

# Federal Register

Thursday  
April 9, 1981

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## Highlights

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

- 21307 Windfall Profit Tax** Treasury/IRS publishes reference price of \$33.03 for qualified fuels and inflation adjustment factor of 1.0896 for calendar year 1980. For gas from Devonian shale, the reference price is \$2.80. These figures are used to determine availability of tax credit for production of fuel from nonconventional sources.
- 21229 Grant Programs—Energy Conservation** DOE/SOLAR announces dates and other information for Cycle III of the Grant Program for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions.
- 21189 Natural Gas Pipelines** DOE/FERC seeks further comment on proposed revisions to Interstate Pipelines' Annual Report of Gas Supply form. Amendments would reduce reporting requirements, clarify instructions and definitions, and change format of statements and schedules.
- 21285 Radiation Protection** NRC announces availability of draft report entitled "Radiation Protection Plans for Nuclear Power Reactor Licensees"

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

## Highlights

- 21202 Hazardous Materials Transportation** DOT/RSPA proposes to renew limited exemption for air transport of small quantities of materials exhibiting very low levels of radiation.
- 21185 Air Carriers** CAB solicits comments on proposed reduction in amount of fuel cost and consumption data reported each month. Withholding data of individual carriers from public disclosure until 30 days after the relevant calendar quarter is proposed.
- 21172, 21203, 21205 Motor Vehicle Safety** DOT/NHTSA proposes actions to reduce regulatory burdens upon motor vehicle and related manufacturing industries. They also delay automatic restraint requirements for large cars until September 1, 1982, or model year 1983, and seek comments on series of alternative amendments (3 documents).
- 21312 Grant Programs—Urban Development** HUD/CPD revises minimum standards of physical and economic distress for small cities in the Urban Development Action Grant Program, based on new data from the Bureau of the Census (Part II of this issue).
- 21283 Metric System** MB requests comments on third and final draft of the American National Metric Council Chemical and Allied Products Sector Metric Conversion Plan.
- 21169 Radio Astronomy Operations** FCC applies protection procedures of national radio quiet zone to Amateur radio stations in repeater operation, and to General Mobile Radio Service base, fixed, and mobile relay stations in order to protect observational and research activities of the National Radio Astronomy Observatory and the Naval Research Laboratory from harmful interference.
- 21209 African Elephant** Interior/FWS proposes to bring "special rule" more into line with import and export provisions of Convention on International Trade in Endangered Species of Wild Fauna and Flora. Marking requirements for "raw" ivory and measures to insure that imported ivory has been lawfully acquired in country of origin are being considered.

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# Rules and Regulations

Federal Register

Vol. 46, No. 68

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

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

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

#### Gypsy Moth Regulated Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document amends the list of gypsy moth regulated areas (regulated areas are divided into high-risk areas and low-risk areas) under the Federal Gypsy Moth and Browntail Moth Quarantine and Regulations by (1) designating previously nonregulated areas in Maryland and New York as gypsy moth high-risk areas; (2) by redesignating areas in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont from gypsy moth low-risk areas to gypsy moth high-risk areas; (3) by designating previously nonregulated areas in Illinois, Maryland, Michigan, and Ohio as gypsy moth low-risk areas; and (4) deleting areas in Maryland, Michigan, New York, and Ohio from the list of gypsy moth regulated areas. The quarantine and regulations impose restrictions on the interstate movement of certain articles from gypsy moth high-risk and gypsy moth low-risk areas. The amendments are necessary as emergency measures in order to prevent the artificial spread interstate of gypsy moth and to delete unnecessary restrictions on the interstate movement of certain articles.

**DATES:** Effective date of this final rule April 9, 1981. Written comments concerning this final rule must be received on or before June 8, 1981.

**ADDRESS:** Written comments concerning this final rule should be submitted to

E. E. Crooks, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service U.S. Department of Agriculture, Hyattsville, MD 20782.

#### FOR FURTHER INFORMATION CONTACT:

E. E. Crooks, Acting Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, 301-436-8247.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12291 and Emergency Action

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of approximately \$125,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect 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. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possibility that gypsy moth could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, with respect to restrictions concerning the movement of regulated articles for which there is no longer a basis for the imposition thereof, a situation exists requiring immediate action to delete such unnecessary restrictions.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the *Federal Register*. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the *Federal Register* as soon as possible.

#### Certification Under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small businesses and should not have a significant economic impact on any small organizations or small governmental jurisdictions. This action affects the interstate movement of regulated articles from specified areas in the States of Connecticut, Illinois, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Vermont. Based on information compiled by the Department it has been determined that there are hundreds of small entities that move regulated articles interstate from such States and many thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that only approximately 70 entities move regulated articles interstate from the specified areas affected by this action. Further, the overall economic impact from this action is estimated to be only about \$125,000.

#### Written Comments

Interested persons are invited to submit written comments concerning the final rule. Comments should bear a reference to the date and page numbers of this issue of the *Federal Register*. All written comments made pursuant to this document will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, during regular

hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

#### Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Brown-tail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*) quarantine certain States because of the gypsy moth, and restrict the interstate movement from regulated areas of articles designated as regulated articles because of the gypsy moth. Such restrictions are necessary for the purpose of preventing the artificial spread of the gypsy moth.

Areas designated as gypsy moth regulated areas are areas in which a gypsy moth infestation has been found by an inspector, or areas which are necessary to regulate because of proximity to gypsy moth infestation or inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into high-risk areas and low-risk areas. Under the regulations there is a basis for designating an area as a high-risk area when an inspector determines that regulated articles exist within or adjacent to an area where defoliation has occurred or where an inspector has reason to believe that 50 or more egg masses per acre of the gypsy moth are present. Low-risk areas are those portions of regulated areas that are not designated as high-risk areas.

Section 301.45-3 (a), (b), and (c) of the regulations imposes the following conditions on the movement of regulated articles:

"(a) A regulated article shall not be moved interstate from any high-risk area into or through any nonregulated area unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45-4 and 301.45-7.

"(b) A regulated article shall not be moved interstate from any low-risk area into or through any nonregulated area when it is determined by an inspector that any life stage of the gypsy moth or brown-tail moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated articles in accordance with §§ 301.45-4 and 301.45-7.

"(c) A regulated article originating outside of any high-risk area, except any regulated article in any low-risk area determined by an inspector to present a hazard of spreading the gypsy moth or brown-tail moth pursuant to paragraph (b) of this section, may be moved interstate directly through any high-risk area without a certificate or permit, if the point of origin of the article is clearly indicated by shipping documents, their identity has been

maintained, and they have been safeguarded against infestation while in any high-risk area."

These regulations are designed to restrict the interstate movement of regulated articles in those circumstances where there would be a significant risk of spread of the gypsy moth. A certificate or limited permit is authorized to be issued based on treatment of a regulated article or based on a determination that movement of a regulated article without treatment would not result in the spread of the gypsy moth.

#### Designation of Areas as High-Risk Areas

As an emergency measure, the towns of Waverly and Santa Clara in Franklin County in New York which were previously unregulated areas are designated as gypsy moth high-risk areas.

Also, as an emergency measure, the following two areas in Maryland previously designated as gypsy moth low-risk areas are expanded and redesignated as gypsy moth high-risk areas. The area in Baltimore County in Maryland previously listed as a gypsy moth low-risk area and described as

that portion of the county bounded by a line beginning at a point where U.S. Highway 140 intersects with the Baltimore-Carroll County line; thence southeasterly along U.S. Highway 140 to its intersection with U.S. Interstate 695; thence easterly along the U.S. Interstate 695 to its intersection with U.S. Highway 1; thence northeasterly along U.S. Highway 1 to its intersection with the Baltimore-Harford County line; thence northerly along said county line to its junction with the Maryland-Pennsylvania State line; thence westerly along said State line to its junction with the Baltimore-Carroll County line; thence southwesterly along said county line to the point of beginning

is expanded to include the entire county and is redesignated as a gypsy moth high-risk area. The area in Washington County in Maryland previously listed as a gypsy moth low-risk area and described as

that area bounded by a line beginning at a point where U.S. Highway 40A intersects State Highway 66; thence northerly along State Highway 66 to its intersection with State Highway 64; thence west along said highway to its intersection with the Hagerstown City limits; thence southerly, westerly, and northerly along said city limits to its intersection with U.S. Highway 40; thence west along said highway to its intersection with Interstate 81; thence southerly along Interstate 81 to its intersection with State Highway 68; thence southerly along State Highway 68 to its intersection with U.S. Highway 40A; thence southerly along U.S. 40A to point of beginning

is expanded to contain

that area bounded by a line beginning at a point where the Maryland-Pennsylvania State line and Washington-Frederick County line intersect; thence southerly along said county line to its intersection with Interstate Highway 70; thence northwesterly along Interstate Highway 70 to its intersection with State Route 66; thence northeasterly along State Route 66 to its intersection with State Route 64; thence northerly along State Route 64 to the Maryland-Pennsylvania State line; thence easterly along said line to the point of beginning

and is redesignated as a gypsy moth high-risk area.

In addition, as an emergency measure, the following areas in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont which were previously designated as gypsy moth low-risk areas are redesignated as gypsy moth high-risk areas:

#### Connecticut

*Fairfield County.* The entire county.  
*Hartford County.* The entire county.  
*Litchfield County.* The entire county except Litchfield township.  
*New Haven County.* The entire county.

#### Maryland

*Carroll County.* The area bounded by a line beginning at a point where the Maryland-Pennsylvania State line, Carroll-Baltimore County line intersect; thence southwesterly along the Carroll-Baltimore County line to its intersection with State Route 30; thence northwesterly along State Route 30 to the Maryland-Pennsylvania State line; thence easterly along said line to the point of beginning.

*Cecil County.* That area bounded by a line beginning at a point where the Susquehanna River intersects with the Maryland-Pennsylvania State line; thence easterly along said State line to its intersection with the Delaware State line; thence southerly along the Maryland-Delaware State line to its intersection with U.S. Route 40; thence westerly along U.S. Route 40 to the Elk River; thence southwesterly along the Elk River to Turkey Point; thence northerly and southwesterly along the Chesapeake Bay coastline to its intersection with the Susquehanna River; thence northwesterly along the Susquehanna River to the point of beginning.

*Frederick County.* That area bounded by a line beginning at a point where U.S. Route 15 intersects with the Maryland-Pennsylvania State line; thence southerly along U.S. Route 15 to its

intersection with Interstate Highway 70; thence northwesterly along Interstate Highway 70 to its intersection with the Frederick-Washington County line; thence northeasterly along said County line to the Maryland-Pennsylvania State line; thence easterly along the said State line to the point of beginning.

*Harford County.* The entire county.

#### Massachusetts

*Dukes County.* The entire county.

*Essex County.* The entire county.

*Nantucket County.* The entire county.

#### New Hampshire

*Grofton County.* The entire county.

*Hillsboro County.* The entire county.

*Rockingham County.* The entire county.

#### New Jersey

*Union County.* The entire county.

#### New York

*Albany County.* The entire county.

*Chemung County.* The towns of Elmira, Elmira City, and Horseheads.

*Franklin County.* The towns of Altamont and Harrietstown.

*Fulton County.* The entire county.

*Monroe County.* The towns of Brighton, Henrietta, Irondequoit, and Webster.

*Montgomery County.* The entire county.

*Oneida County.* The town of Rome City.

*Tompkins County.* The towns of Groton, Lansing, and Ulysses.

#### Pennsylvania

*Adams County.* The entire county.

*Bradford County.* The entire county.

*Cambria County.* The entire county.

*Franklin County.* The entire county.

*Philadelphia County.* The entire county.

*Sullivan County.* The entire county.

*Susquehanna County.* The entire county.

*Wyoming County.* The entire county.

#### Vermont

*Bennington County.* The entire county.

*Windsor County.* The townships of Andover, Baltimore, Cavendish, Chester, Ludlow, Plymouth, Reading, Springfield, Stockbridge, Weathersfield, Weston, West Windsor, and Windsor.

Based on recent surveys, inspectors have determined with respect to all of the areas added to the list of gypsy moth high-risk areas, that defoliation has occurred in these areas because of the gypsy moth or that there is reason to believe that 50 or more egg masses per acre of the gypsy moth are present in these areas. Also, regulated articles

exist within or adjacent to these areas. Accordingly, there is a substantial risk of artificially spreading the gypsy moth by unrestricted interstate movement of such regulated articles. Therefore, as an emergency measure, it is necessary to designate such areas as gypsy moth high-risk areas and impose restrictions on the interstate movement of regulated articles from these areas in accordance with the regulations in order to prevent the artificial spread of the gypsy moth.

#### Designation of Areas as Low-Risk Areas

As an emergency measure, the following areas in Illinois, Maryland, Michigan, and Ohio which were previously nonregulated areas are designated as gypsy moth low-risk areas:

#### Illinois

*DuPage County.* NE ¼ sec. 30, T. 39 N., R. 10 E.

#### Maryland

*Baltimore City.* All areas within city limits.

*Montgomery County.* The area bounded by a line beginning at a point where State Routes 355 and 28 intersect; thence southeasterly along State Route 355 to its intersection with the District of Columbia line thence southwesterly along The District of Columbia line to its intersection with Potomac River; thence northwesterly along the Potomac River to its intersection with MacArthur Boulevard; thence easterly along MacArthur Boulevard to its intersection with State Route 189; thence northeasterly along State Route 189 to its intersection with State Route 28; thence easterly along State Route 28 to the point of beginning.

#### Michigan

*Bay County.* Township of Williams.

*Berrien County.* Sec. 1 and 2, T. 3 S., R. 18 W.

*Clare County.* Townships of Garfield, Grant, Sheridan, and Surrey.

*Kalamazoo County.* Sec. 1 and 2, T. 1 S., R. 11 W.

*Kent County.* Sec. 27, T. 5 N., R. 10 W.

*Mecosta County.* Townships of Millbrook, Sheridan, and Wheatland.

*Oakland County.* Sec. 16 and 21, T. 2 N., R. 10 E.

*Wayne County.* Sec. 1, T. 1 S., R. 9 E.

#### Ohio

*Stark County.* That portion of Lake Township bounded on the south by State Route 619, on the east by Mogadore Road, on the north by Pontius Road, and on the west by Cleveland Avenue.

Also, as an emergency measure, certain areas in Illinois and Michigan previously designated as gypsy moth low-risk areas are retained as gypsy moth low-risk areas but are expanded as set forth below.

The area in Lake County in Illinois previously described as "that portion of sec. 28, T. 43 N., R. 10 E., which begins at the point where U.S. Highway 12 intersects Cuba Road; thence east to the first fence line; thence south along said fence line to the point where it intersects U.S. Highway 12; thence northwesterly along said highway to the point of beginning" is retained as a gypsy moth low-risk area but is expanded and redesignated as "NE ¼ sec. 24, T. 43 N., R. 11 E.; S ½ sec. 36, T. 44 N., R. 10 E."

The area in Gratiot County in Michigan previously described as "T. 10 N., R. 1 W.; T. 12 N., R. 1 W.; T. 11 N., R. 2 W.; sec. 31, T. 12 N., R. 2 W.; T. 10 N., R. 3 W.; T. 11 N., R. 3 W.; T. 12 N., R. 3 W.; sec. 24, T. 11 N., R. 4 W.; and T. 12 N., R. 4 W." is retained as a gypsy moth low-risk area but is expanded and redesignated as "the townships of Arcadia, Bethany, Emerson, Hamilton, LaFayette, Newark, New Haven, North Star, Pine River, Seville, Sumner and Wheeler."

The area in Isabella County in Michigan previously described as "T. 13 N., R. 3 W.; T. 14 N., R. 3 W.; sec. 30, T. 16 N., R. 3 W.; T. 13 N., R. 4 W., excluding sec. 33; T. 14 N., R. 4 W.; T. 13 N., R. 5 W.; T. 14 N., R. 5 W.; T. 13 N., R. 6 W.; T. 14 N., R. 6 W., excluding sec. 35." is retained as a gypsy moth low-risk area but is expanded and redesignated as "entire county except sec. 33, T. 13 N., R. 4 W.; and sec. 35, T. 14 N., R. 6 W."

The area in Midland County in Michigan previously described as "Secs. 4 and 9, T. 13 N., R. 2 E.; sec. 27, T. 14 N., R. 1 E.; T. 13 N., R. 1 W.; T. 14 N., R. 1 W.; T. 13 N., R. 2 W.; T. 14 N., R. 2 W." is retained as a gypsy moth low-risk area but is expanded and redesignated as "townships of Greendale, Homer, Ingersoll, Jasper, Lee, Midland, Mount Haley, and Porter."

The area in Montcalm County in Michigan previously described as "T. 11 N., R. 5 W.; T. 12 N., R. 5 W.; T. 11 N., R. 6 W.; T. 12 N., R. 6 W.; T. 11 N., R. 7 W.; secs. 3, 4, and 5, T. 12 N., R. 8 W." is retained as a gypsy moth low-risk area but is expanded and redesignated as "townships of Belvidere, Cato, Chrystal, Day, Douglas, Evergreen, Ferris, Home, Richland, and Sidney."

