings of cellular carriers. Technical standards, alternative proposals, and regulatory structure will be considered, as will be the mechanism for handling competing applications and questions of jurisdiction.

Common Carrier—2—*Title:* Navajo Communications Co., Inc., waiver petition and Section 214 application which would permit its affiliate, NCC Systems, Inc., to construct, own and operate a cable television system within Navajo's telephone service area. *Summary:* The Commission will consider whether to waive the applicable telephone company/cable television rules prohibiting cross-ownership, and grant the Section 214 application in the above-described case.

Common Carrier—3—*Title:* Application for Review of the Bureau's Memorandum Opinion and Order regarding the case of *Sperzel, et al. v. NEC Telephones, Inc.* *Summary:* The Commission will consider whether to reverse the Bureau's decision that NEC is not a common carrier under the Act, and that NEC was properly within its discretion in not authorizing Sperzel to acceptance test the wiring behind NEC's unprotected terminal equipment.

Common Carrier—4—*Title:* Petition for reconsideration of ITT World Communications Inc., 79 F.C.C. 2d 173 (1980) filed by Western Union; application for review of an order of the Chief, Common Carrier Memo No. 24220, released August 8, 1980. *Summary:* The Commission will consider a petition for reconsideration of its designation order

instituting an investigation of the international record carriers' unbundling tariff revisions for their international telex services. It will also consider a related application for review.

Common Carrier—5—*Title:* In the Matter of American Telephone and Telegraph Company's Revisions to Tariff F.C.C. No. 260, Series 7000, Type 7008 (Satellite Television Service), filed under transmittal No. 13633. *Summary:* The FCC will consider whether to grant petitions to suspend or reject AT&T's tariff filing in which AT&T proposes to offer Satellite Television Service to the public on an experimental basis not to exceed three years.

Renewal—1—*Title:* Applications for renewal of licenses of Stations WLOE and WSRQ-FM, Eden, North Carolina. *Summary:* The Commission considers the short-term license renewal applications of Stations WLOE and WSRQ-FM, Eden, North Carolina, filed by Carolina-Virginia Broadcasting Company.

Renewal—2—*Title:* License renewal application of American Broadcasting Companies, Inc. for Station KGO-TV, San Francisco, California. *Summary:* Community Coalition for Media Change filed a petition for reconsideration of a Commission Memorandum Opinion and Order, FCC 80-656, released November 25, 1980 denying its petition to deny. The Commission considers petitioner's arguments.

Renewal—3—*Title:* License renewal application, as supplemented, of American Broadcasting Companies, Inc. for Station KGO-TV, San Francisco, California. *Summary:* Synanon Foundation, Inc. and Synanon Committee for Responsible American Media filed petitions to deny the license renewal application, as supplemented, for Station KGO-TV. The petition to deny charges that licensee slanted, distorted, and staged news, violated the Commission's conflict of interest policy, and violated the Commission's public file rule. The Commission considers petitioners' allegations.

Renewal—4—*Title:* Applications for renewal of licenses of Stations WMNI and WRMZ-FM, Columbus, Ohio. *Summary:* The Commission considers the goals and timetables submitted by North American Broadcasting Company, licensee of Stations WMNI and WRMZ-FM, Columbus, Ohio.

Aural—1—*Title:* Memorandum Opinion and Order in re the mutually exclusive applications of Robert Raide tr/as Broadcast Facilities and AGK Communications, Inc. for new AM stations in Penn Yan and Cazenovia, New York, respectively; a petition to deny Raide's application filed by Finger Lakes Radio,

Inc., licensee of WFLR, Dundee, New York; an informal objection to Raide's application filed by Cornell University, licensee of WHCU, Ithaca, New York; and a motion by Raide to reject AGK's application. *Summary:* The Commission considers the above applications, the petition and informal objection alleging prohibited overlap to WHCU by Raide's proposal and other matters, and Raide's motion alleging AGK's proposal would violate the Commission's Rules concerning regional concentration of control.

Broadcast—1—*Title:* Amendment of Part 73, Subpart E of the Commission's Rules concerning the operation of TV broadcast stations by remote control. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rulemaking to amend the rule requiring TV broadcast stations to transmit and log the observations of vertical interval test signals (VITS). The action is based on a petition for rulemaking filed by American Broadcasting Companies, Inc. and supported by several other organizations.

Broadcast—2—*Title:* Report and Order in BC Docket No. 78-155, In the Matter of Common Use of TV Towers. *Summary:* FCC considers Report and Order concerning a proposed new rule requiring that construction permits involving towers of VHF television stations be conditioned on permitting UHF television stations, at their request and expense, to place their antenna on the VHF's tower.

Broadcast—3—*Title:* Renewed Request for Stay of the Commission's interim processing policy for TV translator applications, filed by the Corporation for Public Broadcasting, the Public Broadcasting Service and the National Association of Public Television Stations. *Summary:* The Commission considers a renewed request for stay of interim processing procedures in low power television filed by the above-listed parties.

Broadcast—4—Request by CBS Inc. for a declaratory ruling on § 73.658(j)(1)(ii) of the Commission's Rules. *Summary:* A request that § 73.658(j)(1)(ii), the financial interest rule, be interpreted to permit network purchases of nonbroadcast rights to television programs in transactions separate from the purchase of network exhibition rights is considered.

Complaints and Compliance—1—Application for Review, filed July 23, 1980, of the Broadcast Bureau's ruling of June 26, 1980, denying a complaint filed by Mr. and Mrs. Robert L. Miller against WFPL(FM), Louisville, Kentucky. The Commission will consider an Application for Review of a June 26, 1980 Broadcast Bureau ruling. In its initial ruling, the Bureau denied a request on behalf of "Right to Life of Louisville" to rebut an alleged personal attack upon the organization. The Bureau concluded that based upon the information provided by the complainant that it could not find unreasonable the licensee's determination that the programs reference to "Right to Life" was not a direct personal attack upon any specific Right to Life organization.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 6, 1981.
Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-555-81 Filed 4-6-81; 3:02 pm]

BILLING CODE 6712-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

The Commission will hold a Closed Meeting on the subject listed below on Thursday, April 9, 1981, following the Open Meeting, which is scheduled to commence at 9:30 A.M., in Room 858, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No. and Subject

Complaints and Compliance—1—Results of an inquiry into the operation of Radio Station WEZC(FM), Charlotte, North Carolina.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: April 6, 1981.
Federal Communications Commission.
William J. Tricarico,
Secretary.

[S-556-81 Filed 4-6-81; 3:02 pm]

BILLING CODE 6712-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, April 13, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, California, in connection with the receivership of United States National

Bank, San Diego, California (two memorandums).

Morrison, Hecker, Curtis, Kuder & Parrish, Kansas City, Missouri, in connection with the liquidation of The Mission State Bank & Trust Company, Mission, Kansas.

Memorandum and Resolution re: Privacy Act of 1974—Notice of New Systems and Changes to Existing Systems of Records.

Memorandum proposing the appointment of an agent for service of process in the State of Arizona.

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: April 6, 1981.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-358-81 Filed 4-6-81; 3:40 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, April 13, 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:

Charter Pacific Bank, a proposed new bank, to be located at the southeast corner of the intersection of Kanan and Agoura Roads, Agoura, California.

Community Bank, a proposed new bank, to be located in the Malley Heights Shopping Center near the intersection of North Washington Street and Malley Drive, Northglenn, Colorado.

Bank of Coral Gables, a proposed new bank, to be located at 2701 Ponce de Leon Boulevard, Coral Gables, Florida.

Application for consent to establish a branch:

Community Bank, Huntington Park, California, for consent to establish a branch at 21415 Devonshire Street, Chatsworth, California.

Applications for consent to merge and establish branches or facilities:

First Bank & Trust, Concordia, Kansas, for consent to merge under its charter and title with The Fidelity State Bank, Concordia, Kansas, and to establish the sole office of The Fidelity State Bank as a facility of the resultant bank.