The area in Saginaw County in Michigan previously described as "Sec. 16, T. 12 N., R. 1 E." is retained as a gypsy moth low-risk area but is expanded and redesignated as

"townships of Jonesfield and Tittabawassee.

Based on recent surveys, inspectors have determined that infestations of gypsy moth occur in these areas designated as gypsy moth low-risk areas, but that these areas do not meet the criteria referred to above for gypsy moth high-risk areas.

As noted above, restrictions concerning the gypsy moth are imposed on movements of regulated articles from gypsy moth low-risk areas, only if it is determined by an inspector that any life stage of the gypsy moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45-4 and 301.45-7 of the regulations. In this connection, it is necessary as an emergency measure to designate such areas as gypsy moth low-risk areas in order to advise persons of the likelihood that inspectors would conduct inspections in such areas and that based on their findings of life stages of gypsy moth, restrictions could apply to the movement of regulated articles from such areas.

#### Deletion of Areas From List of Regulated Areas

Prior to the effective date of this document an area in Osceola County, Michigan described as "Sec. 22, T. 18 N., R. 9 W.": the town of Penfield in Monroe County, New York; and all of Orange County, New York were listed as gypsy moth high-risk areas. Also, prior to the effective date of this document all of Kent County, Maryland and an area in Montgomery County, Ohio described as "that portion of the City of Kettering bounded on the north by West Dorothy Lane Road, on the south by West Stroop Road, on the west by Douthern Boulevard, and on the east by Far Hills Avenue" were designated as gypsy moth low-risk areas. Based on treatments with insecticides and subsequent negative surveys in accordance with the quarantine and regulations, it has been determined that the gypsy moth no longer occurs in these areas. Accordingly, there is no basis to continue listing such areas as regulated areas for the purpose of preventing the artificial spread of gypsy moth. Therefore, as an emergency measure, it is necessary to delete these areas from the list of regulated areas in order to delete unnecessary restrictions on the movement of gypsy moth regulated articles.

Under the circumstances referred to above, § 301.45-2a(a) of the gypsy moth and brownail moth quarantine and

regulations (7 CFR 301.45-2a(a)) is revised to read as follows:

#### § 301.45-2a Regulated areas; high-risk and low-risk areas.

(a) The areas described below are designated as gypsy moth regulate areas, and such regulated areas are divided into high-risk areas or low-risk areas as follows:

##### Connecticut

- (1) *High-risk area.* The entire State.
- (2) *Low-risk area.* None.

##### Delaware

- (1) *High-risk area.* None.
- (2) *Low-risk area.*  
*New Castle County.* The entire county.

##### Illinois

- (1) *High-risk area.* None.
- (2) *Low-risk area.*  
*DuPage County.* NE¼ sec. 30, T. 39 N., R. 10 E.

*Lake County.* NE¼ sec. 24, T. 43 N., R. 11 E.; and S½ sec. 36, T. 44 N., R. 10 E.

*McHenry County.* That area within the city limits of McHenry which begins at the point where Willow Lane intersects Meadow Lane; thence east along Willow Lane to its end; thence 924 feet along an imaginary projected line to a point due north of Industrial Road; thence south from said point 396 feet to where Industrial Road begins; thence along Industrial Road to State Road 120; thence southeasterly along said road to Front Royal Avenue; thence southwesterly along Front Royal Avenue to Summerset Mall Street; thence south 528 feet along Summerset Mall Street to its end; thence southeasterly 132 feet along an imaginary projected line to the intersection of said line with Woods Lane; thence along Woods Lane to Crystal Lake Road; thence southwesterly to where Crystal Lake Road intersects Hanley Street; thence northwesterly along Hanley Street to Front Royal Avenue; thence southwesterly along Front Royal Avenue to Ashley Drive; thence along Ashley Drive to Chesterfield Drive; thence northwesterly along Chesterfield Drive to Oakwood Drive; thence north on Oakwood Drive to Bonner Drive; thence southeasterly along Bonner Drive to Meadow Lane; thence north on Meadow Lane to Willow Lane, the point beginning.

##### Maine

- (1) *High-risk area.*  
*Androscoggin County.* The entire county.  
*Cumberland County.* The entire county.  
*Franklin County.* The townships of Avon, Carthage, Chesterville, Farmington, Industry, Jay, New Sharon, New Vineyard, Perkins, Strong, Temple, Washington, Weld, and Wilton.  
*Hancock County.* The entire county.  
*Kennebec County.* The entire county.  
*Knox County.* The entire county.  
*Lincoln County.* The entire county.  
*Oxford County.* The townships of Albany, Batchelders Grant, Bethel, Brownfield, Buckfield, Canton, Denmark, Dixfield, Fryeburg, Greenwood, Hanover, Hartford, Hebron, Hiram, Lovell, Mason Plantation, Mexico, Milton Plantation, Norway, Oxford,

Paris, Peru, Porter, Rumford, Stoneham, Stow, Sumner, Sweden, Waterford, and Woodstock.

*Penobscot County.* The townships of Alton, Argyle, Bangor City, Bradford, Bradley, Brewer City, Carmel, Charleston, Clifton, Corinna, Cornith, Dexter, Dixmont, Edinburg, Enfield, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Howland, Hudson, Kenduskeag, La Grange, Levant, Lincoln, Lowell, Mattamiscontis, Maxfield, Milford, Newburgh, Newport, Old Town City, Orono, Orrington, Pasadumkeag, Plymouth, Stetson, Summit, Veazie-Eddington, and 1 ND.

*Piscataquis County.* The townships of Atkinson, Medford, Milo, and Orneville.

*Sagadahoc County.* The entire county.

*Somerset County.* The townships of Anson, Athens, Cambridge, Canaan, Cornville, Detroit, Embden, Fairfield, Harmony, Hartland, Madison, Mercer, New Portland, Norridgewock, Palmyra, Pittsfield, Ripley, Skowhegan, Smithfield, Solon, St. Albans, and Starks.

*Waldo County.* The entire county.

*Washington County.* The townships of Addison, Beals, Beddington, Centerville, Cherryfield, Columbia, Columbia Falls, Crawford, Deblois, East-Machias, Harrington, Jonesboro, Jonesport, Machias, Machiasport, Marshfield, Milbridge, Northfield, Rogue Bluffs, Steuben, Wesley, Whitneyville, 5 ND, 18 ED, 18 MD, 19 ED, 19 MD, 24 MD, 25 MD, 26 ED, 27 ED, 29 MD, 30 MD, 31 MD, 36 MD, 37 MD, 42 MD, and 43 MD.

*York County.* The entire county.

(2) *Low-risk area.*

*Franklin County.* The townships of Crockertown, Dallas Plantation, Freeman, Jerusalem, Kingfield, Madrid, Mount Abraham, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, 6, E, and D.

*Oxford County.* The townships of Andover, Andover North, Andover West, Byron, Gilead, Grafton, Magalloway Plantation, Newry, Richardsontown, Riley, Roxbury, Upton, C, and C Surplus.

*Piscataquis County.* The townships of Abbott, Dover-Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangeville, Sebec, and Wellington.

*Somerset County.* The townships of Bingham, Brighton Plantation, Concord Plantation, Highland Plantation, Lexington Plantation, Mayfield, Moscow, and Pleasant Ridge Plantation.

##### Maryland

(1) *High-risk area.*

*Baltimore County.* The entire county.  
*Carroll County.* That area bounded by a line beginning at a point where the Maryland-Pennsylvania State line, Carroll-Baltimore County line intersect; thence southwesterly along the Carroll-Baltimore County line to its intersection with State Route 30; thence northwesterly along State Route 30 to the Maryland-Pennsylvania State line; thence easterly along said line to the point of beginning.

*Cecil County.* That area bounded by a line beginning at a point where the Susquehanna River intersects with the Maryland-

Pennsylvania State line; thence easterly along said State line to its intersection with the Delaware State line; thence southerly along the Maryland-Delaware State line to its intersection with U.S. Route 40; thence westerly along U.S. Route 40 to the Elk River; thence southwesterly along the Elk River to Turkey Point; thence northerly and southwesterly along the Chesapeake Bay coastline to its intersection with the Susquehanna River; thence northwesterly along the Susquehanna River to the point of beginning.

**Frederick County.** That area bounded by a line beginning at a point where U.S. Route 15 intersects with the Maryland-Pennsylvania State line; thence southerly along U.S. Route 15 to its intersection with Interstate Highway 70; thence northwesterly along Interstate Highway 70 to its intersection with the Frederick-Washington County line; thence northeasterly along said County line to the Maryland-Pennsylvania State line; thence easterly along the said State line to the point of beginning.

**Harford County.** The entire county.

**Washington County.** That area bounded by a line beginning at a point where the Maryland-Pennsylvania State line and Washington-Frederick County line intersect; thence southerly along said county line to its intersection with Interstate Highway 70; thence northwesterly along Interstate Highway 70 to its intersection with State Route 66; thence northeasterly along State Route 66 to its intersection with State Route 64; thence northerly along State Route 64 to the Maryland-Pennsylvania State line; thence easterly along said line to the point of beginning.

(2) *Low-risk area.*

**Baltimore City.** All areas within the city limits.

**Carroll County.** That portion of the county not designated as a high-risk area.

**Cecil County.** That portion of the county not designated as a high-risk area.

**Frederick County.** That portion of the county not designated as a high-risk area.

**Montgomery County.** That area bounded by a line beginning at a point where State Routes 355 and 28 intersect; thence southeasterly along State Route 355 to its intersection with the District of Columbia line; thence southwesterly along the District of Columbia line to its intersection with Potomac River; thence northwesterly along the Potomac River to its intersection with MacArthur Boulevard; thence easterly along MacArthur Boulevard to its intersection with State Route 189; thence northeasterly along State Route 189 to its intersection with State Route 28; thence easterly along State Route 28 to the point of beginning.

#### Massachusetts

(1) *High-risk area.* The entire State.

(2) *Low-risk area.* None.

#### Michigan

(1) *High-risk area.*

**Isabella County.** Sec. 33, T. 13 N., R. 4 W.; and sec. 35, T. 14 N., R. 6 W.

(2) *Low-risk area.*

**Bay County.** Township of Williams.

**Berrien County.** Sec. 1 and 2, T. 3 S., R. 18 W.

**Clare County.** Townships of Garfield, Grant, Sheridan, and Surrey.

**Gratiot County.** Townships of Arcada, Bethany, Emerson, Hamilton, LaFayette, Newark, New Haven, North Star, Pine River, Seville, Sumner, and Wheeler.

**Isabella County.** Entire county except sec. 33, T. 13 N., R. 4 W.; and sec. 35, T. 14 N., R. 6 W.

**Kalamazoo County.** Sec. 1 and 2, T. 1 S., R. 11 W.

**Kent County.** Sec. 27, T. 5 N., R. 10 W.

**Mecosta County.** Townships of Millbrook, Sheridan, and Wheatland.

**Midland County.** Townships of Greendale, Homer, Ingersoll, Jasper, Lee, Midland, Mount Haley, and Porter.

**Montcalm County.** Township of Belvidere, Cato, Chrystal, Day, Douglas, Evergreen, Ferris, Home, Richland, and Sidney.

**Oakland County.** Sec. 16 and 21, T. 2 N., R. 10 E.

**Saginaw County.** Townships of Jonesfield and Tittabawassee.

**Wayne County.** Sec. 1, T. 1 S., R. 9 E.

#### New Hampshire

(1) *High-risk area.*

**Belknap County.** The entire county.

**Carroll County.** The entire county.

**Cheshire County.** The entire county.

**Grafton County.** The entire county.

**Hillsboro County.** The entire county.

**Merrimack County.** The entire county.

**Rockingham County.** The entire county.

**Strafford County.** The entire county.

**Sullivan County.** The entire county.

(2) *Low-risk area.*

**Coos County.** The entire county.

#### New Jersey

(1) *High-risk area.* The entire State except

Hudson County.

(2) *Low-risk area.*

**Hudson County.** The entire county.

#### New York

(1) *High-risk area.*

**Albany County.** The entire county.

**Broome County.** The entire county.

**Chemung County.** The towns of Elmira, Elmira City, and Horseheads.

**Chenango County.** The towns of Afton, Bainbridge, Coventry, German, Greene, Guilford, McDonough, New Berlin, North Norwich, Norwich, Oxford, Pharsalia, Pitcher, Plymouth, Preston, Smithville, and the city of Norwich.

**Clinton County.** The entire county.

**Columbia County.** The entire county.

**Cortland County.** The towns of Cincinnatus, Cortlandville, Freetown, Hartford, Lapeer, Marathon, Solon, Taylor, Virgil, Willet, and the city of Cortland.

**Delaware County.** The entire county.

**Dutchess County.** The entire county.

**Essex County.** The entire county.

**Franklin County.** The entire county.

**Fulton County.** The entire county.

**Greene County.** The entire county.

**Monroe County.** The towns of Brighton, Henrietta, Irondequoit, Perinton, Pittsford, and Webster.

**Montgomery County.** The entire county.

**Nassau County.** The entire county.

**Oneida County.** The town of Rome City.

**Otsego County.** The entire county.

**Putnam County.** The entire county.

**Rensselaer County.** The entire county.

**Rockland County.** The entire county.

**Saratoga County.** The entire county.

**Schoharie County.** The entire county.

**St. Lawrence County.** The towns of Brasher, Hopkinson, Lawrence, Louisville, Massena, Norfolk, and Stockholm.

**Suffolk County.** The entire county.

**Sullivan County.** The entire county.

**Tioga County.** The entire county.

**Tompkins County.** The entire county.

**Ulster County.** The entire county.

**Warren County.** The entire county.

**Washington County.** The entire county.

**Westchester County.** The entire county.

(2) *Low-risk area.*

**Allegany County.** The entire county.

**Bronx County.** The entire county.

**Cattaraugus County.** The entire county.

**Cayuga County.** The entire county.

**Chautauqua County.** The entire county.

**Chemung County.** The towns of Ashland,

Baldwin, Big Flats, Canton, Chemung, Erin,

Southport, and Van Etten.

**Chenango County.** The towns of Columbus,

Lincklaen, Otselie, Smyrna, and Sherburne.

**Cortland County.** The towns of Cuyler,

Homer, Preble, Scott, and Truxton.

**erie County.** The entire county.

**Genesee County.** The entire county.

**Hamilton County.** The towns of Arietta,

Benson, Hope, Indian Lake, Lake Pleasant,

Inlet Long Lake, Morehouse, and Wells.

**Herkimer County.** The entire county.

**Jefferson County.** The entire county.

**Kings County.** The entire county.

**Lewis County.** The entire county.

**Livingston County.** The entire county.

**Madison County.** The entire county.

**Monroe County.** The towns of Chile,

Clarkson, Gates, Greece, Hamlin, Mendon,

Ogden, Parma, Riga, Rochester City, Rush,

Sweden, and Wheatland.

**New York County.** The entire county.

**Niagara County.** The entire county.

**Oneida County.** The entire county except

the town of Rome City.

**Onondaga County.** The entire county.

**Ontario County.** The entire county.

**Oswego County.** The entire county.

**Orleans County.** The entire county.

**Queens County.** The entire county.

**Richmond County.** The entire county.

**Schenectady County.** The entire county.

**Schuyler County.** The entire county.

**Seneca County.** The entire county.

**Steuben County.** The entire county.

**St. Lawrence County.** The towns of Canton,

Clare, Clifton, Colton, DeKalb, DePeyster,

Edwards, Fine, Fowler, Gouverneur,

Hammond, Hermon, Lisbon, Macomb,

Madrid, Morristown, Oswegatchie,

Parishville, Piercefield, Pierrepont, Pitcairn,

Potsdam, Rossie, Russell, and Waddington.

**Wayne County.** The entire county.

**Wyoming County.** The entire county.

**Yates County.** The entire county.

**North Carolina**

(1) *High-risk area.* None.

(2) *Low-risk area.*

**Avery County.** That area bounded by a line beginning at a point where County Road 1143 intersects State Highway 194, thence

northwesterly along said road to its intersection with County Road 1149, thence northerly along said road to its intersection with County Road 1150, thence northerly and northeasterly along said road to its intersection with County Road 1151, thence northerly along said road to its junction with State Highway 194, thence northerly and westerly along said highway to its intersection with County Road 1500, thence northerly and easterly along said road to its intersection with County Road 1501, thence southerly and southeasterly along said road for 1 mile, thence along a line projected due east to its intersection with the Linville River, thence southerly, westerly and northwesterly along said river to a point where it flows adjacent to State Highway 194, from that point on State Highway 194, thence northerly and easterly along said highway to the point of beginning.

#### Ohio

- (1) *High-risk area.* None.  
(2) *Low-risk area.*

*Ottawa County.* That portion of Gatawba Island Township bounded on the east by State Route #53, on the south by Cemetery Road and Colony Club Drive, and on the north and west by Lake Erie.

*Stark County.* That portion of Lake Township bounded on the south by State Route 619, on the east by Mogadore Road, on the north by Pontius Road, and on the west by Cleveland Avenue.

#### Pennsylvania

- (1) *High-risk area.*

*Adams County.* The entire county.  
*Berks County.* The entire county.  
*Blair County.* The entire county.  
*Bradford County.* The entire county.  
*Bucks County.* The entire county.  
*Cambria County.* The entire county.  
*Carbon County.* The entire county.  
*Centre County.* The entire county.  
*Chester County.* The entire county.  
*Clearfield County.* The entire county.  
*Clinton County.* The entire county.  
*Columbia County.* The entire county.  
*Cumberland County.* The entire county.  
*Dauphin County.* The entire county.  
*Delaware County.* The entire county.  
*Franklin County.* The entire county.  
*Huntingdon County.* The entire county.  
*Juniata County.* The entire county.  
*Lachawanna County.* The entire county.  
*Lancaster County.* The entire county.  
*Lebanon County.* The entire county.  
*Lehigh County.* The entire county.  
*Luzerne County.* The entire county.  
*Lycoming County.* The entire county.  
*Mifflin County.* The entire county.  
*Monroe County.* The entire county.  
*Montgomery County.* The entire county.  
*Montour County.* The entire county.  
*Northampton County.* The entire county.  
*Northumberland County.* The entire county.  
*Perry County.* The entire county.  
*Philadelphia County.* The entire county.  
*Pike County.* The entire county.  
*Schuylkill County.* The entire county.  
*Snyder County.* The entire county.  
*Sullivan County.* The entire county.  
*Susquehanna County.* The entire county.

*Union County.* The entire county.  
*Wayne County.* The entire county.  
*Wyoming County.* The entire county.  
*York County.* The entire county.

- (2) *Low-risk area.* Counties not designated as high-risk area.

#### Rhode Island

- (1) *High-risk area.* The entire State.  
(2) *Low-risk area.* None.

#### Vermont

- (1) *High-risk area.*

*Addison County.* The entire county.  
*Bennington County.* The entire county.  
*Chittenden County.* The entire county.  
*Franklin County.* The entire county.  
*Rutland County.* The entire county.  
*Windham County.* The entire county.  
*Windsor County.* The townships of Andover, Baltimore, Cavendish, Chester, Ludlow, Plymouth, Reading, Springfield, Stockbridge, Weathersfield, Weston, West Windsor, and Windsor.  
(2) *Low-risk area.*  
*Caledonia County.* Townships of Barnet, Danville, Groton, Hardwick, Kirby, Peacham, Ryegate, St. Johnsbury, Walden, and Waterford.  
*Essex County.* Townships of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory.  
*Lamoille County.* The entire county.  
*Orange County.* The entire county.  
*Washington County.* The entire county.  
*Windsor County.* Townships of Barnard, Bethel, Bridgewater, Hartford, Hartland, Norwich, Pomfret, Rochester, Royalton, Sharon, and Woodstark.

#### Virginia

- (1) *High-risk area.* None.  
(2) *Low-risk area.*

*Floyd County.* That area bounded by a line beginning at the junction of State Highways 8 and 750; thence southwesterly along State Highway 750 to its westernmost junction with State Highway 738; thence northwesterly along State Highway 738 to its junction with State Highway 737; thence southwesterly along State Highway 737 to its junction with State Highway 739; thence southeasterly along State Highway 739 to its junction with State Highway 730; thence easterly along State Highway 730 to its junction with State Highway 705; thence northeasterly along State Highway 705 to its junction with State Highway 8; thence northwesterly along State Highway 8 to the point of origin.

#### Wisconsin

- (1) *High-risk area.* None.  
(2) *Low-risk area.*

*Outagamie County.* That portion of the city of Appleton beginning at a point where Arlington Street intersects Newberry Street, thence south on Arlington Street to its intersection with Bluebird Lane, thence west on Bluebird Lane to its junction with an imaginary straight line projected across the golf course and west on said imaginary line to its junction with Lawe Street, thence north on Lawe Street to its intersection with College Avenue, thence west on College Avenue to its junction with Newberry Street, thence west on Newberry Street to the point of beginning.

*Waukesha County.* N $\frac{1}{2}$  Sec. 2, NE $\frac{1}{4}$  Sec. 3, T. 7 N., R. 17 E; SE $\frac{1}{4}$  Sec. 34, and S $\frac{1}{2}$  Sec. 35, T. 8 N., R. 17 E.

[Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 32, 71 Stat. 33; 7 U.S.C. 161, 162, 150dd, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141]

Done at Washington, D.C., this 3rd day of April, 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-10741 Filed 4-6-81; 8:45 am]

BILLING CODE 3410-34-M

## 7 CFR Part 301

### Pink Bollworm Regulated Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document amends the list of regulated areas (regulated areas are divided into suppressive areas and generally infested areas) under the pink bollworm quarantine and regulations by adding Clark County, Dallas County, Ouachita County, and a portion of Jefferson County in Arkansas to the list of suppressive areas, and by deleting Yell County in Arkansas from the list of suppressive areas. The quarantine and regulations restrict the interstate movement of regulated articles from suppressive areas and generally infested areas. The amendments are necessary as emergency measures in order to prevent the artificial spread of pink bollworm and to delete unnecessary restrictions on the movement of certain articles.

**DATES:** Effective date of this final rule April 9, 1981. Written comments concerning this final rule must be received on or before June 8, 1981.

**ADDRESS:** Written comments concerning this final rule should be submitted to E. E. Crooks, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Room 634, Hyattsville, MD 20782, (301) 436-8247.

**FOR FURTHER INFORMATION CONTACT:** E. E. Crooks, Acting Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Room 634, Hyattsville, MD 20782, (301) 436-8247.

## SUPPLEMENTARY INFORMATION:

## Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Also, emergency circumstances make it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

## Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possibility that pink bollworm could be spread artificially to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, with respect to restrictions concerning the movement of regulated articles for which there is no longer a basis for the imposition thereof, a situation exists requiring immediate action to delete such unnecessary restrictions.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the *Federal Register*. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the *Federal Register* as soon as possible.

## Certification Under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from Clark County, Dallas County, Ouachita County, Yell County, and a portion of Jefferson County in Arkansas. Based on information compiled by the Department it has been determined that there are approximately seventy-five small entities that move such articles interstate from Arkansas and many hundreds of small entities

that move such articles interstate from other States, and that fewer than five entities move such articles interstate from the specified areas in Arkansas.

## Written Comments

Interested persons are invited to submit written comments concerning this final rule. Comments should bear a reference to the date and page numbers of this issue of the *Federal Register*. All written comments made pursuant to this document will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

## Background

The pink bollworm (*Pectinophora gossypiella* (Saunders)) is one of the most destructive and widespread insect pests of cotton in the world. This insect spread to the United States from Mexico in 1917 and now occurs throughout most of the cotton-producing States west of the Mississippi River. The pink bollworm quarantine and regulations (7 CFR 301.52 through 301.52-10) quarantines nine States, including Arkansas, and restricts the interstate movement of regulated articles from regulated areas in such States for the purpose of preventing the artificial spread of the pink bollworm.

Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas where eradication of pink bollworm is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from generally infested areas and suppressive areas in order to prevent the artificial movement of pink bollworm to noninfested areas and to prevent the reinfestation of suppressive areas where the pink bollworm no longer occurs.

Surveys conducted by the United States Department of Agriculture and State agencies of Arkansas establish that pink bollworm has spread or is likely to spread to certain areas beyond the outer perimeter of areas previously designated as suppressive areas. These additional areas are areas where eradication of pink bollworm is undertaken as an objective. Therefore, as an emergency measure, it is necessary to add to the list of suppressive areas the entire counties of Clark, Dallas, and Ouachita in

Arkansas; and to expand the suppressive area in Jefferson County in Arkansas from "that area of the county lying east of the Arkansas River and north of U.S. Highway 79" to "the entire county except that area south of U.S. Highway 65." These actions are necessary in order to prevent the spread of pink bollworm and to facilitate its ultimate eradication.

The surveys also establish that pink bollworm no longer occurs in Yell County in Arkansas and that there is no basis to continue listing Yell County as a regulated area for the purpose of preventing the artificial spread of pink bollworm. Therefore, as an emergency measure, it is necessary to delete Yell County from the list of suppressive areas in Arkansas in order to delete unnecessary restrictions on the movement of pink bollworm regulated articles.

Accordingly, the list of regulated areas for Arkansas in § 301.52-2a of the Pink Bollworm Quarantine and Regulations (7 CFR 301.52-2a) is revised to read as follows:

**§ 301.52-2a Regulated areas; suppressive and generally infested areas.**

## Arkansas

- (1) *Generally infested area.* None.  
 (2) *Suppressive area.*  
*Clark County.* The entire county.  
*Craighead County.* That area of the county lying east of the Saint Francis River, south of State Highway 18, and west of State Highway 135.  
*Dallas County.* The entire county.  
*Jefferson County.* The entire county except that area south of U.S. Highway 65.  
*Lafayette County.* The entire county.  
*Lonoke County.* That area of the county lying south of Interstate 40.  
*Miller County.* The entire county.  
*Ouachita County.* The entire county.  
*Pulaski County.* That area of the county lying east of the Arkansas River and south of Interstate 40.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141; 7 CFR 301.52-2, as amended)

Done at Washington, D.C., this 3rd day of April 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-10695 Filed 4-8-81; 8:45 am]

BILLING CODE 3410-34-M

**Agricultural Marketing Service****7 CFR Part 907**

(Navel Orange Reg. 517)

**Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling****AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 10-April 16, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** April 10, 1981.**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, 202-447-5975.

**SUPPLEMENTARY INFORMATION:** *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81. The marketing policy was recommended by the committee following discussion at a public meeting on October 14, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on April 7, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is easier.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice,

engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 907.817 is added as follows:

**§ 907.817 Navel Orange Regulation 517.**

The quantities of navel oranges grown in Arizona and California which may be handled during the period April 10, 1981, through April 16, 1981, are established as follows:

- (1) District 1: 1,650,000 cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: Unlimited cartons;
- (4) District 4: Unlimited cartons.

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

Dated: April 8, 1981.

**D. S. Kuryloski,***Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

(FR Doc. 81-11018 Filed 4-8-81; 11:37 am)

**BILLING CODE 3410-02-M****7 CFR Part 908**

(Valencia Orange Reg. 668)

**Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling****AGENCY:** Agricultural Marketing Service.  
**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of California-Arizona Valencia oranges that may be shipped to market during the period April 10-April 16, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

**EFFECTIVE DATE:** April 10, 1981.**FOR FURTHER INFORMATION CONTACT:** William J. Doyle, 202-447-5975.

**SUPPLEMENTARY INFORMATION:** *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and is not a major rule. This regulation is issued under the marketing agreement, as amended, and Order No.

908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on April 7, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 908.968 is added as follows:

**§ 908.968 Valencia Orange Regulation 668.**

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 10 through April 16, 1981, are established as follows:

- (1) District 1: Unlimited cartons;
- (2) District 2: Unlimited cartons;
- (3) District 3: 132,406 cartons.

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

Dated: April 8, 1981.

D. S. Kuryloski,

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

(FR Doc. 81-10970 Filed 4-8-81; 10:40 am)

BILLING CODE 3410-02-M

## 7 CFR Part 1139

### Milk in the Lake Mead Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service,  
USDA.

ACTION: Suspension of rule.

**SUMMARY:** This action suspends certain order provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the order. The suspension removes the limit on such movements of milk for March 1981 through July 1981. The suspension was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the order for its dairy farmer members regularly associated with the market.

**EFFECTIVE DATE:** April 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding: Notice of Proposed Suspension: Issued March 9, 1981; published March 13, 1981 (46 FR 16690).

It has been determined that this action is not a major rule under the criteria set forth in Executive Order 12291. It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the Federal Register. However, this would not permit the issuance of the suspension on the timely basis necessary to include March 1981 in the suspension period.

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. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that

dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lake Mead marketing area.

Notice of proposed rulemaking was published in the Federal Register (46 FR 16690) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

The proponent of the suspension was the only party to file written comments.

After considering all relevant material, including the proposal in the notice, the comments received from the proponent and other available information, it is hereby found and determined that for the months of March through July 1981 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1139.13(d)(2), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month."

2. In § 1139.13(d)(3), the sentence "The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plants from producers and for which the operator of such plant is the handler during the month."

#### Statement of Consideration

This action removes the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants during the months of March 1981 through July 1981. The order now provides that a cooperative association may divert up to 30 percent of its total member milk received at all pool plants or diverted therefrom during the months of March through July and 20 percent during all other months. Similarly, the operator of a pool plant may divert up to 30 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of March through July and 20 percent during all other months.

The basis for the action is that the cooperative association that supplies the market with a substantial part of its

fluid needs and handles all of the market's reserve milk supplies disposed of its pool distributing plant in February 1981. It thus no longer operates a pool plant at which it may receive milk from its members and through which it can balance the market's fluid milk needs. In February milk of the cooperative had to be depooled since the current diversion limitations did not accommodate its new operating situation. Moreover, in view of the impending flush period, the cooperative expects that more of its reserve milk will have to be moved directly from farms to nonpool manufacturing plants for surplus disposal.

In view of this, it is expected that the cooperative's reserve milk supplies during March through July 1981 will exceed the quantity of producer milk that may be diverted from pool plants of other handlers to nonpool manufacturing plants under the order's present diversion limitations. Without the suspension, it is not likely that the cooperative will be able to maintain producer status during this period for a number of its members who have regularly supplied the fluid milk needs of the market. The suspension will permit these producers to continue sharing in the proceeds of the marketwide pool and at the same time provide the cooperative time to adjust its marketing operations.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action a number of dairy farmers who have been regularly supplying the fluid market are likely to lose their producer status under the order and thus no longer share in the Class I sales of the market.

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the Federal Register. It is therefore ordered, that the aforesaid provisions of the order are hereby suspended for March 1981 through July 1981.

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

Effective date: April 9, 1981.

Signed at Washington, D.C., on April 6, 1981.

C. W. McMillan,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 81-10900 Filed 4-6-81; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 21593; Amdt. 39-4084]

#### Airworthiness Directives; Government Aircraft Factories, Nomad Model N22B and N24A Series Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) which requires the installation of balanced trim tabs on certain Government Aircraft Factories of Australia (GAF) Nomad Model N22B and N24A airplanes. The modification of the horizontal stabilizer structure to accept the balanced trim tabs, and installation of the balanced trim tabs, will reduce the rate of wear experienced in the trim tab control linkages and prevent instability due to excessive free play which could result in tail flutter and subsequent loss of airplane control.

**DATES:** Effective April 23, 1981.

Compliance schedule—as prescribed in body of AD.

**ADDRESSES:** The manufacturer's applicable service bulletins may be obtained from Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. The document may also be examined at the FAA, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, or Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, FAA, Pacific-Asia Region, P.O. Box 50109, Honolulu, Hawaii 96850. Telephone: (808) 546-8650 or 546-8658, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue SW., Washington, D.C. 20591. Telephone: (202) 426-8192.

<sup>1</sup> A copy of the Service Bulletin is filed with the original document.

#### SUPPLEMENTARY INFORMATION:

Amendment 39-4088 (46 FR 17539), AD 81-07-01, has recently been issued requiring structural modification to all movable horizontal stabilizer and geared trailing edge trim tabs on certain GAF Nomad Model N22B and N24A airplanes. The modification prevents a reduction of empennage stiffness. It required installing additional mass balance weights, improved riveting, access panels, structural reinforcements, high strength steel trim tab control brackets, self-aligning control rod ends and longer control rods, and horizontal stabilizer pivot bracket attachments. During this investigation, the FAA discovered that further corrective action was necessary within the trim tab system to reduce the rate of wear in the trim tab control linkages and to prevent instability due to excessive free play which could also lead to tail flutter and subsequent loss of airplane control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires modification of the horizontal stabilizer structure and installation of balanced trim tabs on certain GAF Nomad Model N22B and N24A series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

#### Government Aircraft Factories (GAF):

Applies to Nomad Model N22B (Serial Nos. N22B-5 and up) and Model N24A (Serial Nos. N24A-42 and up), airplanes certificated in all categories.

Compliance required as indicated, unless already accomplished.

To reduce the rate of wear experienced in the horizontal stabilizer trim tab control linkages and prevent instability due to excessive free play, accomplish the following:

(a) Within the next 50 hours time in service after the effective date of this AD, unless already accomplished, modify the horizontal stabilizer structure to accept the balanced trim tabs in accordance with Part A, "ACCOMPLISHMENT INSTRUCTIONS," of GAF Nomad Service Bulletin NMD-55-12, dated August 29, 1980, (hereinafter referred to as the Service Bulletin), or an FAA-approved equivalent. The trim tabs previously modified in accordance with Service Bulletin NMD-55-8 may be reinstalled until paragraph (b) is accomplished.