Peoples Bank of South Jersey, Clayton, New Jersey, for consent to merge under its charter and title with The Community Bank, Winslow Township (P.O. Sicklerville), New Jersey, and to establish the two offices of The Community Bank as branches of the resultant bank.

Application for consent to consolidate and establish a branch:

The Citizens State Bank, Kiel, Wisconsin, for consent to consolidate under its charter and title with The Glenbeulah State Bank, Glenbeulah, Wisconsin, and to establish the sole office of The Glenbeulah State Bank as a branch of the resultant bank.

Application for consent to acquire assets and assume liabilities and to establish a branch:

Oelwein State Bank, Oelwein, Iowa, for consent to acquire the assets of and assume the liability to pay deposits made in Arlington State Bank, Arlington, Iowa, and to establish the sole office of Arlington State Bank as a branch of the resultant bank.

Application for consent to relocate a branch:

Great Western Bank & Trust, Phoenix, Arizona, for consent to relocate a branch from 2806 North Central Avenue to 2845 North Central Avenue, both locations within Phoenix, Arizona.

Request for an extension of time to occupy temporary banking quarters:

Richmond Commerce Bank, Houston, Texas.

Request for modification of a condition imposed in granting Federal deposit insurance:

Richmond Commerce Bank, Houston, Texas.

Request for exemption pursuant to section 348.4(b)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks":

Commonwealth Bank, Hawthorne, California.

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. 44,727-L—Franklin National Bank, New York, New York

Case No. 44,730-L—Franklin National Bank, New York, New York

Case No. 44,735-L—Franklin National Bank, New York, New York

Case No. 44,738-L—Donahue Savings Bank, Donahue, Iowa

Case No. 44,739-SR—American Bank & Trust Company, New York, New York

Case No. 44,740-L—American Bank & Trust, Orangeburg, South Carolina

Case No. 44,741-L—State Bank of Clearing, Chicago, Illinois

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. 552b(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)).

Grievance Officer's reports and recommendations with respect to the formal grievances of Corporation employees:

Names of employees 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)).

Reports of committees and officers:

Reports of the Director, Office of Corporate Audits:

Audit Report re: Washington Office Administrative and Review Procedures—Non-Problem Reports of Examination.

Audit Report re: Corporation's Home Purchase Program—Employee Transfer Corporation.

Audit Report re: Liquidation Audits—3 Liquidation Sites.

Audit Report re: Liquidation Audits—7 Liquidation Sites

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: April 6, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-550-81 Filed 4-6-81; 3:40 pm]

BILLING CODE 6714-01-M

5

FEDERAL HOME LOAN BANK BOARD MEETING.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 63, FR 20025, April 2, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Wednesday, April 8, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the bank board meeting scheduled for Wednesday, April 8, 1981.

Application for Bank Membership, Insurance of Accounts, and Conversion to a Federal Mutual Savings Bank—The Schenectady Savings Bank, Schenectady, New York.

No. 473, April 3, 1981.

[S-550-81 Filed 4-3-81; 4:20 pm]

BILLING CODE 6720-01-M

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10 a.m., Thursday, April 14, 1981.

PLACE: 1700 G Street N.W., board room, fifth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED: Proposed Merger—Franklin Federal Savings & Loan Association, Lavonia, Georgia into Athens Federal Savings and Loan Association, Athens, Georgia.

No. 474, April 6, 1981.

[S-552-81 Filed 4-6-81; 9:32 am]

BILLING CODE 6720-01-M

7

NATIONAL SCIENCE BOARD.

DATE AND TIME:

April 15, 1981 11 a.m. Open Session; 1 p.m. Closed Session

April 16, 1981 6:30 a.m. Open Session

PLACE: 1800 G. Street N.W., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSIONS: Wednesday, April 15, 11 a.m.

1. Minutes—Open Session—224th Meeting.
2. Chairman's Items.
3. Director's Report.
- a. Report on Grant & Contract Activity—3/19-4/14/81.
- b. Organizational and Staff Changes.
- c. Congressional and Legislative Matters.
- d. NSF Budgets for Fiscal Years 1981 and 1982.
- e. Other Items.
4. Reports on Meetings of Board Committees.
5. Reports on Annual Review and Meeting.
6. Board Representation at Future Events.
7. Other Business.
8. Next Meeting National Science Board—May 21-22, 1981.

Thursday, April 16, 8:30 a.m.

9. Presentations by Representatives of the Behavioral and Social Sciences.

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION: Wednesday, April 15, 1 p.m.

- A. Minutes—Closed Session—224th Meeting.
- B. NSF Budget Requests and Proposed Changes for Future Fiscal Years.
- C. Export of Technological Data.
- D. NSB Annual Reports.
- E. NSB and NSF Staff Nominees.
- F. Alan T. Waterman Award.
- G. Vannevar Bush Award.
- H. Report of 1981 Ad Hoc Nominating Committee for Board Officers.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357-9582.

[S-554-81 Filed 4-6-81; 3:00 pm]
BILLING CODE 7555-01-M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Week of April 6, 1981 (revised).

PLACE: Commissioners conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: Monday, April 6, 2 p.m.:

1. Discussion of Revised Licensing Procedures (Public meeting, as announced).

Tuesday, April 7, 10 a.m.:

1. Discussion of Management-Organization & Internal Personnel Matters (approximately 30 minutes, closed meeting) (as previously announced for April 8)
2. Discussion of Resumption of Operations at Indian Point 2 (public meeting, as previously announced for April 8)

2 p.m.:

1. Briefing on Rulemaking to Upgrade the Emergency Preparedness of Certain Fuel Cycle & Major Materials Licenses (Public meeting, as announced, retitled)

Thursday, April 9, 3 p.m.

1. Affirmation/Discussion Session (Public meeting)
Affirmation and/or Discussion and Vote:
a. ACRS Participation in Rulemaking
b. Indemnification of Two Licensees Storing Fuel at Non-Reactor Facilities (tentative, Postponed from April 2)

ADDITIONAL INFORMATION: By a vote of 3-0 (Commissioner Gillsky not present) on April 2, 1981, the Commission determined pursuant to 5 U.S.C. 552b(e)(1) and § 9.107(a) of the Commission's Rules that Commission business required that affirmation of Petition for Rulemaking Filed by the Citizens Advisory Board Requesting Amendments to 10 CFR Part 2, held that day, be held on less than one week's notice to the public.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should verify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee (202) 634-1410.

April 2, 1981.

Walter Magee,

Office of the Secretary.

[S-553-81 Filed 4-6-81; 2:57 pm]

BILLING CODE 7590-01-M

[FR Doc. 81-10531 Filed 4-7-81; 8:45 am]

BILLING CODE 9450-85-M

9

RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 20026, Thursday, April 2, 1981.

TIME AND DATE: 9:30 a.m., April 9, 1981.

PLACE: Board's meeting room on the eighth floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

CHANGES IN THE MEETING: Additional item to be considered at the portion of the meeting which will be closed to the public:

(C) Appeal from referee's denial of disability annuity, John C. Boggs.

(D) Appeal from referee's denial of disabled widow's annuity, Christine C. Peeler.

CONTACT PERSON FOR MORE INFORMATION: R. F. Butler, Secretary of

the Board, COM No. 312-751-4920; FTS No. 387-4920.

[S-561-81 Filed 4-6-81; 9:27 am]

BILLING CODE 7905-01-M

10

SECURITIES 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 April 13, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, April 14, 1981, at 10:00 a.m. An open meeting will be held on Thursday, April 16, 1981, at 10:00 a.m.

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).

Acting Chairman Loomis and Commissioners Evans and Friedman determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, April 14, 1981, at 10:00 a.m., will be:

- Litigation matter.
- Formal orders of investigation.
- Settlement of administrative proceedings of an enforcement nature.
- Settlement of injunctive actions.
- Institution of injunctive actions.
- Institution of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, April 16, 1981, at 10:00 a.m., will be:

1. Consideration of whether to affirm action, taken by the Duty Officer, granting access to non-public Commission documents to John S. R. Shad in connection with his nomination for the position of Commissioner and Chairman of the Commission. For further information, please contact Myrna Siegel at (202) 272-2430.

2. Consideration of whether to grant a Freedom of Information Act appeal by the City of Richmond, Virginia, Department of Public Utilities that relates to a pending application made by the Columbia Gas System, Inc. For further information, please contact Andrew McDonald at (202) 272-2427.

3. Consideration of whether to affirm action, taken by the Duty Officer, adopting

technical amendments to the safe harbor rule for projections and information on the effects of changing prices adopted under the various securities acts to correct drafting errors. For further information, please contact Linda Griggs at (202) 272-2130.

4. Consideration of whether to propose amendments to Regulation S-X which would significantly change the circumstances under which separate financial statements of the parent company only, of unconsolidated subsidiaries and 50 percent or less owned

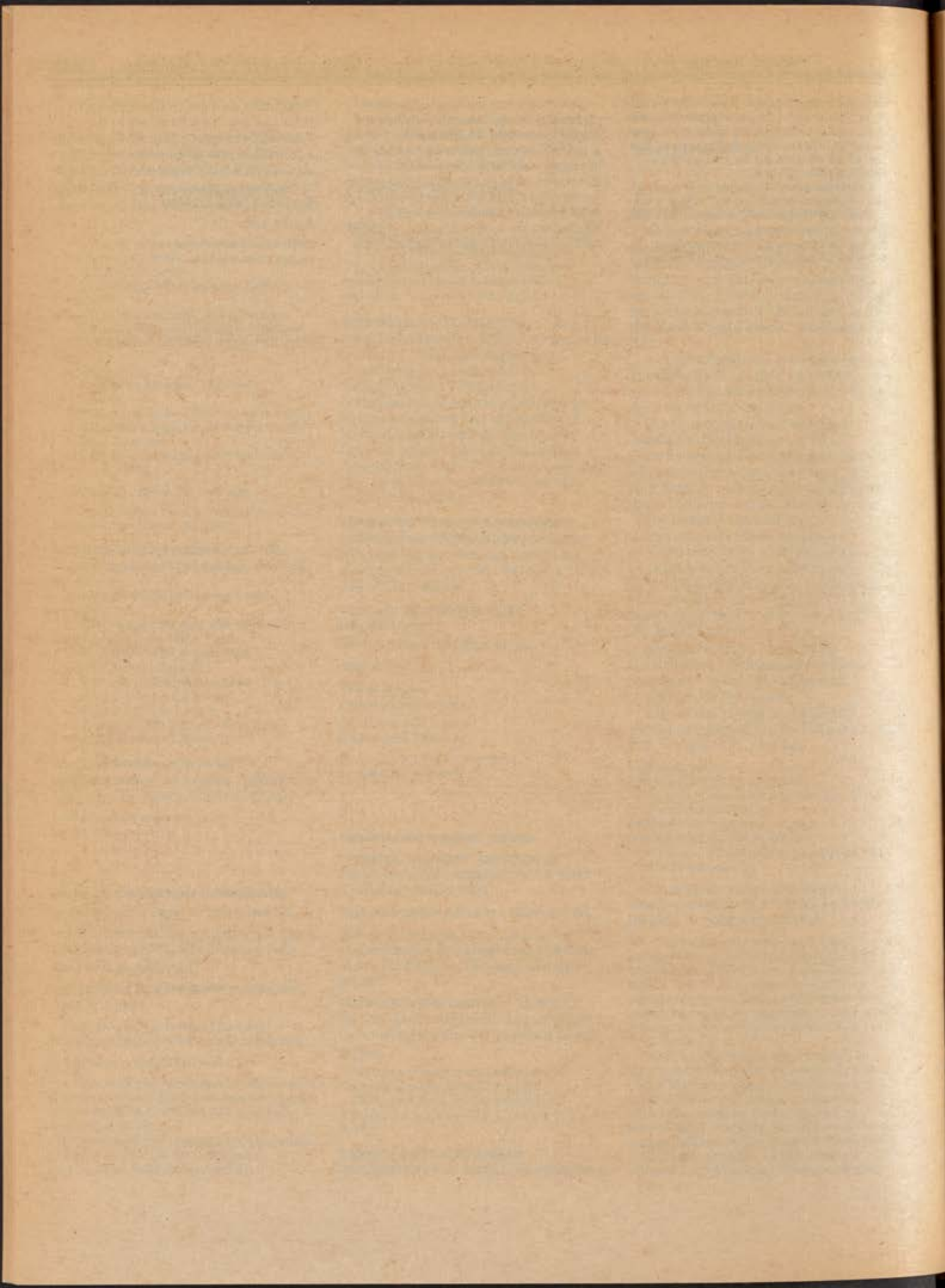
persons, and of consolidated subsidiaries engaged in diverse financial activities are required to be filed. The proposed amendments would reduce the number of instances where separate financial statements are required and are designed to, among other things, place greater reliance on summarized and condensed financial information. For further information, please contact Lawrence C. Best at (202) 272-2130.

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: Brandon Becker at (202) 272-2467.

April 6, 1981.

[S-557-01 Filed 4-6-81; 6:45 am]

BILLING CODE 8010-01-M



federal register

Wednesday
April 8, 1981

Part II

Department of Housing and Urban Development

**Office of Assistant Secretary for
Community Planning and Development**

**Urban Development Action Grants;
Revised Minimum Standards for Large
Cities and Urban Counties**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-81-1067]

Urban Development Action Grants; Revised Minimum Standards for Large Cities and Urban Counties

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: In accordance with 24 CFR 570.452(b)(1)(i), the Department is providing Notice of the most current minimum standards of physical and economic distress for large cities (metropolitan cities and other cities over 50,000 population), and urban counties for the Urban Development Action Grant program.

This Notice revises the Notice published February 20, 1980 (45 FR 11448) because the six minimum standards of distress have now changed as a result of new data from the Bureau of the Census and the Bureau of Labor Statistics. This Notice also reflects changes due to the elimination of the unique distress factor provision from the regulations, published November 5, 1980.

This Notice contains three lists: the first list identifies those cities and urban counties which qualify as distressed communities based upon the new minimum standards; the second list identifies those cities and urban counties which did not qualify when the February 1980 list was published but which do qualify now; the third list identifies those cities and urban counties which were classified as distressed on the February 20, 1980 list, but which no longer qualify under the new minimum standards.

EFFECTIVE DATE: This Notice replaces the February 20, 1980 Notice which listed the large cities which passed the previous minimum standards.

FOR FURTHER INFORMATION CONTACT: Frank Ridenour, Office of Action Grants, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, D.C. 20410. Telephone: 202/472-3980.

SUPPLEMENTARY INFORMATION: A Notice published by the Department on February 20, 1980 (45 FR 11448) provided the minimum standards of physical and economic distress which were applicable up to the effective date of this Notice for large cities and urban counties which met the standards published at that time.

Part I of this Notice now specifies the new minimum standards of physical and economic distress. Part II of this Notice contains a revised list of all the large cities and urban counties which meet the new standards. Part III of this Notice lists those large cities and urban counties which, based upon the new minimum standards, appear on the list in Part II but did not qualify when the February 1980 list was published. Part IV is a list of those cities which were classified as distressed on the February 1980 list but which no longer qualify under the new minimum standards. These cities listed in Part IV have a period of time, as specified in Part IV, during which they may submit Action Grant applications.