(b) Within the next 100 hours time in service after the effective date of this AD, unless already accomplished, install the balanced trim tabs in accordance with Part B of the Service Bulletin, or an FAA-approved equivalent.

(c) If an equivalent means of compliance is used in complying with paragraphs (a) and (b) of this AD, that equivalent means must be approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

This amendment becomes effective April 23, 1981.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Government Aircraft Factories, 226 Lorimer Street, Port Melbourne 3207 Vic., Australia. The documents may also be examined at the FAA, Pacific-Asia Region, Engineering and Manufacturing District Office, 300 Ala Moana Blvd., Room 7321, Honolulu, Hawaii 96850, and Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC 20591.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69)

**Note.**—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Washington, DC, on March 31, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-10359 Filed 4-6-81; 8:45 am]

BILLING CODE 4910-13-M

## 14 CFR Part 39

[Docket No. 80-NW-68-AD; Amdt. 39-4080]

**Airworthiness Directives: McDonnell Douglas DC-10 Series Airplanes**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This is a publication of a Telegraphic Airworthiness Directive (AD) which was issued on October 18, 1980, requiring replacement of certain Walter Kidde cartridges in the fire extinguishing systems on McDonnell Douglas DC-10 series aircraft. This action is necessary because there have been reports of cartridges failing to discharge the fire extinguishing agent container, thereby depriving the crew of fire fighting capability.

**DATES:** Effective April 20, 1981. This AD was effective earlier to all recipients of telegraphic AD T80-22-51, dated October 18, 1980.

Compliance schedule—as prescribed in the body of the AD, unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training C1 750, (54-50.) This information may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 15000 Aviation Boulevard, Hawthorne, California 90261.

**FOR FURTHER INFORMATION CONTACT:** Samuel K. Frick, Supervisory Aerospace Engineer, Propulsion Branch, ANW-140L, Federal Aviation Administration, Northwest Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-0384.

**SUPPLEMENTARY INFORMATION:** On October 18, 1980, an emergency telegraphic AD, T80-22-51, was issued and made effective upon receipt to all known U.S. operators of McDonnell Douglas DC-10 series airplanes. This AD requires inspection to determine the part number of the Walter Kidde fire extinguisher cartridges installed, and removal from service of part number 876296-01E cartridges. This action was prompted by reports of failures of these cartridges to discharge the fire extinguishing agent containers, thereby depriving the flight crew of fire fighting capabilities.

This AD differs from the telegraphic AD by requiring inspections to be documented in the Aircraft Log book or

in the maintenance records of the aircraft, and fuselage numbers 323 and 324 have been added to the effectivity of this AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

**Adoption of Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

**McDonnell Douglas:** Applies to DC-10-10, DC-10-30, and DC-10-40 airplanes certificated in all categories with Walter Kidde fire extinguisher systems installed. Compliance required as noted in the body of this AD, unless already accomplished. To prevent the loss of fire fighting capability due to failure of the Walter Kidde fire extinguisher cartridge P/N 876296-01E to discharge the fire extinguishing agent container, accomplish the following:

A. Inspect and replace as necessary each cartridge installed in the engine, APU, and cargo fire extinguishing systems of aircraft with fuselage numbers 323 through 335, and fuselage number 337 in accordance with paragraphs C and D below prior to further flight, unless already accomplished.

B. For all other DC-10 series airplanes, determine within 24 hours following the effective date of this AD, which aircraft have had Walter Kidde fire extinguishing systems repairs or replacements since January 1, 1980. For those aircraft on which repairs or replacements have been made, inspect and replace as necessary each cartridge installed in the engine, APU, and cargo fire extinguishing systems in accordance with paragraphs C and D below prior to further flight, unless already accomplished.

C. Identify date stamp and lot number located on the wrench flats of the cartridge.

1. Cartridges with date and lot number prior to calendar year 1980 (XX-80) are acceptable and need not be removed. Document the inspection by use of an inspection record such as Aircraft Log Book or in the maintenance records of the aircraft. No further action is required.

2. If either date is calendar year 1980 (XX-80), remove the cartridge and inspect for part number. If the part number indicated by rubber stamp on the inside shank is "01E," remove from service and dispose of in a proper manner. If the part is identified as "D" on the shank or P/N 876296 (basic P/N), these cartridges may be reinstalled per maintenance procedures and returned to service.

D. Replace defective cartridges with cartridges having acceptable part numbers.

1. For cargo installations, aircraft may be

dispatched without cargo in affected compartment. Placard cargo compartment unusable, if appropriate cartridges are not available.

2. APU installation may be placarded inoperative if appropriate cartridges are not available.

E. All P/Ns 876296-01E should be removed from stock and properly disposed of or returned to vendor.

F. Special flight permits may be issued in accordance with Sections 21.197 and 21.199 or Part 21 of the Federal Aviation Regulations to operate airplanes to a base for the accomplishment of inspections required by this AD.

G. Alternative means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

This amendment becomes effective April 20, 1981 to all persons, except those to whom it was made immediately effective by telegram dated October 18, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on March 31, 1981.

Charles R. Foster,  
Director, Northwest Region.

[FR Doc. 81-10799 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-13-M

**14 CFR Part 39**

[Docket No. 80-NW-69-AD, Amdt. 39-4081]

**Airworthiness Directives; McDonnell Douglas DC-9-80 Series Airplanes****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

**SUMMARY:** This is a publication of a telegraphic Airworthiness Directive (AD) which was issued on October 18, 1980, requiring replacement of certain Walter Kidde cartridges in the fire extinguishing systems on McDonnell Douglas DC-9-80 series aircraft. This action is necessary because there have been reports of cartridges failing to discharge the fire extinguishing agent container, thereby depriving the crew of fire fighting capability.

**DATES:** Effective April 20, 1981. This AD was effective earlier to all recipients of telegraphic AD T80-22-52, dated October 18, 1980.

Compliance schedule—as prescribed in the body of this AD, unless already accomplished.

**ADDRESSES:** The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750, (54-60). This information may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108; or 15000 Aviation Boulevard, Hawthorne, California 90261.

**FOR FURTHER INFORMATION CONTACT:** Samuel K. Frick, Supervisory Aerospace Engineer, Propulsion Branch, ANW-140L, Federal Aviation Administration, Northwest Region, P.O. Box 92007 World Way Postal Center, Los Angeles, California 90009, telephone (213) 536-6384.

**SUPPLEMENTARY INFORMATION:** On October 18, 1980, an emergency telegraphic AD, T80-22-52, was issued and made effective upon receipt to all known U.S. operators of McDonnell Douglas DC-9-80 series airplanes. This AD requires inspection to determine the part number of the Walter Kidde fire extinguisher cartridges installed, and removal from service of part number 876296-01E cartridges. This action was prompted by reports of failures of these cartridges to discharge the fire extinguishing agent containers, thereby depriving the flight crew of fire fighting capabilities.

Since a situation exists that requires immediate adoption of this regulation, it

is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

**Adoption of Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

**McDonnell-Douglas:** Applies to DC-9-80 series airplanes certificated in all categories with Walter Kidde fire extinguisher systems installed. Compliance required as prescribed in the body of this AD unless already accomplished. To prevent the loss of fire fighting capability due to failure of the fire extinguisher cartridge P/N 876296-01E to discharge the fire extinguishing agent container, accomplish the following:

A. Within 24 hours following the effective date of this AD, inspect each cartridge installed in the engine and APU fire extinguishing systems. Identify date stamp and lot number located on the wrench flats of the cartridge.

1. Cartridges with date and lot number prior to calendar year 1980 (XX-80) are acceptable and need not be removed. Document inspection in Aircraft Log Book. No further action required.

2. If either date is calendar year 1980 (XX-80), remove the cartridge and inspect for part number. If the part number indicated by rubber stamp on the inside shank is "01E," remove from service and dispose of in a proper manner. If the part is indicated as "D" on the shank or P/N 876296 (basic P/N), these cartridges may be reinstalled per maintenance procedures and returned to service.

B. Replace defective cartridges with cartridges having acceptable part numbers. APU installation may be placarded inoperative if appropriate cartridges are not available.

C. All P/Ns 876296-01E should be removed from stock and properly disposed of or returned to vendor.

D. Special flight permits may be issued in accordance with Sections 21.197 and 21.199 of Part 21 of the Federal Aviation Regulations to operate airplanes to a base for the accomplishment of inspections required by this AD.

E. Alternative means of compliance or other actions which provide an equivalent level of safety may be used when approved by the Chief, Los Angeles Area Aircraft Certification Office, FAA Northwest Region.

This amendment becomes effective April 20, 1981, to all persons, except those to whom it was made immediately effective by telegram dated October 18, 1980.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

**Note.**—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Polices and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review only by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington, on March 31, 1981.

Charles R. Foster,

Director, Northwest Region.

[FR Doc. 81-10798 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF COMMERCE****International Trade Administration****15 CFR Parts 368, 370, 376, 378, 385, and 386****Change of Country Name—Cambodia to Kampuchea**

**AGENCY:** Office of Export Administration, International Trade Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Export Administration regulations are revised to conform with the change of country name from Cambodia to Kampuchea, every time the country name appears.

**EFFECTIVE DATE:** April 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, U.S. Department of

Commerce, Washington, D.C. 20230.  
Telephone: (202) 377-5247 or 377-4811.

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

Because this regulation relates to a foreign affairs function of the United States, it is not subject to the 60-day postponement of new regulations imposed by the Presidential memorandum of January 29, 1981, "Postponement of Pending Regulations," nor to Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation." This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

This regulation will not have a significant economic impact on a substantial number of small business entities because this rule neither expands nor limits regulatory provisions.

Accordingly, the Export Administration Regulations are amended as follows:

- The name "Cambodia" is changed to "Kampuchea" in the following places:
- Section 368.2(a) (9) (i), footnote 1—"Cambodia" 3 times and "Cambodian" 1 time.
  - Part 370, Supp. No. 1, Country Group Z.
  - Section 376.9 (c) (4)—"Cambodia" 6 times.
  - Part 378, Supp. No. 2.
  - Part 385, Table of Contents.
  - Section 385.1—section title.
  - Section 386.6(d) (2) (i) (b), (d) (3).

(Secs. 15 and 21, Pub. L. 96-72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10.3, (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 [45 FR 11862, February 22, 1980] and 41-4 [45 FR 65003, October 1, 1980])

William V. Skidmore,  
Director, Office of Export Administration,  
International Trade Administration.

[FR Doc. 81-10664 Filed 4-8-81; 8:45 am]  
BILLING CODE 3510-25-M

**DEPARTMENT OF ENERGY  
Federal Energy Regulatory  
Commission**

**18 CFR Part 362**

[Docket No. RM81-8]

**Regulation of Interstate Oil Pipelines;  
Correction**

Issued: April 2, 1981.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule, correction.

**SUMMARY:** This document corrects a final rule redesignating certain oil pipeline regulations which were formerly found in Title 49 to Title 18. The final rule was published in the *Federal Register*, Wednesday, January 28, 1981 (46 FR 9043). These corrections are necessary to correct errors in the original publication.

**FOR FURTHER INFORMATION CONTACT:** Peter Lefkin, Office of the General Counsel, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8607.

**SUPPLEMENTARY INFORMATION:** The following corrections are made in Docket No. RM81-8 (FR Doc. 81-3181) appearing on page 9043 in the January 28, 1981 issue of the *Federal Register*.

1. On page 9053 in column two, under the heading "Regulations and Instructions," "§ 362.2" is corrected to read "§ 362.1".

2. On page 9054, in column two, the regulations are corrected by inserting between § 362.1 (as corrected) ending with the phrase "of the following year" in the first paragraph, and paragraph (7) beginning with the phrase "(7) Record of Property Changes, "Exhibit E" the following two sections:

**§ 362.2 General.**

That the Commission may be enabled to comply with that portion of section 19a of the act to regulate commerce reading:

Upon completion of the original valuations herein provided for, the Commission shall thereafter keep itself informed of all new construction, extensions, improvements, retirements, or other changes in the condition, quantity, use, and classification of the property of all common carriers as to which original valuations have been made, and of the cost of all additions and betterments thereto and of all changes in the investment therein, and may keep itself informed of current changes in costs and values of railroad properties, in order that it may have available at all times the information deemed by it to be necessary to enable it to revise and correct its previous inventories, classifications, and values of the properties; and when deemed necessary, may revise, correct, and supplement any of its inventories and valuations.

a uniform system of records, which shall be established by carriers, is here prescribed. In these records it is intended that carriers shall record the extensions, improvements, or other changes that are made in their physical property after the date fixed by the Commission for the inventory of that property. For convenience, the extensions, improvements, or other changes in physical property are hereinafter referred to, individually and collectively, as property changes. From the records prescribed certain reports hereinafter indicated shall be prepared by carriers and filed with the Commission.

**§ 362.3 Records to be established.**

(a) The records which compose the system that shall be established are here listed:

- (1) Authority for Expenditure, "Exhibit A."
- (2) Detailed Estimate Sheet to supplement the Authority for Expenditure, "Exhibit A-1."
- (3) Register of Authorities for Expenditures, "Exhibit B."
- (4) Roadway Completion Report, "Exhibit C."
- (5) Continuation Sheet to supplement the Roadway Completion Report, "Exhibit C-1."
- (6) Semiannual Completion Report of Changes in Equipment, "Exhibit D."

Kenneth F. Plumb,  
Secretary.

[FR Doc. 81-10728 Filed 4-8-81; 8:45 am]  
BILLING CODE 6450-85-M

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**19 CFR Part 355**

**Countervailing Duties; Ferrochrome  
From the Republic of South Africa**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of countervailing duty order.

**SUMMARY:** The Department of Commerce has been ordered by the United States Court of International Trade to issue a countervailing duty order on ferrochrome from South Africa. The court has ruled that the charging by South African Railways and Harbours of preferential railroad freight rates upon shipments of ferrochrome for export from the Republic of South Africa constitutes the payment or bestowal of a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as in effect prior to the amendments made by the Trade Agreements Act of 1979. The court has also ordered the

Department to instruct Customs officers to suspend liquidation and collect estimated countervailing duties on entries of the affected merchandise.

**EFFECTIVE DATE:** March 11, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Joseph A. Black, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774).

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 7, 1976 the Department of the Treasury published a "Final Countervailing Duty Determination" with respect to ferrochrome from South Africa (41 FR 1298). That determination stated that no bounties or grants were being paid or bestowed, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"), upon the manufacture, production or exportation of ferrochrome from South Africa.

The petitioner challenged that determination in court, and on March 10, 1981 the Court of International Trade issued an order in *Mocalloy Corporation v. United States*, No. 76-3-00643, Slip. Op. 81-23 (C.I.T. March 10, 1981), that the charging of preferential railroad freight rates upon shipments of ferrochrome for export from the Republic of South Africa constitutes the payment or bestowal of a bounty or grant within the meaning of section 303 of the Tariff Act. The court also ordered the Department of Commerce ("the Department") to instruct Customs officers to suspend liquidation and collect estimated countervailing duties and thereafter to assess countervailing duties in an amount equal to the net subsidy (bounty or grant) as determined or estimated by the Department pursuant to section 751 of the Tariff Act. The court based its order on the concession of the United States government that, on the basis of the record, the charging of preferential railroad freight rates constituted a bounty or grant.

**Scope of the Order**

The ferrochrome covered by this order is currently classifiable under item number 606.22 and 606.24 of the Tariff Schedules of the United States. The program cited by the court as constituting a bounty or grant is the charging by South African Railways and Harbours of preferential railroad freight rates upon shipments of ferrochrome for export from the Republic of South Africa.

**Action**

As ordered by the court, the Department determines that bounties or grants (subsidies) are being bestowed, directly or indirectly, upon the manufacture, production, or exportation of ferrochrome from the Republic of South Africa within the meaning of section 303 of the Tariff Act, as in effect prior to the amendments made by the Trade Agreements Act of 1979. The Department estimates that these subsidies equal 4 percent of the f.o.b. invoice value of the exported merchandise. This estimate is based upon information previously supplied by the Government of the Republic of South Africa. Further, as ordered by the Court, the Department intends to conduct an administrative review under section 751 of the Tariff Act and to assess countervailing duties in an amount equal to the amount of the net subsidy on this merchandise entered, or withdrawn from warehouse, for consumption on or after March 11, 1981.

A cash deposit of the estimated countervailing duties will be required in the amount of 4 percent of the f.o.b. invoice value of shipments of ferrochrome from the Republic of South Africa on entries made on or after March 11, 1981. The Department has instructed Customs officers to suspend liquidation of entries of this merchandise made on or after March 11, 1981, until further notice.

The table in part 355, Annex III of the Commerce Regulations (19 CFR part 355) is amended by adding the name "South Africa" after the listing for Spain in the column headed "country"; by adding the word "ferrochrome" in the column headed "commodity"; by adding the Federal Register citation of this notice in the column heading "Treasury decision"; and by adding the words "Bounty declared-rate" in the column headed "Action".

John D. Greenwald,

*Deputy Assistant Secretary for Import Administration.*

April 3, 1981.