The new minimum standards are based on updated data from the Bureau of Census and Bureau of Labor Statistics for large cities as of fiscal year 1981. The updated Census data are 1978 population, 1977 per capita income and 1970 poverty and housing counts (adjusted to reflect boundary changes through 1979). The previous Census data were 1976 population, 1975 per capita income and 1970 poverty and housing counts (adjusted for boundary changes through 1977). The Bureau of Labor Statistics data are updated from 1978 unemployment rates to 1979 unemployment rates. The minimum standard for job lag has been updated to measure the growth in manufacturing and retail employment from 1972 to 1977. Previously job lag was measured from 1967 to 1972.

This Notice is published pursuant to 24 CFR 570.452(b)(1)(i).

I. A large city or urban county must pass three minimum standards of physical and economic distress, except, if the poverty is less than half the minimum standard, the city or urban county must pass four standards. The most current minimum standards of physical and economic distress are:

A. Age of Housing. At least 33.38 percent of the applicant's year-round housing units must have been constructed prior to 1940, based on U.S. Census data, in order to meet this minimum standard;

B. Per Capita Income. The net increase in per capita income for the period 1969-1977 must have been \$2,694 or less, based on U.S. Census data, in order to meet this minimum standard;

C. Population Lag/Decline. For the period 1960-1978 the percentage rate of population growth (based on corporate boundaries in 1960 and in 1979) must have been 17.78 percent or less, based on U.S. Census data, in order to meet the minimum standard.

D. Unemployment. The average rate of unemployment for 1979 must have been 5.64 percent or greater, based on data compiled by the Bureau of Labor Statistics, in order to meet this minimum standard.

E. Job Lag/Decline. The rate of growth in retail and manufacturing employment for the period 1972-1977 must have increased by 6.74 percent or less, based on U.S. Census data, in order to meet this minimum standard. If data is not available for both retail and manufacturing employment, the percentage used will be the median for either retail employment or manufacturing employment, based upon the median for those cities on which both sets of data are available.

F. Poverty. The percentage of persons within the applicant's jurisdiction at or below the poverty level must be 10.92 percent or more, based on 1970 U.S. Census data, in order to meet this minimum standard.

II. A. The following cities meet the current minimum standards of physical and economic distress:

Alabama	
Anniston	Huntsville
Birmingham	Mobile
Florence	Montgomery
Gadsden	Tuscaloosa
Arkansas	
Fort Smith	Texarkana
Pine Bluff	
California	
Alhambra	Pico Rivera
Berkeley	Pomona
Compton	Richmond
Fresno	San Bernardino
Long Beach	San Francisco
Los Angeles	Santa Cruz
Norwalk	Santa Monica
Oakland	Seaside
Ontario	South Gate
Pasadena	Stockton
Colorado	
Denver	Pueblo
Greeley	
Connecticut	
Bridgeport	New London
Hartford	Norwalk
Meriden	Norwich
New Britain	Waterbury
New Haven	West Haven
Delaware	
Wilmington	
District of Columbia	
Washington	
Florida	
Bradenton	Miami Beach
Cocoa	Panama City
Daytona Beach	Pensacola
Jacksonville	St. Petersburg
Lakeland	Tampa
Melbourne	West Palm Beach
Miami	

Georgia		Missouri		Tennessee	
Albany	Columbus	Kansas City	St. Louis	Bristol	Johnson City
Atlanta	Macon	St. Joseph	Springfield	Chattanooga	Knoxville
Augusta	Savannah			Clarksville	Memphis
Illinois		Montana		Texas	
Berwyn	Oak Park	Great Falls		Beaumont	Marshall
Champaign	Peoria		New Hampshire	Brownsville	McAllen
Chicago	Rockford	Manchester	Nashua	Denison	Orange
Cicero	Rock Island		New Jersey	Edinburg	Pharr
Decatur	Springfield			El Paso	Port Arthur
East St. Louis	Urbana	Asbury Park	Long Branch	Fort Worth	San Antonio
Joliet	Waukegan	Atlantic City	Millville	Galveston	San Benito
Kankakee		Bayonne	Newark	Harlingen	Texarkana
Indiana		Bloomfield	New Brunswick	Laredo	Waco
Anderson	Indianapolis	Bridgton	Passaic		
Bloomington	Kokomo	Camden	Paterson		Utah
East Chicago	Lafayette	Clifton	Perth Amboy	Ogden	Salt Lake City
Elkhart	Muncie	East Orange	Trenton	Provo	
Evansville	South Bend	Elizabeth	Union City		Virginia
Fort Wayne	Terre Haute	Irvine	Vineland	Lynchburg	Portsmouth
Gary	West Lafayette	Jersey City		Newport News	Richmond
Hammond			New Mexico	Norfolk	Roanoke
		Las Cruces		Petersburg	
Iowa			New York		
Council Bluffs	Iowa City	Albany	Rochester	Everett	Spokane
Des Moines	Sioux City	Binghamton	Rome	Pasco	Tacoma
		Buffalo	Schenectady	Seattle	Yakima
Kansas		Elmira	Syracuse		
Kansas City	Lawrence	Mount Vernon	Troy		West Virginia
		New Rochelle	Union Town	Charleston	Parkersburg
Kentucky		New York	Utica	Huntington	Wheeling
Ashland	Louisville	Niagara Falls	Yonkers		
Covington	Owensboro	Poughkeepsie			Wisconsin
Hopkinsville				Beloit	Milwaukee
			North Carolina	Eau Claire	Oshkosh
Louisiana		Asheville	High Point	Kenosha	Racine
Alexander	New Orleans	Burlington	Wilmington	La Crosse	Superior
Moore		Gastonia			
Maine			Ohio		Puerto Rico
Auburn	Portland	Akron	Lorain	Toa Baja Municipio	Mayaguez Municipio
Lewiston		Canton	Mansfield	Bayamon Municipio	Ponce Municipio
		Cincinnati	Marietta	Caguas Municipio	San Juan Municipio
Maryland		Cleveland	Middletown	Carolina Municipio	
Baltimore		Cleveland Heights	Springfield		
		Columbus	Steubenville		
Massachusetts		Dayton	Toledo		
Arlington	Lowell	Elyria	Warren		
Boston	Lynn	Hamilton City	Youngstown		
Brockton	Malden	Lima			
Brookline	Medford		Oklahoma		
Cambridge	New Bedford	Lawton			
Chicopee	Pittsfield		Oregon		
Fall River	Quincy				
Fitchburg	Somerville	Portland			
Haverhill	Springfield				
Holyoke	Waltham				
Lawrence	Worcester				
Michigan			Pennsylvania		
Battle Creek	Lansing	Allentown	Lower Merion		
Bay City	Lincoln Park	Altoona	Philadelphia		
Detroit	Muskegon	Bethlehem	Pittsburgh		
Flint	Muskegon Heights	Chester	Reading		
Grand Rapids	Pontiac	Easton	Scranton		
Jackson	Saginaw	Erie	Upper Darby		
Kalamazoo		Harrisburg	Wilkes-Barre		
		Hazleton	Williamsport		
		Johnstown	York		
		Lancaster			
Minnesota			Rhode Island		
Duluth	St. Cloud		Providence		
Minneapolis	St. Paul	Cranston	Warwick		
		Pawtucket			
Mississippi			South Carolina		
Biloxi	Moss Point	Charleston	North Charleston		
Gulfport	Pascagoula	Greenville	Spartanburg		

II. B. The following urban counties meet the current minimum standards of physical and economic distress:

Fresno, California
 Kern, California
 Polk, Florida
 Madison, Illinois
 Essex, New Jersey
 Hudson, New Jersey
 Union, New Jersey
 Erie, New York
 Allegheny, Pennsylvania
 Beaver, Pennsylvania
 Luzerne, Pennsylvania
 Washington, Pennsylvania
 Westmoreland, Pennsylvania
 York, Pennsylvania

III. The following large cities and urban counties which have been added to the list under Section II, above, meet the new standards of physical and economic distress:

Alabama—Huntsville
 California—Fresno
 Colorado—Greeley
 Florida—Jacksonville, St. Petersburg
 Illinois—Berwyn, Champaign, Oak Park
 Indiana—Elkhart, Lafayette
 Iowa—Des Moines, Dubuque, Iowa City

Massachusetts—Arlington
Mississippi—Pascagoula
New Jersey—Essex County, Union County
New Mexico—Las Cruces
New York—Erie County
North Carolina—Burlington, Gastonia
Oklahoma—Lawton
Pennsylvania—Lower Merion, Allegheny County
Rhode Island—Warwick
Tennessee—Memphis
Texas—Marshall
Virginia—Lynchburg, Newport News
Washington—Pasco
Wisconsin—Beloit

IV. The following list contains the names of those large cities and urban counties which met the minimum standards of physical and economic distress but which no longer meet those standards. In accordance with § 570.452(c), cities which cease to meet

the minimum standards of physical and economic distress by virtue of a change in the data used by HUD will be permitted to submit an application during the two quarters following the change in data. HUD will continue to consider those applications which have been submitted and are under review prior to a change in the minimum standards which otherwise make them ineligible. The final date for submission of an application by the cities listed below is April 30, 1981.

Arkansas—North Little Rock
California—Bakersfield, Bellflower, Burbank, Chula Vista, El Monte, Glendale, Hawthorne, Inglewood, Lompoc, Riverside, Sacramento, Santa Barbara, Riverside County
Florida—Orlando, Winterhaven, Orange County

Illinois—Moline, Rantoul
Iowa—Davenport, Waterloo
Kansas—Wichita
Louisiana—Lake Charles, Shreveport
Massachusetts—Leominster
Michigan—Dearborn, East Lansing
New York—White Plains
North Carolina—Durham
Ohio—Lakewood
South Carolina—Columbia
South Dakota—Sioux Falls
Texas—Bryan, Corpus Christi
Puerto Rico—Guaynabo

Issued at Washington, D.C., April 1, 1981.

Donald G. Dodge,

*Acting General Deputy Assistant Secretary,
Office of Community Planning and
Development.*

[FR Doc. 81-10515 Filed 4-7-81; 8:45 am]

BILLING CODE 4210-01-M

Reader Aids

Federal Register

Vol. 46, No. 67

Wednesday, April 8, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

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Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022

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Regulations Writing Seminar	523-5240
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Subscription orders (GPO)	783-3238
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CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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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 issues 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 April 12 through April 18, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 18558 3-25-81 / Milk in the St. Louis-Ozarks and certain other marketing areas; filing exceptions to the recommended decision on proposed amendments to tentative marketing agreements and to orders; comments extended to 4-13-81 [See also 46 FR 12709, 2-18-81 and 46 FR 16270, 3-12-81]
- 19946 4-2-81 / Milk in the Upper Midwest marketing area; suspension of certain provisions of the order; comments by 4-17-81
- 9957 1-30-81 / Spearmint oil produced in the Far West; administrative rules; comments by 4-15-81

CIVIL AERONAUTICS BOARD

- 11827 2-11-81 / Smoking aboard aircraft; comments by 4-13-81

COMMERCE DEPARTMENT

Office of the Secretary—

- 19266 3-30-81 / Voluntary Standards Bodies; Federal interaction procedures; comments by 4-14-81
- Patent and Trademark Office—
- 3162 1-13-81 / Reexamination and inter partes protest proceedings; comments by 4-16-81

COMMODITY FUTURES TRADING COMMISSION

- 11668 2-10-81 / Prohibition of guarantees against loss; comments by 4-13-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

- 15498 3-6-81 / Natural gas, incremental pricing; methodology for calculating monthly alternative fuel price ceilings for state regions; comments by 4-13-81
- [See also 46 FR 18011, 3-20-81]

ENVIRONMENTAL PROTECTION AGENCY

- 12020 2-12-81 / Air quality Nevada; State Implementation plan revision for lead in Clark County; comments by 4-13-81
- 17229 3-18-81 / Amiben; proposed tolerance; comments by 4-17-81
- 17230 3-18-81 / Boiled linseed oil; exemption from the requirement of tolerance; comments by 4-17-81
- 14136 2-26-81 / Coil coating point source category effluent limitations guidelines, pretreatment standards and new source performance standards; comments by 4-13-81
- 12414 2-13-81 / Hazardous waste; interim standards for owners and operators of land disposal facilities and EPA-administered permit programs; comments by 4-14-81
- 16280 3-12-81 / Proposed change in nonattainment area definition of source to conform to definition contained in PSD rules; comments by 4-13-81
- 11843 2-11-81 / Revisions to Nevada State Implementation Plan; comments by 4-13-81
- [Corrected at 46 FR 15181, 3-4-81]
- 12188 2-12-81 / Vinyl chloride content of solvents, resin-solvent solution, polyvinyl chloride resin, resin slurry, wet resin and latex samples, alternative test method; comments by 4-13-81

FEDERAL COMMUNICATIONS COMMISSION

- 14361 2-27-81 / FM broadcast station in Marshfield, Wis., changes in table of assignments; reply comments by 4-13-81
- 14359 2-27-81 / FM broadcast stations in Albion, Avilla, Auburn, Garnett and Lagrange, Ind., changes in table of assignments; reply comments by 4-13-81

10963 2-5-81 / FM broadcast stations in Glendale and Phoenix, Ariz.; changes in table of assignments; reply comments by 4-13-81

10773 2-4-81 / FM broadcast stations in various cities in Arizona, California, Georgia, Iowa, Kansas, New York, Washington, and West Virginia; changes in table of assignments (10 documents); reply comments by 4-13-81

13740 2-24-81 / FM broadcast stations, table of assignments; comments by 4-13-81

13738 2-24-81 / FM broadcast stations, table of assignments; Owenton, Ky.; comments by 4-13-81

13739 2-24-81 / FM broadcast stations, table of assignments; Sparks, Nev.; comments by 4-13-81

3939 1-16-81 / Inquiry into future role of low-power television broadcasting and television translators in the National Telecommunications System; reply comments by 4-13-81

81796 12-12-80 / Television channel allotments; comments by 4-15-81

[Originally published at 45 FR 72902, 9-18-80]

70023 10-22-80 / VHF television reception, improvements; reply comments by 4-17-81

[Comment period extended at 46 FR 9064, 1-29-81]

FEDERAL EMERGENCY MANAGEMENT AGENCY

13527 2-23-81 / National Flood Insurance Program coverage, sales and loss prevention provisions; comments by 4-15-81

FEDERAL RESERVE SYSTEM

11780 2-10-81 / Home mortgage disclosure; comments by 4-15-81

FEDERAL TRADE COMMISSION

6976 1-22-81 / Funeral industry practices; reply comments by 4-13-81

GENERAL SERVICES ADMINISTRATION

11945 2-11-81 / Definition of related personal property; comments by 4-13-81

3021 1-13-81 / Hardware and data transmission standards; temporary regulations; comments by 4-13-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

16676 3-13-81 / Antibiotic drugs, certification requirements; updating and technical changes; comments by 4-13-81

16676 3-13-81 / Antibiotic drugs, increase in certification fees; comments by 4-13-81

16679 3-13-81 / Cepha antibiotic drugs; Cefadroxil monohydrate for oral suspension; certification of new dosage form; comments by 4-13-81

16678 3-13-81 / Erythromycin capsules; certification of new dosage form; comments by 4-13-81

16675 3-13-81 / Food additives, indirect; Poly(acrylamide-[2-acrylamide-2-methylpropylsulfonate]-dimethyldiallyl ammonium chloride) sodium salt; use as an adhesive component; objections by 4-13-81