[FR Doc. 81-10677 Filed 4-8-81; 8:45 am]

BILLING CODE 3510-25-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

23 CFR Parts 1, 140, 160, 230, 650, 652, 659, 920

**Miscellaneous Technical Amendments**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Amendment to final rule.

**SUMMARY:** This document corrects final rules that contain incomplete or erroneous citations in Chapter I of 23 CFR, and ensures that certain technical guidance is properly referenced.

**EFFECTIVE DATE:** March 31, 1981.

**FOR FURTHER INFORMATION CONTACT:**

Stanley H. Abramson, Office of the Chief Counsel, 202-426-0762, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590.

The following corrections are hereby made in Chapter I of Title 23, Code of Federal Regulations:

**PART 1—GENERAL**

1. The references given at the end of § 1.34 were removed; therefore, the section is revised to read:

**§ 1.34 Secondary road plan.**

The approval by the Administrator of a State's certified statement of its secondary road plan, pursuant to 23 U.S.C. 117 will remain in effect for such time as the Administrator in his discretion may determine.

**PART 140—REIMBURSEMENT**

**§ 140.607 [Amended]**

2. In § 140.607 (a) and (b), the references to "Federal-Aid Highway Program Manual, Volume 1, Chapter 4, Section 6" are amended each time to read "Part 140, Subpart A of this chapter".

**§ 140.608 [Amended]**

3. In § 140.608 (b) and (e), the references to "paragraph 7" are amended each time to read "§ 140.607."

**§ 140.609 [Amended]**

4. In § 140.609, the reference to "paragraph 9a" is amended to read "§ 140.608(a)."

**PART 160—STATE FISCAL PROCEDURES AND REPORTS**

**§ 160.103 [Amended]**

5. In § 160.103(d), the words "and Federal-Aid Highway Program Manual, Volume 4, Chapter 4, Section 2" are removed.

**PART 230—EXTERNAL PROGRAMS**

**APPENDICES A THROUGH G TO SUBPART B [Redesignated and Corrected]**

6. The appendices A through G as currently listed under Part 230, Subpart B are transferred to Subpart A as originally intended. Part 230, Subpart A was published on July 3, 1975 at 40 FR 28053. An amendment to the appendices

on May 5, 1978 at 43 FR 19385 erroneously listed them under Part 230, Subpart B.

#### PART 650—BRIDGES, STRUCTURES, AND HYDRAULICS

##### § 650.607 [Amended]

7. In § 650.607(a)(1)(ii), the reference to "23 CFR 655, Subpart E" is amended to read "23 CFR Part 924."

#### PART 652—PEDESTRIAN FACILITIES AND BIKEWAYS

##### § 652.7 [Amended]

8. In § 652.7(d), the reference to "23 CFR Part 655, Subpart E" is amended to read "23 CFR Part 924."

#### PART 659—CERTIFICATION OF SPEED LIMIT ENFORCEMENT

9. Part 659 is amended by removing the appendix and § 659.9(a) is revised to read as follows:

##### § 659.9 Formulation of a plan for monitoring speeds.

(a) Each State shall develop a speed sampling and analysis plan following the guidelines set forth in the *Speed Monitoring Program Procedural Manual* (SMPPM), FHWA, 1980, which was published at 45 FR 84494 on September 29, 1980. Copies of the SMPPM are available from the U.S. Department of Transportation, Federal Highway Administration, Office of Traffic Operations, Washington, D.C. 20590. The SMPPM is also available for inspection at the FHWA offices listed in 49 CFR Part 7, Appendix D.

##### Appendix—Speed Monitoring Programs Procedural Manual [Removed]

#### PART 920—PAYMENT MARKING DEMONSTRATION PROGRAM

##### § 920.7 [Amended]

10. In § 920.7(c), the reference to "23 CFR Part 655, Subpart E" is amended to read "23 CFR Part 924."

**Note.**—The Federal Highway Administration has determined that these technical amendments are not major rules within the meaning of Executive Order 12291 and will have no adverse cost impacts whatsoever due to the fact that they merely correct editorial errors and clarify existing language.

(23 U.S.C. 315; 49 CFR 1.48(b))

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: March 31, 1981.

Dowell H. Anders,  
Acting Chief Counsel, Federal Highway  
Administration.

[FR Doc. 81-10747 Filed 4-6-81; 8:45 am]

BILLING CODE 4910-22-M

#### 23 CFR Parts 655 and 656

#### Withdrawal of Regulations

##### Correction

On page 19232 in the issue of Monday, March 30, 1981, the *Federal Register* Document number given at the bottom of the third column was cited incorrectly. Instead of reading "FR Doc. 81-9498 . . .", the number should have read "FR Doc. 81-9522 . . .".

BILLING CODE: 1505-01-M

#### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco and Firearms

##### 27 CFR Part 252

[T.D. ATF-82; RE: Notice No. 348]

#### Exportation of Liquors; Export Marks

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is amending regulations relating to markings on cases and bulk containers of distilled spirits, wine or beer for export. Under these amended regulations, export marks for all products will read simply "Export." Requirements for marking the type of exportation such as "Use on Vessels (or Aircraft)", "Deposit in C.M.B.W.—Cl. 6", "Export via F.T.Z. No. —", or "Deposit in C.B.W." are eliminated. Markings indicating the tax status of shipments such as "Drawback Claimed", "Free of Tax", or "Without Payment of Tax" are similarly eliminated. This amendment will give exporters greater flexibility when bottling or shipping distilled spirits, wine, or beer for export, will help reduce export inventories, and will result in cost savings for exporters.

**DATE:** These regulations are effective on May 11, 1981.

**FOR FURTHER INFORMATION CONTACT:** Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

#### SUPPLEMENTARY INFORMATION:

##### The Proposed Rule

On August 29, 1980, ATF published in the *Federal Register* a notice of proposed rulemaking, Notice No. 348, [45 FR 57745] to simplify the markings required on containers of distilled spirits, wine, or beer being exported. Under that proposal, the type of exportation such as to a customs bonded warehouse, or to a foreign-trade zone, would not be marked on a package or case of alcoholic beverages being exported. The required markings "Deposit in C.M.B.W.—Class 6", "Use on Vessels (or Aircraft)", "Export via F.T.Z. No. —", or "Deposit in C.B.W." would be eliminated.

As part of that proposal, words denoting the tax status of most exportations would also be eliminated. Thus, one mark, "Export" would be applied on all wine, distilled spirits, denatured spirits, beer, or beer concentrate being exported without payment of tax, or free of tax. "Export-Drawback Claimed" would be marked on those products exported with benefit of drawback (refund of taxes paid).

These changes were proposed on behalf of requests from the distilled spirits industry to simplify markings on distilled spirits for export. The requirement to mark both the type of exportation and the tax status on cases is burdensome since the bottler does not always know at the time of bottling the type and tax status of the exportation. Because of these separate marking requirements, producers and wholesalers must maintain separate inventories of products which will be exported in different manners. If separate inventories are not maintained, it becomes necessary to remark cases individually at the time of exportation with the required export markings.

##### Summary of Public Comments

ATF received 12 written comments in response to Notice No. 348. Respondents included members of the distilled spirits, wine, and brewing industries as well as the Distilled Spirits Council of the United States, a trade organization representing distillers.

All respondents strongly favored the proposed simplification of export marks. Most cited some direct cost benefits as a result, and the fact that separate inventories would no longer be necessary for products exported in different manners. One respondent further noted that fewer errors in shipping would occur as a result of the proposal.

Three respondents, while supporting the general proposal to simplify export

markings, suggested that only one word, "Export" be marked on distilled spirits, wine, or beer being exported, regardless of manner of exportation, or of the tax status of the shipment. These respondents noted that the term "Export" denotes that a product is not to be used within the United States and is thus different from products not so marked. They further noted that a number of distillers have been given administrative permission to mark only the word "Export" on shipments of distilled spirits for export, and that no problems have surfaced.

ATF agrees with these respondents, and has deleted the requirement to mark "Drawback Claimed" on products exported with benefit of drawback. We believe this marking is not necessary to protect Federal revenues, and its elimination will further benefit industry members in the production, storage and shipment of products for export. Sections 251.193, 252.216, and 252.223 are further amended by requiring only the word "Export" to be marked on containers exported with benefit of drawback.

#### Conforming Changes

The titles of all sections in Part 252 which refer to markings on containers for export are changed to read "Export marks." This title more accurately describes the content of the sections.

Other editorial changes simplify the language of the sections, and update the statutory citations in some affected sections. Requirements for the placement of export marks have been deleted since they are unnecessary.

#### Drafting Information

The principal author of this document is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority and Issuance

These regulations are issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended).

Accordingly, 27 CFR Part 252 is amended as follows:

#### PART 252—EXPORTATION OF LIQUORS

Paragraph 1. Amend the table of sections by revising the following entries to read as follows:

Sec.	
252.103	Export marks.
252.123	Export marks.

252.143	Export marks.
252.150e	Export marks.
252.154	Export marks.
252.216	Export marks.
252.223	Export marks.

Par. 2. Section 252.103 is amended by (1) removing the requirement to mark packages or cases of distilled spirits withdrawn for exportation with the words "Without Payment of Tax" or with words denoting the type of exportation; (2) updating the statutory citation; and (3) changing the title of the section. As revised, § 252.103 reads as follows:

#### § 252.103 Export marks.

(a) *General.* In addition to the marks and brands required to be placed on packages and cases of distilled spirits at the time they are filled under the provisions of Part 19 of this chapter, the proprietor shall mark the word "Export" on the Government side of each case or Government head of each container before removal from the bonded premises for any exportation authorized under this subpart.

(b) *Exception.* When containers are being removed to a contiguous manufacturing bonded warehouse, the proprietor need not place the word "Export" on the containers if the regional regulatory administrator finds the omission will not jeopardize the revenue.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85-859, 72 Stat. 1382, as amended (26 U.S.C. 5214); sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066))

Par. 3. Section 252.123 is amended by (1) removing the requirement to mark packages or cases of wine withdrawn for exportation with the words "Without Payment of Tax" or with words denoting the type of exportation; (2) updating the statutory citation; and (3) changing the title of the section. As revised, § 252.123 reads as follows:

#### § 252.123 Export marks.

(a) *General.* In addition to the marks and brands required to be placed on packages or cases of wine at the time they are filled under the provision of Part 240 of this chapter, the proprietor shall mark the word "Export" on the Government side of each case or Government head of each container before removal from the bonded

premises for any exportation authorized under this subpart.

(b) *Exception.* When containers are being removed to a contiguous manufacturing bonded warehouse, the proprietor need not place the word "Export" on the containers if the regional regulatory administrator finds the omission will not jeopardize the revenue.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85-859, 72 Stat. 1380, as amended (26 U.S.C. 5362))

Par. 4. Section 252.143 is amended by removing the requirement to mark containers or cases of beer withdrawn for exportation with the words "Without Payment of Tax", or with words denoting the type of exportation, and by changing the title of the section. As revised, § 252.143 reads as follows:

#### § 252.143 Export marks.

In addition to the marks and brands required to be placed on each keg, barrel, case, crate, or other package containing beer at the time they are filled under the provisions of Part 245 of this chapter, the brewer shall mark the word "Export" on each container or case before removal from the brewery for any exportation authorized under this subpart.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85-859, 72 Stat. 1334, as amended (26 U.S.C. 5053))

Par. 5. Section 252.150e is amended by removing the requirement to mark containers of beer concentrate withdrawn for exportation with the words "Without Payment of Tax" or with words describing the type of exportation, and by changing the title of the section. As revised, § 252.150e reads as follows:

#### § 252.150e Export marks.

In addition to the marks and brands required to be placed on containers of beer concentrate under the provisions of Part 245 of this chapter, the brewer shall mark the words "Beer concentrate for Export" on each container before removal from the brewery for any exportation authorized under this subpart.

Par. 6. Section 252.154 is amended by (1) removing the requirement to mark containers of specially denatured spirits withdrawn for exportation with the words "Tax-Free" or with words denoting the type of exportation; (2) changing the title of the section; and (3)

updating the statutory citation. As revised § 252.154 reads as follows:

**§ 252.154 Export marks.**

In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 19 of this chapter, the proprietor shall mark the word "Export" on the Government side of each case or Government head of each container before removal from the bonded premises for any exportation authorized under this subpart.

(Sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended (26 U.S.C. 5214))

**Par. 7.** Section 252.193 is amended by removing the requirement to mark packages or cases of distilled spirits exported with "Drawback Claimed" or with words denoting the type of exportation. As revised, § 252.193 reads as follows:

**§ 252.193 Export marks.**

In addition to the marks and brands required to be placed on packages or other bulk containers and cases under the provisions of Part 19 of this chapter, the exporter shall mark the word "Export" on the Government side of each case or Government head of each container before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone or a customs bonded warehouse.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062); sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066))

**Par. 8.** Section 252.216 is amended by removing the requirement to mark containers or cases of wine exported with "Drawback Claimed" or with words denoting the type of exportation, and by changing the title of the section. As revised, § 252.216 reads as follows:

**§ 252.216 Export marks.**

In addition to the marks and brands required to be placed on packages or other bulk containers and cases under the provisions of Parts 231 or 240 of this chapter, the exporter shall mark the word "Export" on the Government side of each case or Government head of each container before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062))

**Par. 9.** Section 252.223 is amended by (1) removing the requirement to mark containers or cases of beer exported with "Drawback Claimed" or with words denoting the type of exportation; (2) changing the title of the section; and (3) updating the statutory citation. As revised, § 252.223 reads as follows:

**§ 252.223 Export marks.**

In addition to the marks and brands required to be placed on kegs, barrels, cases, crates or other packages under the provisions of Part 245 of this chapter, the exporter shall mark the word "Export" on each container or case before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); sec. 201, Pub. L. 85-859, 72 Stat. 1335, as amended (26 U.S.C. 5055))

Signed: January 13, 1981.

G. R. Dickerson,

Director.

Approved: March 27, 1981.

John P. Simpson,

Acting Assistant Secretary, Enforcement and Operations.

[FR Doc. 81-10719 Filed 4-8-81; 8:45 am]

BILLING CODE 4810-31-M

## POSTAL SERVICE

### 39 CFR Part 111

#### Indemnity Claims

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends part 149 of the Domestic Mail Manual, which contains regulations governing indemnity claims for insured, COD, registered, and Express Mail. Most of the changes are not substantive but represent a thorough restructuring of part 149 to make it easier to read and understand. The substantive changes, which were detailed in the proposal, are intended to make claims adjudication more equitable, to clarify liability on certain items, and to establish requirements for proof of loss.

**EFFECTIVE DATE:** May 10, 1981.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Belford, (202) 245-4529.

**SUPPLEMENTARY INFORMATION:** On February 6, 1981, the Postal Service published for comment in the *Federal Register* the proposed amendments described above. 46 FR 11301, as corrected at 46 FR 12991. Interested persons were invited to submit written

comments concerning the proposed changes by March 6, 1981. No comments were received. Accordingly, the Postal Service is adopting the amendments as a final rule.

We are, however, making certain changes dictated in part by the Recommended Decision of the Postal Rate Commission, parts of which the Governors allowed to take effect under protest on March 22, 1981. 46 FR 16404. In conformity with the Recommended Decision, the fee for a copy of a delivery record was increased (see 149.23), and the requirement that registered mail be insured as made optional. As a result of the latter action, the Service deleted, for reasons of administrative convenience, proposed 149.712, entitled Commercial Insurance, which provided a formula for prorating the amount of insurance the Postal Service would pay on a loss when the claimant also had purchased commercial insurance on the lost item. The effect of this action is to make the Postal Service the primary insurer.

In addition, the Service relaxed the general requirement that only the mailer could file a claim for a complete loss (wrapper and contents). As relaxed, either the mailer or the addressee may file a claim for complete loss (wrapper and contents) of an insured article. As to a COD or registered article, however, the mailer is still the only one who may file a claim for a complete loss.

We also made certain minor conforming changes, corrections, updating of form references, and deletion of obsolete references to the Canal Zone.

In view of the above considerations, the Postal Service hereby revises part 149 of the Domestic Mail Manual, which is incorporated by reference in the *Federal Register*, see 39 CFR 111.1, to read as follows:

(39 U.S.C. 401, 404)

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

#### Part 149—Indemnity Claims

149.1 Special Services With Indemnity Provisions.

Indemnity Claims may be filed for insured, COD, registered, or Express Mail. (See Publication 42, *International Mail*, for international insured and registered mail indemnity claims. See 149.511 for Express Mail provisions.)

149.2 General Instructions for Filing Claims on Insured, COD, and Registered Mail.

.21 Who May File.

A claim for complete loss (wrapper and contents) of an insured article may be filed by the mailer or addressee. A claim for complete loss (wrapper and contents) of a

COD or registered article may only be filed by the mailer. All claims for complete loss of contents, partial loss, or damage may be filed by the mailer or addressee.