16675 3-13-81 / Food additives, indirect; Trimethylpyridines and dimethylpyridines; use as an adjuvant substance in olefin polymers; objections by 4-13-81

12502 2-17-81 / Premarket approval of medical devices; proposed establishment of regulations; comments by 4-13-81

16680 3-13-81 / Tobramycin ophthalmic solution; certification of new dosage form; comments by 4-13-81

82014 12-12-80 / Vaginal contraceptives (OTC); monograph establishment; reply comments by 4-13-81

[Corrected at 46 FR 11292, 2-6-81]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

3188 1-13-81 / *Astragalus montii* (Heliotrope milk-vetch); proposed endangered status and critical habitat; comments by 4-13-81

Indian Affairs Bureau—

16916 3-16-81 / Attorney contracts with Indian tribes; tribal attorney fee payment with appropriated funds; comment period reopened to 4-15-81

[Originally published at 45 FR 82667, 12-16-80]

Surface Mining Reclamation and Enforcement Office—

16276 3-12-81 / Surface coal mining and reclamation operations; bonding forfeiture regulations; comments by 4-13-81

LABOR DEPARTMENT

16827 3-13-81 / Redwood Employee Protection Program, applicant eligibility for benefits based on layoffs; comments by 4-13-81

Occupational Safety and Health Administration—

16974 3-27-81 / Occupational exposure to lead; new trigger levels for medical removal protection; comments by 4-15-81

NUCLEAR REGULATORY COMMISSION

14019 2-25-81 / Ionizing radiation measuring instruments, amendment of exemption; comments by 4-13-81

18045 3-23-81 / Licensing requirements for pending construction permit and manufacturing license applications; comments by 4-13-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

3776 1-15-81 / Parts manufacturer approvals; and falsification of airworthiness certification documents; comments by 4-15-81

16270 3-12-81 / Proposed special conditions for CASA model C-212 series airplanes; comments by 4-13-81

83424 12-18-80 / Rotocraft Regulatory Program Notice No. 1; comments by 4-17-81

Federal Highway Administration—

82291 12-15-80 / Hours of service of drivers; 10-hour exemption—drivers' logs; comments by 4-14-81

8186 1-26-81 / Minimum levels of financial responsibility for motor carriers; comments by 4-13-81

Urban Mass Transportation Administration—

19270 3-30-81 / Bus stockpiling regulations and bus rehabilitation grant regulations; withdrawal and issuance of non-regulatory guidelines; comments by 4-15-81

[See also 46 FR 5480, 1-19-81 and 46 FR 9862, 1-29-81]

TREASURY DEPARTMENT

Customs Service—

17228 3-18-81 / General provisions; proposed change in the field organization of the customs service; comments by 4-17-81

Internal Revenue Service—

3912 1-16-81 / Income tax; dollar-value LIFO inventory; comments by 4-16-81

VETERANS ADMINISTRATION

17232 3-18-81 / Special types and methods of procurement; mortuary service; comments by 4-17-81

Comments on Proposed Rules for the Week of April 19 through April 25, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

13670 2-23-81 / Brucellosis indemnity payment for cattle destroyed; final rule; comments by 4-24-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

20237 4-3-81 / Foreign fishing; Northeast Pacific Ocean; comments by 4-23-81

COMMUNITY SERVICES ADMINISTRATION

- 12522 2-17-81 / Grantee Public Affairs: public access to grantee information; comments by 4-20-81

DEFENSE DEPARTMENT

Office of the Secretary—

- 13526 2-23-81 / National Security Agency; access to records; comments by 4-24-81
 13526 2-23-81 / National Security Agency; Privacy Act Systems of Records; comments by 4-24-81

ENERGY DEPARTMENT

- 13517 2-23-81 / Standby Federal Emergency Conservation Plan; comments by 4-24-81
 17787 3-20-81 / Travel expenses; payment for persons who are not government employees; comments by 4-20-81

ENVIRONMENTAL PROTECTION AGENCY

- 18321 3-24-81 / Approval and promulgation of State plans for designated facilities and pollutants; New Jersey and Virgin Islands; comments by 4-23-81
 17558 3-19-81 / Consideration of whether to rescind 80 dB noise standard for heavy and medium trucks (final rule); comments by 4-24-81
 7684 1-23-81 / Incinerator standards by owners and operators of hazardous waste management facilities; comments by 4-23-81
 8497 1-27-81 / Noise emission standards: medium and heavy trucks and truck-mounted solid waste compactors; final rule; comments by 4-24-81
 [Corrected at 46 FR 9950, 1-30-81]
 12761 2-18-81 / Proposed revision to the Commonwealth of Puerto Rico Implementation plan; comments by 4-20-81
 15287 3-5-81 / Provisions for treating pollutant discharges from pulp, paper, and paperboard mills; comments period extended to 5-1-81
 [See also 46 FR 1430, 1-6-81]

FEDERAL COMMUNICATIONS COMMISSION

- 15185 3-4-81 / FM broadcast station in East Hampton, N.Y.; Proposed changes in table of assignments; comments by 4-20-81
 15186 3-4-81 / FM broadcast station in Fort Worth and Palestine, Tex.; Proposed changes in table of assignments; comments by 4-20-81
 15298 3-5-81 / FM broadcast station in Mountain Home and Marshall, Ark. and Thayer, Mo.; changes in table of assignments; comments by 4-20-81
 15184 3-4-81 / FM broadcast station in Tioga and Boyce, La.; Proposed changes in table of assignments; comments by 4-20-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

- 13528 2-23-81 / Peacetime screening of non-Federal employees who are members of the military reserve; comments by 4-24-81

FEDERAL MARITIME COMMISSION

- 13243 2-20-81 / Credit information; collection, compilation and exchange; exemption of agreements; comments by 4-21-81
 12524 2-17-81 / Exemption of certain agency agreements involving solicitation and booking of cargo, and signing contracts of affreightment and bills of lading; comments by 4-20-81

FEDERAL TRADE COMMISSION

- 13235 2-20-81 / Prohibited trade practices; Sherman A. Hope, M.D., et al.; consent agreement and analysis; hospital's physician recruitment program or contractual arrangement; comments by 4-21-81
 18307 3-24-81 / Trade regulation rule: labeling and advertising of home insulation; partial exemption for cellulose insulation; comments by 4-23-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community Planning and Development, Office of Assistant Secretary—

- 13676 2-23-81 / Community Development Block Grants, Small Cities Program; interim rule; comments by 4-24-81

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

- 20211 4-3-81 / Surface coal mining and reclamation operations, initial and permanent regulatory programs; cancellation of prior notice and postponement of effective dates; comments by 4-20-81

INTERSTATE COMMERCE COMMISSION

- 15302 3-5-81 / Increase in capital expenditures minimum; comments by 4-20-81
 15300 3-5-81 / Leasing rules modifications; comments by 4-20-81

JUSTICE DEPARTMENT

Parole Commission—

- 14904 3-3-81 / Paroling, recommitting and supervising Federal prisoners; offense severity scale; comments by 4-25-81

LABOR DEPARTMENT

Employment and Training Administration—

- 6017 1-21-81 / Proposed changes to veterans preference indicators of compliance for FY 1981; comments on basic structure of indicator system by 4-21-81

LEGAL SERVICES CORPORATION

- 18055 3-23-81 / Comprehensive civil rights regulations; comments by 4-22-81

NUCLEAR REGULATORY COMMISSION

- 15278 3-5-81 / Decommissioning criteria for nuclear facilities; comments by 4-22-81
 12750 2-18-81 / Financial protection requirements and indemnity agreements; comments by 4-20-81

PERSONNEL MANAGEMENT OFFICE

- 13222 2-20-81 / Training; selection and authorization procedures; comments by 4-21-81

POSTAL SERVICE

- 18560 3-25-81 / Establishment of optional endorsement line in the address block or label; comments by 4-24-81
 18054 3-23-81 / International express mail rates to Kuwait; comments by 4-22-81

SECURITIES AND EXCHANGE COMMISSION

- 17219 3-18-81 / Proposed admission to, or continuance in, membership or participation of certain persons subject to statutory disqualifications; notice by self-regulatory organizations; comments by 4-22-81

SMALL BUSINESS ADMINISTRATION

- 19829 4-1-81 / Business loans; Delegation of certain authority and responsibility to preferred lending institutions; comments extended to 4-20-81
 [See also 46 FR 4937, 1-19-81]
 12500 2-17-81 / Ineligibility for SBA Loan Assistance; comments by 4-20-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

- 5484 1-19-81 / Operations review program; comments by 4-20-81
 12981 2-19-81 / Summary of petitions received and dispositions of petitions denied; comments by 4-20-81
 National Highway Traffic Safety Administration—
 7025 1-22-81 / New car crashworthiness performance ratings program; comments by 4-22-81
 [Corrected at 46 FR 18059, 3-23-81]
 Office of the Secretary—
 5588 1-19-81 / Nondiscrimination in Federally assisted programs; comments by 4-20-81
 Urban Mass Transportation Administration—
 5815 1-19-81 / Buy America requirements; comments by 4-20-81

TREASURY DEPARTMENT

Comptroller of the Currency—

- 12978 2-19-81 / Eligibility of securities for purchase, dealing in, underwriting and holding by National Banks; comments by 4-20-81

Internal Revenue Service—

- 15892 3-10-81 / State and Local government deferred compensation plans; comments by 4-21-81
- 13525 2-23-81 / Windfall profit tax; qualified disburser election; comments by 4-24-81

VETERANS ADMINISTRATION

- 18051 3-23-81 / Medical school and health manpower assistance; comments by 4-22-81

Next Week's Meetings**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

- 18751 3-26-81 / Agency Decisional Processes Committee, Washington, D.C. (open), 4-13-81

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 19011 3-27-81 / Plant Variety Protection Board, Washington, D.C. (closed), 4-15-81

Food and Nutrition Service—

- 19011 3-27-81 / Maternal, Infant, and Fetal Nutrition Advisory Council, Washington, D.C. (open), 4-13 through 4-15-81

Forest Service—

- 11851 2-11-81 / Othello National Forest Grazing Advisory Board, Prineville, Ore. (open), 4-17-81

Science and Education Administration—

- 19284 3-30-81 / Food and Agricultural Sciences, Joint Council, Washington, D.C. (open), 4-15 through 4-17-81

- 19284 3-30-81 / Food and Agricultural Sciences, Joint Council [Executive Committee], Washington, D.C. (open), 4-15-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

- 17936 3-20-81 / Design Art Panel, Washington, D.C. (open), 4-13 and 4-14-81

- 17683 3-19-81 / Humanities Panel, Washington, D.C. (closed), 4-16 through 4-17-81

CIVIL RIGHTS COMMISSION

- 19286 3-30-81 / Idaho Advisory Committee, Boise, Idaho (open), 4-17-81

- 19287 3-30-81 / South Dakota Advisory Committee, Sioux Falls, S. Dak. (open), 4-15-81

COMMERCE DEPARTMENT

International Trade Administration—

- 18574 3-25-81 / Semiconductor Technical Advisory Committee, Washington, D.C. (partially open), 4-15-81

- 18573 3-25-81 / Semiconductor Technical Advisory Committee, Discrete Semiconductor Device Subcommittee, Washington, D.C. (closed), 4-14-81

- 18573 3-25-81 / Semiconductor Technical Advisory Committee, Microcircuit, Washington, D.C. (partially open), 4-14-81

- 18574 3-25-81 / Semiconductor Technical Advisory Committee, Semiconductor Manufacturing Materials and Equipment Subcommittee, Washington, D.C. (closed), 4-14-81

National Oceanic and Atmospheric Administration—

- 17575 3-19-81 / Emergency striped bass study, Washington, D.C. (open), 4-13-81

- 18754 3-26-81 / National Marine Fisheries Service, Portland, Oreg., 4-13-81

CONSUMER PRODUCT SAFETY COMMISSION

- 17825 3-20-81 / Product Safety Advisory Council, Washington, D.C. (open), 4-13 through 4-14-81

DEFENSE DEPARTMENT

Air Force Department—

- 19968 4-2-81 / Air Force Academy Board of Visitors, Colorado Springs, Colo. (partially open), 4-14 and 4-15-81

- 16291 3-12-81 / USAF Scientific Advisory Board, Ad Hoc Committee on Turbine Engine Monitoring Systems, Langley AFB, Va. (closed) 4-13 and 4-14-81

- 18577 3-25-81 / USAF Scientific Advisory Board, Dover, N.J. (closed), 4-9 and 4-10-81

Office of the Secretary—

- 13261 2-20-81 / Wage Committee, Washington, D.C. (closed), 4-14-81

EDUCATION DEPARTMENT

- 18578 3-25-81 / Adult Education National Advisory Council, Executive Committee, Providence, R.I. (open), 4-14-81

ENERGY DEPARTMENT

- 18784 3-26-81 / National Petroleum Council, Washington, D.C. (open), 4-15-81

- 15203 3-4-81 / National Petroleum Council, Resource Applications, Washington, D.C. (open), 4-16-81

Office of the Secretary—

- 19970 4-2-81 / National Petroleum Council, Environmental Conservation Committee, Synthetic Fuels Task Group (open), Washington, D.C., 4-14-81

FEDERAL COMMUNICATIONS COMMISSION

- 19853 4-1-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 4-16-81

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

- 17881 3-20-81 / Meeting, Washington, D.C. (partially open), 4-16-81

FEDERAL RESERVE SYSTEM

- 18068 3-23-81 / Consumer Advisory Council, Washington, D.C. (open) 4-15 and 4-16-81

GOVERNMENT PRINTING OFFICE

- 15328 3-5-81 / Depository Library Council to the Public Printer, San Antonio, Tex. (open), 4-13 through 4-15-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Disease Control—

- 16943 3-16-81 / Control technology assessment of petroleum refinery operations, Cincinnati, Ohio (open), 4-14-81

Food and Drug Administration—

- 17142 3-17-81 / Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, Washington, D.C. (partially open), 4-13-81

- 18359 3-24-81 / Consumer participation, Baltimore, Md. (open), 4-14-81

- 14355 2-27-81 / Erythromycin Estolate Ad Hoc Advisory Committee, Rockville, Md., (open), 4-16 and 4-17-81 [Corrected at 46 FR 16692, 3-13-81]

- 16727 3-13-81 / General Medical Devices Panel, Gastroenterology-Urology Device Section, Silver Spring, Md. (open), 4-13-81

- 16727 3-13-81 / Ophthalmic, Ear, Nose, and Throat, and Dental Devices Panel, Ophthalmic Device Section, Washington, D.C. (open), 4-13 and 4-14-81

National Institutes of Health—

- 12334 2-3-81 / High Blood Pressure Working Group, Bethesda, Md. (open), 4-13-81

- 19324 3-30-81 / President's Cancer Panel, Bethesda, Md. (open), 4-13-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