**.22 When to File.**

**.221 General.**

Indemnity claims must be filed within one year from the date the article was mailed. Follow-up claims (duplicates, inquiries, etc.) must be filed no sooner than 45 days, nor later than six months from the date the original claim was filed. All appeals concerning Postal Service claim decisions must be filed within three months of the date of the original decision on the claim.

**.222 Loss Claims.**

**a. Insured and COD.**

The mailer may not file a claim until 30 days after the date of mailing for insured articles and 45 days after the date of mailing for COD articles. *Exceptions:* Claims for loss must not be submitted until 45 days after the date of mailing for parcels set by First-Class (including priority), SAM or PAL mail, and until 75 days after the date of mailing for parcels sent by surface ocean transportation between:

(1) The contiguous 48 states and any State, territory, or possession of the United States located outside the contiguous 48 states (including any location or unit having an APO or FPO designation as part of the address).

(2) Any State, territory or possession of the United States located outside the contiguous 48 states and any other state, territory or possession of the United States located outside the contiguous 48 states (including any location or unit having an APO or FPO designation as part of the address).

**b. Registered.**

The customer may not file a claim involving loss until 15 days after the date of mailing in the case of domestic mail, or articles addressed to or mailed from an APO or FPO.

**.223 Complete or Partial Loss of Contents, Damage or Rifling Claims.**

Claims for complete or partial loss of contents, damage, or alleged rifling must be filed immediately.

**.23 Copies of Delivery Records.**

Customers may obtain copies of delivery records on numbered insured, COD, registered, and Express Mail shipments by sending a request to the post office of address. The request must include all mailing information such as article number, date mailed, names and addresses of mailer and addressee, and type of mailing (insured, COD, etc.). The fee is \$3.75 for each copy of the delivery record requested and must be sent with the request.

**.24 Required Information.**

**.241 Evidence of Insurance, COD, or Registration.**

The customer must submit evidence that the article was an insured, COD or registered mailing. Acceptable evidence includes either:

a. The original mailing receipt issued at the time of mailing (reproduced copies are not acceptable); or

b. The wrapper, which must have the names and addresses of both the mailer and addressee and the appropriate mail endorsement indicating Postal Service handling as insured, COD, or registered mail.

*Note.*—Indemnity may be limited to \$50 for insured; \$10 for COD mail and \$100 for registered mail if only the wrapper is submitted as evidence.

**.242 Evidence of Value.**

The customer must submit evidence of value for all claims. All statements must be dated and signed by the maker. Acceptable evidence includes:

a. Sales receipt.

b. Invoice.

c. Statement of value from a reputable dealer.

d. Catalog value of a similar article.

e. Statement describing the article lost or damaged, including where purchased, date, amount, and whether the article was new or used. If handmade, the price of material used and labor must be stated. The items must be described in sufficient detail for the Postal Data Center (PDC) to determine that the value claimed is accurate.

f. Paid repair bills, estimates of repair costs, or appraisals may be used instead of estimates of value in the case of claims for partial damage. When there is a possibility that the cost of repair exceeds actual value, other evidence of value may be required.

g. Statement of cost for duplication and premium for surety bond when the claim is for loss of securities or certificates of stock.

**.25 Payable and Nonpayable Claims.**

**.251 Payable Claims.** Subject to 149.252, insurance for loss or damage to registered, insured, or COD mail within the amount covered by the fee paid is payable for:

a. Actual value of lost articles.

Depreciation is deducted for used items.

b. Cost of repairing a damaged article or replacing a totally damaged article, not exceeding actual value of the article.

c. Remittance due on a COD parcel for which no remittance has been received by the mailer.

d. Death of bees or baby poultry due to physical damage to the package or delay for which the Postal Service is responsible. In the absence of definite evidence showing responsibility for death of bees or baby poultry, the Postal Service will be presumed to be at fault if 10 percent or more are dead on delivery, and indemnity will be paid for all dead bees or poultry; otherwise the Postal Service will not be presumed to be at fault (see 149.252 k and l and 124.293).

e. Costs incurred in duplicating or obtaining documents, or their original cost if they cannot be duplicated. These costs include:

(1) Cost of duplicating service.

(2) Notary fees.

(3) Bonding fees for replacement of stock or bond certificates.

(4) Reasonable attorney's fees, if actually required to replace the lost or damaged documents.

(5) Other direct and necessary expenses or costs, as determined by the Postal Service.

f. The extra cost of gift wrapping if the gift wrapped article was enclosed in another container for handling in the mail.

g. Cost of outer container if specially designed and constructed for goods sent.

h. The established fair market value of stamps and coins having philatelic or numismatic value, as determined by a recognized dealer of stamps or coins.

i. Federal, state or city sales tax paid on articles which are lost or totally damaged.

j. Postage (not fee) paid for sending damaged articles for repair. The Postal Service must be used for this purpose. Other reasonable transportation charges may be included if postal service is not available.

k. Photographic film and negatives will be compensated for only at the cost of the film stock. No indemnity will be paid for the content of the film, nor for the photographer's time and expenses in taking the photographs.

**.252 Nonpayable Claims.** Payment will not be made in excess of the actual value of the article, or in excess of the maximum amount covered by the fee paid. Indemnity will not be paid in the following situations:

a. The article was not rightfully in the mail. This includes parcels and COD articles sent to addressees without their consent for purposes of sale or on approval.

b. The claim is filed more than one year from the date the article was mailed; the duplicate claim or inquiry is not initiated within six months of the original claim filing date; or the appeal of the Postal Service decision is not filed within three months of the date of the original decision.

c. Evidence of insurance coverage has not been presented.

d. Loss, rifling, or damage occurred after delivery by the Postal Service.

e. The claim is based on sentimental loss rather than actual value.

f. The loss resulted from delay of the mail.

g. The claim is for consequential loss rather than for the article itself.

h. The contents froze, melted, spoiled, or deteriorated.

i. The parcel was packaged in such a way that it could not have reached the addressee in good condition in the ordinary course of the mail.

j. The damage consisted of abrasion, scarring, or scraping of suitcases, handbags, and similar articles which were not properly wrapped for protection.

k. The death of baby poultry was due to shipment to points where delivery could not be made within 72 hours from the time of hatch.

l. The death of honeybees and harmless live animals was not the fault of the Postal Service (see 124.293).

m. A failure on the part of the second party (the addressee if the claim is filed by the mailer, or the mailer if the claim is filed by the addressee) to fully cooperate in the completion of the claim.

n. The article is so fragile as to prevent its safe carriage in the mails, regardless of packaging.

o. Personal compensation for time required to replace lost documents.

p. Damaged articles, mailing container, and packaging were not submitted to the Postal Service for inspection.

q. The claim was submitted after the article had been transported outside of the mails by other carriers or by private conveyance.

r. The damage was caused by shock, transportation environment, or X-ray and no evidence of damage to the mailing container exists.

s. The container and packaging were not submitted to the Postal Service for inspection on a partial or complete loss of contents claim.

#### 26 Replacement Shipments.

If a replacement shipment has been sent to a customer to replace the original article(s) lost, *Replacement Shipment* must be indicated on the claim and a copy of the invoice evidencing the replacement must be attached to the claim form.

#### 27 Estimates, Appraisals, and Depreciation.

271 If necessary, the article may be returned to the customer by the Postal Service so he may obtain an appraisal or estimate. Postal Service personnel must give and take receipts for damaged articles (see 149.313). Important: The condition of the article must be noted on the receipt.

272 The Postal Service depreciates a used article either lost or damaged based on the life expectancy of the article.

#### 28 Processing Claims.

281 Post Offices, Classified Stations and Branches. Post offices, classified stations and branches will:

a. Accept and process registered, insured, and COD claims upon the presentation of the required information.

b. Assist customers in the preparation of claim form.

c. Complete post office portion of the claim.

d. Route completed forms in accordance with the type of claim being processed.

282 St. Louis PDC/Office of Mail Classification. The St. Louis PDC (or the Office of Mail Classification, USPS Headquarters, at its discretion) will adjudicate and pay or disallow all claims.

283 Appeals. Appeals are filed with the Director of the St. Louis PDC. If the Director of the PDC sustains the denial, the appeal may be forwarded to the Director, Office of Mail Classification, USPS Headquarters, for final review and adjudication (see 149.81).

#### 149.3 Insured and COD Claims.

##### 31 How to File.

##### 311 Required Forms.

A customer may file a claim at any post office, classified branch, or station. Form 3812, *Request for Payment of Domestic Postal Insurance*, dated Aug. 1977 or later, must be used to request payment for the loss or damage of insured mail. A claim has not been filed until a completed Form 3812 has been accepted by the Postal Service. The form is a four-part snap-out set which includes two copies of Form 1510-A, *Inquiry for the Loss or Rifling of Mail Matter*, and one copy of Form 3841, *Post Office Record of Claim*. DO NOT COMPLETE A SEPARATE FORM 1510 OR FORM 3841 FOR INSURED OR COD CLAIMS.

##### 312 Evidence of Loss or Damage.

a. Complete Loss Claims Filed by the Mailer.

All mailers filing claims for complete loss of insured mail must provide proof that a loss has actually occurred before post offices will accept a claim for indemnity. This proof may be supplied by any one of the following methods:

(1) The mailer may obtain a claim form, Form 3812, *Request For Payment of Domestic Postal Insurance*, from any post office. The

mailer must then complete the claim form and mail it to the addressee. Postal Service personnel will not mail the claim form for the mailer, but assistance in completing the form will be provided upon request. The addressee must complete Items 15 and 19 on the claim form and return it to the mailer. If the addressee has signed the claim form and indicated the article was not received 30 days or more after the date of mailing, the mailer may then take the claim form, along with the original mailing receipt, to a post office and file the claim.

(2) If the mailer is unable to obtain the cooperation of the addressee in signing Form 3812 for numbered insured articles or, if he prefers, the mailer may send a check or money order for \$3.75 to the post office of address and request a copy of the delivery record, provided 30 days or more have elapsed since the date of mailing. Such requests for delivery records must contain the date the article was mailed, the insurance number and the complete name and address of the mailer and addressee (see 149.23).

(3) If the mailer receives a notice from the post office of address that a delivery record is not on file, the mailer may take this notice and original mailing receipt to any post office and file a claim for loss. Post offices accepting such claims must attach a copy of the notice from the addressee post office to the Form 3812 claim set and send them to the St. Louis PDC for adjudication.

(4) If the mailer has written and signed documentation (such as a letter dated at least 30 days after the date of mailing) from the addressee stating the addressee did not receive the article, the mailer may take this documentation to a post office, along with the original mailing receipt, and file a claim. The Postal Service employee must attach this documentation, or a copy of it, to the claim form.

b. Complete Loss Claims Filed by the Addressee.

An addressee may file a claim for the loss of an insured article if the addressee presents the following to the post office accepting the claim:

(1) The original mailing receipt. Copies of original mailing receipts are not acceptable.

(2) A Form 3812 that has been signed by the mailer and on which the mailer has designated the payee.

(3) Evidence of value.

If the addressee does not have all of the above information, only the mailer will be allowed to file a claim for loss of an insured article.

c. Complete or Partial Loss of Contents.

For complete or partial loss of contents claims, the container and packaging must be presented to the Postal Service for inspection when the claim is filed. Exception: The claimant may submit a Form 673, *Report of Rifled Article*, or a Form 3760, *Wrapper Found Without Contents* (which was received from the Postal Service), to file a claim.

d. Damage Claims.

For damage claims, the article with the mailing container and packaging must be presented to the Postal Service for inspection at the time the claim is filed.

313 How to Complete Form 3812.

a. Customer Action.

Type or print legibly with a ballpoint pen (press hard). Fill out Items 1-19 and the lower portion (marked "Postal Insurance Claim Identification") of the form. If you need help, the accepting postal employee will assist you. Items 1-19 should be completed as follows:

Item 1. Check appropriate block indicating reason for claim.

(1) Complete Loss—article not delivered.

(2) Complete Loss of Contents—article or wrapper delivered, all contents missing.

(3) Partial Loss—article delivered, some contents missing.

(4) Complete Damage—article delivered, all contents damaged.

(5) Partial Damage—article delivered, some contents damaged.

(6) No COD Remittance—mailer did not receive money order for article mailed.

Item 2. Indicate type of mail and insured or COD number, if appropriate.

Item 3. Indicate special delivery, if applicable.

Item 4. Indicate use of priority (First-Class zone rated) mail, if applicable.

Item 5. Enter city, State and ZIP Code of mailing post office (not necessarily the post office where the claim is being filed). If the package was mailed at a station or branch, use the appropriate ZIP Code.

Item 6. Enter the date the package was mailed. (Six digits: month, day and year. Example, January 27, 1981: 01-27-81.)

Item 7. Enter the date the claim is being filed. (Six digits: month, day and year)

Item 8. Enter city, State and ZIP Code or post office of address.

Item 9. Enter the amount of postage paid, including special fees such as special delivery or special handling.

Item 10. Enter amount of insurance fee paid.

Items 11 and 12. Names and addresses of mailer and addressee. The mailer must indicate the payee by checking the payee block in either Item 11 or 12. The name of the payee indicated in Items 11 or 12 must agree with the payee shown in the *Mail Check To* portion of the identification slip.

Item 13. Describe the articles lost or damaged. Indicate the purchase price, the approximate year of purchase, whether the article was new or used, or, if handmade, the price of materials used and labor expended. Describe the items in sufficient detail for the PDC to determine that the value claimed is not excessive. If necessary, attach a supplementary sheet of paper to the claim form.

Item 14. Enter the total amount claimed, excluding postage.

Item 15. MUST BE COMPLETED BY ADDRESSEE ONLY. Indicate whether the article was received or refunded.

Item 16. MUST BE COMPLETED BY ADDRESSEE ONLY. Complete for COD mailings only.

Item 17. Complete only if package was commercially insured. Include policy number, name, and address of insurance company and amount of deductible, if appropriate.

Item 18. If the mailer is filing the claim, the mailer must sign, date, and enter his telephone number in the appropriate block. If the claim is being filed by a business firm, the

firm name should be entered in the signature block and the firm's representative must sign the block labeled "BY."

**Item 19.** If the addressee is filing the claim, the addressee must sign, date, and enter his telephone number in the appropriate blocks. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative must sign the block labeled "BY."

**b. Accepting Employee Action.**

(1) Type or print legibly with a ballpoint pen (press hard).

(2) Complete Items 1-10 if the customer has not already done so (see 149.313a for detailed instructions).

(3) Verify entries in Items 2-6 and 8-10 by comparing information to the original mailing receipt.

(4) If necessary, assist the claimant, to the extent possible, in completing Items 11-14 and items 17, 18, or 19.

**(5) Complete Items 20-22 as follows:**

**Item 20.** Date stamp and signature of postal employee accepting the claim.

**Item 21.** Check the appropriate block to indicate evidence of insurance. Endorse the original insurance receipt and/or wrapper *Claim Filed*, date stamp, and initial it. Return it to the customer and instruct him to keep it until the claim is settled.

**Item 22.** Location of the damaged article:

(a) If the customer has possession of the damaged article, he must display it and the packaging to the accepting postal employee to verify actual damage.

(b) If the claim is for partial damage, check the appropriate block to indicate that the customer will retain possession of the article.

**Note.**—Under no circumstances should the accepting postal employee arrange to have the article repaired.

(c) If the claim is for complete damage, disposition of the article will be at the option of the Postal Service (see 149.6).

(6) Review the Form 3812 *before the customer leaves*, to assure that:

(a) The following information is on the lower portion of Form 3812 (Postal Insurance Claim Identification):

(i) Mailer's name and address.  
(ii) Addressee's name and address.  
(iii) Other identification (invoice numbers, etc.).

(iv) Name and address of payee, as designated by claimant.

(b) The mailer has designated the payee (exceptions, see 149.333e(2)) and signed the claim form.

(c) All necessary supporting documents (bill of sale, invoice, repair bill or estimate of repairs, and evidence of loss) are attached to the back of the claim form.

.32 Disposition of Damaged Article. See 149.6.

**.33 Processing Form 3812.**

**.331 Accepting Employee.**

The accepting employee must forward the partially completed claim form, with the available supporting documentation, to:

a. The Claims and Inquiry Section, if one exists, or

b. The employee in the post office who has been designated to handle insurance claims.

**.332 Final Preparation.**

Complete final preparation of the claim form at the accepting post office (except APO/FPO claims—see 149.34) as follows:

a. Enter the claim number. The claim number is composed of the six-digit post office finance number and a three-digit sequential number beginning with 001 and continuing through 999. When the total of claims initiated reaches 999, begin again with 001.

b. Check the appropriate box in the *Forward To* block to indicate to whom the claim form will be forwarded.

c. Detach and file copy 4 of the claim form set (Form 3841) alphabetically by mailer's name.

**.333 Forwarding Claims.**

**a. Loss of Numbered Insured Articles Filed by the Mailer.**

If the addressee has signed the Form 3812 indicating nonreceipt of the article, or there is written documentation that a loss has occurred, attach a PS Form 3861-A, *Numbered Loss Claim Filed by Mailer or Addressee*, and send the entire claim form with the evidence of loss attached, to the post office of address. Do not remove either copy of Form 1510-A from the claim set.

**b. Loss of Numbered Insured Articles Filed by the Addressee.**

(1) If the article was addressed for delivery at the same post office where the claim is being filed, search your delivery records and annotate your findings in Item 23 on Form 3812, and send the claim form set to the St. Louis Postal Data Center.

(2) If the article was addressed for delivery at a post office other than the one where the claim is being filed, attach a PS Form 3861-A, and send the claim form set to the post office of address for search of delivery records.

**c. Loss of Unnumbered Insured Articles or Numbered Loss Claims With Postal Service Notification the Article Was Not Delivered.**

Send Form 3812, with both copies of Form 1510-A attached, directly to the St. Louis PDC for adjudication. Make sure the evidence of loss, or a copy of it, accompanies the claim.

**d. COD or Damaged Insured Articles.**

(1) Select the appropriate form letter of instructions and attach it to the front of the claim form set as follows:

(a) Form 3861, *COD Loss Claim Filed by Mailer*.

(b) Form 3862, *Damage Claim Filed by Mailer*.

(c) Form 3863, *Damage Claim Filed by Addressee*.

(2) Prepare a pre-addressed, penalty reply envelope as follows:

Postal Data Center  
P.O. Box 14677  
St. Louis, MO 63180

(3) Attach the envelope to the claim form set. Send COD claims for loss to the addressee and one copy of Form 1510-A to the post office of address for search of delivery records. Send damage claims to the second customer (either the mailer or addressee).

**e. Exceptional Damage Claims.**

(1) If the claimant has possession of the damaged article and submits proof that it

was received by the addressee in a damaged condition, or that it was returned from the office of address as undeliverable, do not send the claim form to the addressee. Forward it directly to the St. Louis PDC for adjudication.

(2) If the addressee has paid for repair to a partially damaged article, mail the claim directly to the St. Louis PDC without the statement or signature of the mailer, *provided* you can determine from the insurance endorsement on the wrapper that the insurance fee paid was sufficient to have purchased insurance to cover the cost of repairs. Otherwise, forward the claim to the mailer for his evidence of insurance in accordance with Section 149.441.

**.34 APO/FPO Claims.**

**.341 Initiating Post Office.**

When preparing and forwarding APO/FPO claims:

**a. Determine Mailer's Location.**

Determine whether or not the mailer is still in an overseas area. Frequently, APO/FPO claims can be settled locally without contacting the port post office. The claim form set can then be forwarded directly to the St. Louis PDC. If the claim cannot be settled locally, prepare the claim form set as you would an ordinary domestic claim (except do not enter a claim number and do not detach copy 4—Form 3841). You may make a copy of the 3841 for your records.

**b. Form Letter.**

Select and attach the appropriate form letter (see 149.333d) and forward as follows: *Overseas Military Mail.* To the postmaster at the port post office identified in the mailer's or addressee's address:

(a) Postmaster San Francisco, CA 94101.

(b) Postmaster New York, NY 10001.

(c) Postmaster Seattle, WA 98109.

(d) Postmaster Miami, FL 33152.

**.342 Port Post Office.**

a. Upon receipt of an APO/FPO claim initiated by another post office, take the following action:

(1) Enter your own claim number.

(2) Detach and file copy 4 (Form 3841) of the claim form set.

(3) Forward the claim form set to the next contact point.

b. When the claim form set is returned to your office:

(1) Annotate the Form 3841 appropriately.

(2) Forward the claim form set to the St. Louis PDC for adjudication.

**.35 Additional Post Office Responsibilities.**

**.351 General Assistance to Customers.**

**a. Claim Form Initiated at Another Office.**

If a customer comes into your office with any one of the form letters mentioned in Section 149.333d and a partially completed Form 3812, follow these procedures:

(1) Read carefully the form letter which transmitted directions to the customer.

(2) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(3) Place the completed Form 3812 and all other material which the customer has received in the pre-addressed PDC envelope and mail.

**b. Verifying Insurance Receipt.**

When the addressee has filed a damage claim and the amount of indemnity claimed exceeds \$50 on insured claims or \$10 on COD claims, the mailer must present his original insurance receipt for verification. Verification may be accomplished at any post office, classified station or branch. Reproductions of receipts are not acceptable. Accept the insurance receipt, the partially completed Form 3812, and the form letter of instructions from the mailer. Follow these procedures:

(1) Read carefully the form letter which transmitted directions to the customer.

(2) Complete items 9 and 10 on Form 3812 (see 149.313a).

(3) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(4) Endorse the insurance receipt *Claim Filed*, date stamp and initial it. Return the receipt to the customer and instruct him to keep it until the claim is settled.

(5) Place the completed Form 3812 and all other material which the customer has received in the pre-addressed PDC envelope and mail.

#### 352. Inquiries and Duplicate Claims. a. Initiating Post Office.

If a customer inquires about the status of a claim, first ensure that the required time has elapsed for a duplicate claim (45 days). If the required time has elapsed, prepare and process a duplicate claim as follows:

(1) Check to see that the original mailing receipt has been properly annotated to indicate an original claim was filed. If it does not so indicate, a duplicate claim cannot be filed, and original claim procedures must be followed.

(2) Use the information on the original Form 3841 to complete as much of the duplicate Form 3812 as possible. Enter the same claim number, date mailed, and claim date that appeared on the original Form 3812. Obtain the signature of the customer who initiated the original claim.

(3) Mark the top of the Form 3812 Duplicate. Date stamp Item 20 and sign.

(4) Annotate the original Form 3841 "Duplicate Claim Initiated on (date)." Do not detach the Forms 1510-A or 3841 from the duplicate claim form set.

(5) Forward the entire package to the post office which serves the second customer. APO/FPO claims must be sent to the Post Office. (See 149.341 for locations.)

(6) On claims for loss of insured articles, it is not necessary to again obtain evidence that the addressee had not received the article. This was provided when the original claim was filed.

#### b. Receiving Post Office.

Upon receipt of a duplicate claim form set, the post office which serves the second customer will *within five days*:

(1) Verify delivery records for numbered insured or COD mailings.

(2) Make a positive effort to contact the addressee to verify delivery or non-delivery of all COD claims for complete loss (phone call is acceptable). Check post office records of parcels returned to the mailer. Annotate the findings, including telephone information, in item 23 of Form 3812. Detach Form 3841 and file alphabetically by mailer's name. Send claim to the St. Louis PDC for adjudication.

(3) For damage or partial loss claims, obtain the required information and signatures. Detach Form 3841 and file alphabetically by mailer's name. Send claim to the St. Louis PDC.

(4) Do not allow duplicate claims to be removed from Postal Service control.

353. Verifying Delivery.  
Verify delivery records on all numbered insured (except APO/FPO) and COD loss claims. (Do not verify delivery records on unnumbered loss and damage claims.) Follow these procedures:

#### a. Accepting Post Office.

(1) Numbered Insured.  
Send the complete claim form set (Form 3812 and two Form 1510-A's), with the evidence that the addressee did not receive the article, directly to the post office of address.

(2) COD Loss.  
Detach the first copy of Form 1510-A from the claim set (Form 3812); date stamp and mail to the postmaster at the office of address. Mail the remainder of the claim set to the addressee (see 149.333d).

b. Postmaster at Post Office of Address.  
Upon receipt of a Form 1510-A or the claim form set from the accepting postmaster, take the following action *within five days*:

(1) Check Delivery Record.  
Check delivery record (Form 3849, *Notice of Mail Arrival or Attempted Delivery*, or Form 3883, *Firm Delivery Book*) to verify whether or not the article was delivered. When COD claims are received, search the tag file; if no record is found, search the file of Forms 3814 at main office, station or branch involved. Check delivery records beginning the date of mailing and continuing for the next 30 calendar days. Follow these procedures, as appropriate:

(a) No Record.  
If there is no record of delivery, annotate the right hand blank portion of the Form 1510-A or Item 23 on Form 3812, *No Record*, initial, and date stamp.

(b) Record Is Found.  
If there is a record of delivery, date stamp, write the date of delivery, to whom delivered, and indicate any unusual delivery conditions on the right hand blank portion of the Form 1510-A or in Item 23 on Form 3812. For COD's write the date of delivery, indicate any unusual delivery conditions, and furnish the money order number(s). If none were issued, so indicate. Attach a copy of Form 3818 if applicable.

(c) Parcel Returned or Refused.  
If the parcel (insured or COD) was returned to sender or refused, indicate this on the right side blank portion of the Form 1510-A or in Item 23 on Form 3812. Date stamp and return to the mailing postmaster for verification of return. The mailing postmaster will indicate (also on the right side blank portion of Form 1510-A or in Item 23 of Form 3812) whether or not he has a record of return, provide the date returned to the sender, and date stamp.

(d) Article Forwarded.  
If the article was forwarded to another post office, show the forwarding address and date on the 1510-A. Send the 1510-A to that office.

(2) Signature.  
The signature of the searching employee must be placed by the office date stamp.

(3) Forwarding.  
Batch and return Forms 1510-A and Forms 3812 claim form sets daily to:

Director, Postal Data Center  
P.O. Box 14677  
St. Louis, MO 63180

c. APO/FPO Claims.  
(1) Send APO/FPO numbered insured loss claims to the appropriate port post office with Forms 1510-A and 3841 attached (see 149.341b(1)).

(2) Send APO/FPO damage claims to the addressee with both copies of 1510-A attached.  
(3) Send APO/FPO duplicate claims to the addressee's port post office with Forms 1510-A and 3841 attached (see 149.341b(1)).

#### 149.4 Registered Mail Claims.

41. How to File.  
411. Required Forms.  
A customer may file a claim at any post office, classified station or branch. Form 565, *Registered Mail Application for Indemnity*, dated June 1980 or later, must be used to file a claim for loss or damage of registered mail that was insured by the Postal Service. **DO NOT COMPLETE A SEPARATE FORM 1510-A OR 3841 FOR REGISTERED CLAIMS.** A claim has not been filed until a completed Form 565 has been received by the Postal Service.

412. How to Complete Form 565.  
a. Items 2-9 and 13-22 or 24-27.  
Form 565 must be completed by typewriter or ball point pen. The accepting postal employee, with the assistance of the claimant, will complete Items 2 through 10 and Items 13 through 23 or 24 through 27, of Form 565, *Registered Mail Application for Indemnity*. Complete Items 2 through 9 and 13 through 27 as follows:

Item 2. Enter the name, address, and ZIP CODE of the mailer.

Item 3. Enter the name, address and ZIP CODE of the addressee.

Note.—Be sure to check the *Payee* block in either Item 2 or 3 to indicate who should receive the indemnity payment.

Item 4. Enter the register number.

Item 5. Check the appropriate block to indicate the type of claim.

Item 6. List and describe the lost, missing or damaged articles. For damage claims, describe packaging in detail.

Item 7. Enter the total amount claimed, excluding postage.

Item 8. For damage claims only, list location of the damaged articles.

Item 9. Indicate if the article was commercially insured. If yes, give the policy number, name and address of the insurance company and the amount of the deductible, if appropriate.

Item 11. The addressee must complete this block.

Items 13-22 or 24-27. Enter the required information. Use the mailer's original registered mail receipt for this information. Reproduced copies are not acceptable.

b. Endorsements and Signatures (Items 10 or 12; 23 or 28).

The accepting post office employee will endorse the customer's original mailing receipt *Claim Filed*, then date and sign. Return the receipt to the customer and instruct him to keep it until the claim is settled. Have the claimant sign, date and enter telephone number on the claim either in Item 10 or 12, whichever is appropriate. Also, the postmaster, or his designated representative, must date and sign the form either in Item 23 or 28, whichever is appropriate.

**c. Claim Identification.**

The claimant must complete the identification section at the bottom of the claim form. The individual listed on the identification section must be either the person listed in Item 2 or 3.

.42 Disposition of Damaged Article. See 149.6.

**.43 Processing Form 565.**

Send claim form and documentation to the second post office for completion of the claim form.

**.44 Additional Post Office Responsibilities.**

**.441 Claim Form Initiated at Another Office.**

**a. Mailing Office (Sent From Address Office).**

(1) Request the mailer to appear with the necessary documentation. **DO NOT RELEASE THE CLAIM FORM TO THE MAILER.**

(2) Complete claims for damaged registered articles received from the office of address by having mailer sign, date and enter telephone number on the claim in Item 10. Complete Items 13 through 23.

(3) Endorse the original registered mail receipt *Claim Filed*, date and sign. Return the receipt to the customer and instruct him to keep it until the claim is settled. Customers using firm mailing books must submit the original copy. Reproduced copies are not acceptable.

(4) If the form is complete (including those claims for registers declared at NO VALUE), dispose of as follows (DO NOT SEPARATE PARTS OF FORM REMAINING):

(a) Forward all claims for alleged wrong delivery, alleged rifling and no value loss to the local postal inspector-in-charge. Endorse the envelope, *Form 565*. The rifled envelope or package must accompany the claim file.

(b) Send claims for damage and for loss with value to the Director, Postal Data Center, P.O. Box 14632, St. Louis, MO 63180. Endorse envelope, *Form 565*.

**b. Address Office (Claims Sent From Mailing Office).**

(1) When a claim is for loss, search files (Forms 3849, Delivery Notice or Receipt; 3883, Firm Delivery Book; 3867, Registered and Certified Matter Received For Delivery; and manifold bills) for record of receipt and/or delivery and endorse claim form to indicate results (Item 27).

(2) If there is no record of delivery, request the addressee to appear. **DO NOT RELEASE THE CLAIM FORM TO THE ADDRESSEE.**

(3) If the claim is for damage and the addressee has possession of the damaged article, the article and the packaging must be presented for inspection and retained by the post office until released by the PDC.

(4) Complete the claim form (Items 24 through 27).

(5) If Form 565 is incomplete, return to postmaster, office of mailing. If Form 565 is complete, follow instructions in 149.441(a)(4) (a) or (b) for disposition.

(6) All portions of the claim form must be completed within *seven (7) days* after receipt and forwarded to the St. Louis PDC or the Inspection Service, whichever is applicable. .442 Inquiries and Duplicate Claims.

**a. Inquiries.**

**(1) Memorandum.**

Provided at least three months but not more than six months have elapsed since the claim was initiated, process the customer's inquiry by sending a memorandum requesting status to the:

Postal Data Center  
P.O. Box 14632  
St. Louis, MO 68180.

**Note.**—The memorandum must identify: the nature of the claim, registration number, the name and addresses of both mailer and addressee, the date of mailing, and the date the claim was filed.

**(2) Follow-ups.**

Depending upon the response from the PDC, proceed as follows:

(a) If the PDC indicates that the claim has been received, annotate the Form 3941 and inform the customer who initiated the inquiry.

(b) If the PDC has no record of the claim, they will provide further instructions.

**b. Duplicate Claims.**

**(1) Restrictions.**

Duplicate claims must not be accepted or submitted unless requested by the St. Louis PDC or the Office of Mail Classification, USPS Headquarters.

**(2) Processing Duplicate Claims.**

When instructed, the initiating post office will prepare and process a duplicate claim as follows:

(a) Use the information on the original Form 3841-A to complete as much of the duplicate Form 565 as possible. The signature of the customer who initiated the claim and the supporting documents are necessary.

(b) Mark the top of the Form 565 *Duplicate*.

(c) Annotate the original Form 3841-A to indicate that a duplicate claim has been initiated and the date forwarded to the second post office.

(d) Process through normal channels.

**149.5 Express Mail Claims.**

**.51 How To File.**

**.511 Who May File.**

Claims may only be filed by the mailer at the post office that accepted the Express Mail shipment. See 294 and 295.

**.512 Required Forms.**

Claims for loss or damage filed by the mailer must be filed on Form 5690, *Express Mail Application For Indemnity*. A claim has not been filed until a completed Form 5690 has been accepted by the Postal Service.

**.513 When To File.**

**a. Loss Claims.**

All claims for loss may be filed no earlier than seven days following the date of

mailing, and all claims must be filed not later than 60 days from the date of mailing.

**b. Damage Claims.**

Claims for damage should be filed immediately, but must be filed no later than 60 days from the date of mailing.

**.514 Required Information.**

**a. General.**

The mailer or addressee must present the damaged article and packaging at the post office when the claim is filed. The mailer must also present the customer copy of the mailing label at the time the claim is filed. The customer copy of the mailing label must be attached to the claim form at the time the claim is filed.

**b. Merchandise and Document Reconstruction.**

In the event claims are required for both Merchandise Insurance and Document Reconstruction Insurance on the same shipment, two Forms 5690 must be completed and processed. Complete documentation must be attached to each claim form, supporting the type of loss or damage claimed. The two claims must be submitted together.

.52 Disposition of Damaged Article. See 149.6.

**.53 Adjudication.**

The St. Louis PDC (or the Office of Mail Classification, USPS Headquarters, at its discretion) will adjudicate and pay or disallow all Express Mail claims.