- 18792 3-26-81 / Canada Goose Management Program, Madison, Wis. (open), 4-14-81

Geological Survey—

- 15330 3-5-81 / Fort Union Regional Coal Team, Billings, Mont. (open), 4-14-81

Land Management Bureau—

- 17558 3-19-81 / Boise District Wilderness Study, Boise, Idaho (open), 4-15-81; Marsing, Idaho (open), 4-16-81
- 17265 3-18-81 / California Desert District; San Diego, Calif. (open), 4-14-81; Escondido, Calif., (open), 4-15-81; Riverside, Calif. (open), 4-16-81
- 16139 3-11-81 / Canon City District Grazing Advisory Board, Salida, Colo. (open), 4-16-81
- 16339 3-12-81 / Cedar City District Multiple Use Advisory Council, Cedar City, Utah (open), 4-15-81
- 19327 3-30-81 / North Atlantic Technical Working Group, Somerville, Mass. (open), 4-14 and 4-15-81
- 15331 3-5-81 / Shoshone District Advisory Council; Shoshone, Idaho (open), 4-15-81
- 15329 3-5-81 / Shoshone District Grazing Advisory Board, Shoshone District Grazing Advisory Board, Shoshone, Idaho (open), 4-16-81
- National Park Service—
- 18605 3-25-81 / Chesapeake and Ohio Canal National Historical Park Commission, Cumberland, Md. (open), 4-18-81
- 18077 3-23-81 / Santa Monica Mountains National Recreation Area Advisory Commission, Los Angeles, Calif. (open), 4-14-81
- INTERNATIONAL DEVELOPMENT COOPERATION AGENCY**
Agency for International Development—
- 18631 3-25-81 / Board for International Food and Agricultural Development, Washington, D.C. (open), 4-14 and 4-15-81
- JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES**
- 17164 3-17-81 / Actuarial Examinations Advisory Committee, Chicago, Ill. (partially open), 4-14-81
- JUSTICE DEPARTMENT**
- 19888 4-1-81 / Attorney General's Task Force on Violent Crime, Washington, D.C. (open), 4-16 and 4-17-81
- METRIC BOARD**
- 18643 3-25-81 / Executive Committee, Arlington, Va. (closed), 4-14-81
- NATIONAL SCIENCE FOUNDATION**
- 19120 3-27-81 / Environmental Biology Advisory Committee, Systematic Biology Subcommittee, Washington, D.C. (closed), 4-16 and 4-17-81
- OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION**
- 19899 4-1-81 / Meeting, Washington, D.C. (closed), 4-16-81
- SMALL BUSINESS ADMINISTRATION**
- 16173 3-11-81 / Region V Advisory Council, Indianapolis, Ind. (open), 4-15-81
- 17000 3-16-81 / Region VI Advisory Council, Carlsbad, N. Mex. (open), 4-9-81
[Changed at 46 FR 18637, 3-25-81]
- TRANSPORTATION DEPARTMENT**
Coast Guard—
- 17001 3-16-81 / Rules of the Road Advisory Committee, Linthicum Heights, Md. (open), 4-15 and 4-16-81
- Federal Aviation Administration—
- 18135 3-23-81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 135 on Environmental Conditions and Test Procedures for Airborne Equipment, Washington, D.C. (open), 4-16 and 4-17-81
- TREASURY DEPARTMENT**
Internal Revenue Service—
- 16773 3-13-81 / Art Print Advisory Panel, Washington, D.C. (closed), 4-14 and 4-15-81

TRUMAN, HARRY S., SCHOLARSHIP FOUNDATION

- 18644 3-25-81 / Meeting, Washington, D.C. (partially open), 4-13-81

VETERANS ADMINISTRATION

- 18139 3-23-81 / Career Development Committee, Washington, D.C. (open), 4-15 through 4-17-81
- 16774 3-13-81 / Medical Research Service, Merit Review Boards: Endocrinology, Washington, D.C., 4-16-81; Neurobiology, Washington, D.C., 4-16 and 4-17-81 (both meetings partially open)
- 16174 3-11-81 / Wage Committee, Washington, D.C. (closed), 4-16-81

Next Week's Public Hearings**AGRICULTURE DEPARTMENT****Agricultural Marketing Service—**

- 16689 3-13-81 / Milk in the Upper Midwest Marketing Area: proposals on marketing orders, Minneapolis, Minn., 4-14-81

COMMERCE DEPARTMENT**Patent and Trademark Office—**

- 3162 1-13-81 / Reexamination and inter partes protest proceedings, Arlington, Va., 4-14-81

DEFENSE DEPARTMENT**Air Force Department—**

- 16708 3-13-81 / M-X Missile Program, deployment area selection and land withdrawal/acquisition; draft environmental impact statement; Austin, Tex., 4-14 and 4-15-81 and Lubbock, Tex., 4-16-81

[See Also 46 FR 19294, 3-30-81]

EDUCATION DEPARTMENT

- 18578 3-25-81 / Reauthorization of the Adult Education Act
Providence, R.I., 4-15 and 4-16-81

ENERGY DEPARTMENT

- 18000 3-20-81 / National Energy Plan: San Francisco, Calif., 4-13-81; Dallas, Tex., 4-14-81; Atlanta, Ga., and Denver, Colo., 4-15-81; Boston, Mass., 4-16-81; Washington, D.C. and Kansas City, Mo., 4-17-81

Economic Regulatory Administration—

- 19450 3-30-81 / Petroleum substitute entitlements provisions, Washington, D.C., 4-15-81

ENVIRONMENTAL PROTECTION AGENCY

- 12765 2-18-81 / Porcelain enameling point source category, Arlington, Va., 4-16-81

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration—**

- 17142 3-17-81 / Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel, Washington, D.C., 4-13-81

INTERIOR DEPARTMENT**Land Management Bureau—**

- 11048 2-5-81 / Casper District Office; Big Horn Coal Company's emergency Federal coal lease application W-69981, Sheridan, Wyoming, 4-15-81

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 April 2, 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.

DEADLINES FOR COMMENTS ON PROPOSED RULES

- 20230 4-3-81 / Treasury/RSO—Handicapped discrimination regulations; comments by 5-4-81.

APPLICATIONS DEADLINES

- 20241 4-3-81 / USDA/FNS—Special Supplemental Food Program for Women, Infants and Children (WIC); State agencies for special projects to improve food delivery system operations; apply by 6-1-81.

MEETINGS

- 19294 3-30-81 / ED/National Council on the Handicapped—Public forum and inquiry into economic status of disabled persons, Washington, D.C. (open), 5-6-81.
- 19602 3-31-81 / HHS/ADAMHA—Scientific Counselors Board, Bethesda, Md. (closed), 5-28 and 5-29-81.
- 19324 3-30-81 / HHS/NIH—Biometry and Epidemiology Contract Review Committee, cancellation of meeting scheduled for 4-16-81.
(Originally published at 46 FR 16943, 3-16-81).
- 19324 3-30-81 / HHS/NIH—Breast Cancer Task Force, Bethesda, Md. (open), 4-6-81.
- 19324 3-30-81 / HHS/NIH—President's Cancer Panel, Bethesda, Md. (open), 4-13-81.
- 19371 3-30-81 / NFAH—Arts and Artifacts Indemnity Panel, Washington, D.C. (closed), 5-6-81.

OTHER ITEMS OF INTEREST

- 19292 3-30-81 / Commerce/MBDA—Financial assistance application announcement; Hartford, Conn. project.
- 19291 3-30-81 / Commerce/MBDA—Financial assistance application announcement; San Francisco Region project.
- 19968 4-2-81 / CSA—Announcement of forms approved by OMB for Grantee Program Management System.
- 19235 3-30-81 / DOT/UMTA—Bus Rehabilitation Grant Program; effective date of regulations deferred until 5-15-81.
[See also 46 FR 9862, 1-29-81]
- 19237 3-30-81 / DOT/UMTA—Urban Initiatives Grant Program; withdrawal of regulation.
[See also 46 FR 5820, 1-19-81]
- 19324 3-30-81 / HHS/PHS—Privacy Act; new systems of records.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register in cooperation with Old Dominion University.
- WHAT:** Public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and the Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
- WHEN:** April 29 at 9:00 a.m. and 1:00 p.m. (identical sessions).
- WHERE:** Webb Center, Old Dominion University, Norfolk, Va.
- RESERVATIONS:** Call Henry Schmoele, (804) 440-3329.

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