**149.6 Disposition of Damaged Articles.**

For a completely damaged article that will have little or no salvage value (such as smashed glassware), allow the customer to retain the article if he or she so desires; otherwise destroy it. If the completely damaged insured, COD, or Express Mail article will have salvage value, retain it for 90 days, then forward it to your dead parcel branch (see 159.561b) on the next weekly dispatch. Use Form 3831, *Receipt For Article(s) Damaged in Mails*. If the customer's claim is denied, the article must be returned upon request. For registered mail damage claims, the article and the packaging must be retained and protected at the post office until released by notification from the St. Louis PDC.

**149.7 Payment Conditions, Recovery of Articles, and Reimbursement.**

**.71 Payment Conditions.**

**.711 Insufficient Fee.**

If, through established error by the Postal Service, a fee was charged which was less than that required to cover the amount of insurance coverage requested at the time of mailing, the mailer may be permitted to pay the deficiency in fee. Indemnity may be paid within the limit fixed for the higher fee. This only applies to the insurance fee when the article is insured. An additional fee may not be paid to register an article previously insured or to increase the indemnity on the registered article.

**.712 Loss or Total Damage.**

If the insured, registered or COD article was lost or the *entire* contents totally damaged, the payment will include an additional amount for the postage (not fee) paid by the mailer.

**.713 Mailer and addressee Claim Insurance.**

If both mailer and addressee claim insurance, they should decide between themselves who should receive payment. If no agreement is reached, payment will be made to the mailer, if a payment is due.

**.714 Incompetent or Deceased Payee.**

If the payee is incompetent or deceased, payment will be made to the legal representative. If there is no legal representative, payment will be made to such relative or representative of the payee as is entitled to receive the amount due, in accordance with applicable State laws.

**.72 Disposition of Recovered Article.**

When a lost registered, insured, COD or Express Mail article is recovered, the payee may accept the article and reimburse the Postal Service for the full amount paid if the article is undamaged, or for such other amount as may be determined by the Director, Office of Mail Classification, USPS Headquarters, if the article is damaged, has depreciated in value, or the contents are not intact.

**.73 Reimbursements.****.731 Reimbursement Tendered.**

If reimbursement is tendered representing an overpayment, erroneous or improper indemnity claim payment, or a voluntary indemnity refund, postal personnel will accept it and issue a receipt. Send all reimbursements to the St. Louis PDC, with all claim identifying information. Personal checks, money orders, or other negotiable instruments should be made payable to the Postal Service. If the instrument is made payable to the postmaster, he must sign his name and restrictively endorse it *Pay to Postal Service*, and remit as above. Do not mark an entry in the cashbook.

**.732 Reimbursement Not Tendered.**

When an overpayment, erroneous, or improper indemnity claim payment is disclosed and repayment is not tendered, report it to the Director, St. Louis PDC, by memorandum, so it may be placed under accounts receivable control by the PDC.

**149.8 Appeals and Postal Service Authority.****.81 Appeals.**

All appeals of Postal Service claim decisions must be filed within three months of the date of the original decision. Appeals must be sent to:

Postal Data Center  
P.O. Box 14677  
St. Louis, MO 63180

**.82 Postal Service Authority.**

The requirements established in 149 may be waived in favor of the customer when the Director, Office of Mail Classification, USPS Headquarters, determines it is in the best interest of the Postal Service.

[FR Doc. 81-10749 Filed 4-6-81; 8:45 am]

BILLING CODE 7710-12-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[A-5-FRL 1786-7]

**Approval and Promulgation of Implementation Plans; Wisconsin**

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** The United States Environmental Protection Agency (EPA) announces today final rulemaking action on the following portions of the Wisconsin State Implementation Plan (SIP): NR 154.01 (126m) Definitions, NR 154.02 Applicability, delayed compliance, variances; NR 154.03, Nonattainment areas, sources affected; NR 154.06 Sources reporting, recordkeeping, testing, inspection and operation; and NR 154.12 (4) and (5) sulfur dioxide (SO<sub>2</sub>) regulations for the Village of Brokaw in Marathon County and the City of Madison in Dane County. EPA published a notice of proposed rulemaking action to approve these revisions on April 4, 1980 (45 FR 22982). Based on its review of the state's response and the public comments, EPA takes final rulemaking action to approve these revisions to the Wisconsin State Implementation Plan.

**EFFECTIVE DATE:** This final rulemaking becomes effective May 11, 1981.

**ADDRESSES:** Copies of the SIP revision, and the public comments on the Notice of Proposed Rulemaking are available for inspection at the following addresses:

U.S. Environmental Protection Agency,  
Air Programs Branch, Region V, 230  
South Dearborn Street, Chicago,  
Illinois 60604

U.S. Environmental Protection Agency,  
Public Information Reference Unit, 401  
M Street, S.W., Washington, D.C.  
20460

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

**FOR FURTHER INFORMATION CONTACT:**  
Debra Marcantonio, Regulatory  
Analysis Section, Air Programs Branch,  
U.S. Environmental Protection Agency,  
Region V, 230 South Dearborn Street,  
Chicago, Illinois 60604. (312) 886-6088.

**SUPPLEMENTARY INFORMATION:** On  
March 3, 1978 (43 FR 8962) and on  
October 5, 1978 (43 FR 45993), pursuant  
to the requirements of section 107 of the  
Clean Air Act (Act) as amended in 1977,  
EPA designated certain areas in each  
Region V state as not meeting the  
National Ambient Air Quality Standards

(NAAQS) for total suspended particulates, sulfur dioxide, carbon monoxide, photochemical oxidants, and nitrogen dioxide.

Part D of the Clean Air Act, as amended in 1977, requires each state to revise its SIP to meet specific requirements for areas designated as not attaining the NAAQS. The SIP revisions must demonstrate attainment of the NAAQS by December 31, 1982. In certain circumstances however the date may be extended to no later than December 31, 1987 for ozone and/or carbon monoxide. The requirements for an approvable SIP are described in a Federal Register notice published April 4, 1979 (44 FR 20372). Supplements to the April 4, 1979 notice were published on July 2, 1979 (44 FR 38583), August 28, 1979 (44 FR 50371), September 17, 1979 (44 FR 53761), and November 23, 1979 (44 FR 67182).

On July 12, 1979, the Secretary of the Department of Natural Resources (DNR) submitted to EPA revisions to the Wisconsin SIP. On September 4, 1979, the Secretary submitted additional background material. On November 27, 1979, the Secretary submitted all of Wisconsin's air regulations that were in effect at the date of the submission.

On April 4, 1980 (45 FR 22982), EPA proposed rulemaking action on the following portions of Wisconsin's submittals:

1. An addition to NR 154.01, Definition—(126m) Silt content;
2. Amendments to NR 154.02, Applicability, delayed compliance, variances;
3. A revision of NR 154.03, Nonattainment areas, sources affected;
4. A revision of NR 154.06, Sources reporting, recordkeeping, testing, inspection and operation; and
5. Amendments to NR 154.11, Control of particulate emissions.

These regulations were effective in Wisconsin as of October 1, 1979.

However, on November 6, 1980 the Director of the Wisconsin DNR withdrew certain critical portions of NR 154.11, Control of particulate emissions. The state expects to submit revised sections of the particulate regulation in the near future. EPA will at that time propose action on the revised regulations for public comment.

Additionally, in the April 4, 1980 proposed rulemaking, EPA proposed to approve the SO<sub>2</sub> regulations for the Village of Brokaw in Marathon County and the City of Madison in Dane County NR 154.12 (4) and (5). The SO<sub>2</sub> regulations were adopted by the Wisconsin Natural Resources Board and were forwarded to the Wisconsin Revisor of Statutes for publication on

September 21, 1979 and October 29, 1979, respectively. These regulations were effective in Wisconsin as of December 1, 1979 (Madison) and February 1, 1980 (Brokaw). The final regulations were submitted to EPA on May 1, 1980. These regulations are identical to the previously submitted regulations which were the subject of EPA proposed rulemaking on April 4, 1980.

The April 4, 1980 notice did not propose action on NR 154.12 (1), (2) and (3) which pertain to the control of sulfur emissions. Rulemaking on these regulations will be proposed in a separate action.

EPA is today taking final action to approve the following portions of the Wisconsin SIP which were proposed on April 4, 1980: NR 154.01 Definitions; NR 154.02 Applicability, delayed compliance, variances; NR 154.03 Nonattainment areas, sources affected; NR 154.06 Source reporting, recordkeeping, testing, inspection and operation; and NR 154.12 (4) and (5) SO<sub>2</sub> regulations for the Village of Brokaw in Marathon County and the City of Madison in Dane County.

Additionally, on November 30, 1979 USEPA announced approval of the State of Wisconsin's request for an extension until March 1, 1980 of the statutory timetable for submittal of its SIP revision which provides for attaining the secondary NAAQS for TSP (44 FR 68829). However, on May 13, 1980 the State of Wisconsin requested an additional extension until July 31, 1980. Since both requests are in conformance with section 110(b) of the Clean Air Act and 40 CFR 51.31, which allow a state under certain conditions to request an extension for up to 18 months and since the State of Wisconsin's initial request was only for 14 months, USEPA is now granting Wisconsin the full 18 month extension period. Therefore, this notice also announces approval of an extension for submission of the portion of Wisconsin's SIP revision which provides for attaining the secondary NAAQS for TSP in Brokaw, Green Bay, Kenosha, LaCrosse, Madison, Manitowoc, Marshfield, Neenah, Oshkosh, Racine, and Superior until July 1, 1980, which is the maximum allowed under section 110(b) of the Clean Air Act.

Today's action on Wisconsin's SO<sub>2</sub> control strategies does not lift the growth restrictions on major SO<sub>2</sub> sources in SO<sub>2</sub> nonattainment areas established under Section 110(a)(2)(I). The restrictions will remain in effect until EPA has taken final action to approve or conditionally approve

Wisconsin's New Source Review program.

The measures USEPA are approving today have been integrated within Wisconsin's existing SIP regulations. The present emission control regulations 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 regulations. In some instances, the present emission control regulations contained in the federally approved SIP are different from the regulations currently being enforced by the state. In these situations, the present federally approved SIP will remain applicable and enforceable until there is compliance with any applicable newly promulgated and federally approved regulations.

Failure of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, which may include assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The principal exception to this rule is in cases where there is a conflict between the requirements of the new regulations 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 regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemption granted will be reviewed and acted on by the EPA as a SIP revision.

#### Public Comments

During the public comment period for the April 4, 1980 notice of proposed rulemaking, six comments were received which included a submission from the Wisconsin DNR dated May 1, 1980. The majority of the issues raised in the comments concerned the regulations for the Control of Particulate Emissions, NR 154.11. Since Wisconsin DNR withdrew these regulations on November 8, 1980, they are not a part of today's rulemaking. Therefore, only the issues raised in the public comments which are relevant to this rulemaking action are discussed below.

*Comment:* The Wisconsin DNR commented that NR 154.02(2) "Delayed Compliance Orders" is not a variance procedure. It prescribes conditions under which the state will issue a 113(d) order. Orders can be issued to a source in violation of an emission limitation

provided that the source achieve compliance within three years after the limitation becomes applicable and that other tests of the rule are met. The DNR stated that the rule should not be modified to state that a malfunction is a violation since only malfunctions which result in violation of an emission limitation are unlawful.

One commentator, however, felt that Wisconsin DNR should modify NR 154.02, such that it explicitly states that any malfunction or noncompliance with the SIP constitutes a violation.

*Response:* The Wisconsin DNR is correct. All malfunctions do not automatically result in violations. Therefore, the rule need not be modified as previously requested by EPA. Further, the Wisconsin DNR must submit to EPA for approval all Delayed Compliance Orders issued to major stationary sources. They will be reviewed for conformity with the requirements of Section 113(d) of the Clean Air Act.

*Comment:* One commentator stated that the SIP should contain a provision requiring facilities experiencing periodic or regular breakdowns or malfunctions of their control equipment to submit a detailed maintenance schedule to Wisconsin DNR and, in the case of major sources which impact a nonattainment area, to EPA as well.

*Response:* The Wisconsin DNR does already have a SIP provision for malfunction prevention and abatement plans in NR 154.06(9). This provision requires a source to prepare a malfunction and abatement plan to prevent, detect and correct malfunctions or equipment failures which may cause an emission limitation to be violated. Since the Wisconsin DNR has primary responsibility in enforcing its regulations, it is appropriate that these reports be sent to them. This information, however, is available from the Wisconsin DNR upon EPA's request.

*Comment:* One commentator felt that EPA's approved methods for conducting source tests cannot adequately cover all possible testing situations. The requirement to submit Wisconsin DNR's alternate methods to EPA as SIP revisions introduces an unnecessary delay and regulatory involvement into what should be a technical decision.

*Response:* Since alternate test methods can have the effect of changing the emission limitation and the compliance status of the source, it is necessary that all alternate test methods approved by the Wisconsin DNR be submitted to EPA as SIP revisions.

*Comment:* One commentator objected to EPA's contention that "any and all" methods and techniques may be used in

inspections and refers the Agency to Section 114 of the 1977 Clean Air Act which the commenter stated defines and limits the Agency's right to inspect sources.

*Response:* Section 114 of the Clean Air Act does not specifically define and limit the Agency's right to inspect sources as stated in the public comment. Section 114(a)(1) states that the Administrator may require any person who owns or operates any emission source to provide various types of information "as he may reasonably require." Therefore, Section 114 provides the Administrator with discretion to determine what information he requires and the methods and techniques appropriate to obtain that information.

*Comment:* One commenter was concerned that NR 154.02(3), which gives the state the right to grant source-specific variances from reasonably available control technology (RACT) requirements did not require minor source variances to be submitted as SIP revisions and therefore suggested that EPA require that a SIP revision be submitted for "blanket variances" (groups of point sources which are not defined as major sources but which collectively would amount to a major source) for EPA review and approval.

*Response:* Wisconsin's regulation NR 154.02(3) requires all variances including RACT to be submitted to EPA for approval as a SIP revision regardless of any classification as a major or minor source. The April 4, 1980 notice of proposed rulemaking stated only major sources would require a SIP revision. However, RACT variances for all sources in Wisconsin must be submitted to the EPA for approval and will be treated as revisions to the SIP.

*Comment:* In response to the statement in the notice of proposed rulemaking regarding the requirement for Wisconsin DNR to submit a SIP revision should a source in the Village of Brokaw decide to switch to coal, the Wisconsin DNR commented that there is only one deactivated boiler in the Village of Brokaw capable of firing coal. Wisconsin DNR acknowledged that if the facility activates this boiler, a SIP revision is required. Resumption of operation would be a modification under Wisconsin regulations and would require a permit. Therefore, the SIP revision would be submitted in the form of a permit.

*Response:* EPA maintains its position that if a source in the Village of Brokaw switches to coal, a SIP revision will be required which demonstrates attainment and maintenance of the NAAQS.

Wisconsin DNR has addressed EPA's concern in an acceptable manner.

#### Summary of EPA Action on Revisions

##### NR 154.01 (126m)—Definition of Silt Content

EPA proposed to approve a definition of the term "silt content" as that which is determined by the dry method in ASTM C136-76. No comments were received regarding the new definition. EPA approves NR 154.01 (126m).

##### NR 154.02—Applicability, Delayed Compliance, Variances

NR 154.02(2) is not a variance procedure as previously noted in the April 4, 1980 notice of proposed rulemaking. It prescribes conditions under which the state will issue the state equivalent of a Section 113(d) order. It is to be issued to sources in violation of an emission limitation provided the source can achieve compliance within three years after the limitation becomes applicable and the other tests of the rule are met. To qualify for an order a source must be found in violation because of malfunction, equipment failure, act of God, or some other condition beyond the entity's control.

In the notice of proposed rulemaking EPA requested Wisconsin to modify NR 154.02 to explicitly state that a malfunction is a violation. EPA recognizes that all malfunctions do not automatically result in violations. Therefore, the rule should not be modified as previously requested by EPA. Further, Wisconsin must submit to EPA for approval all Delayed Compliance Orders issued to major sources. They will be reviewed for conformity with the requirements of Section 113(d) of the Clean Air Act.

Also, the notice of proposed rulemaking stated that Wisconsin was required to submit to EPA as SIP revisions RACT variances for major sources. Regulation NR 154.02(3) requires all RACT variances to be submitted to EPA for approval as SIP revisions regardless of any classification as a major or minor source. Therefore, RACT variances for all sources must be submitted to EPA as SIP revisions.

USEPA approves NR 154.02: Applicability, delayed compliance, variances.

##### NR 154.03—Nonattainment Areas; Sources Affected

NR 154.03 authorizes the DNR to publish nonattainment area designations and lists of sources which impact upon such nonattainment areas. Because these listings determine the applicability

of emission limitations to specific sources, these lists of sources must be submitted as revisions to the SIP.

EPA approves NR 154.03: Nonattainment areas; sources affected.

##### NR 154.06—Sources Reporting, Recordkeeping, Testing, Inspection and Operation

NR 154.06(5)(b)3 requires the use of the ASME performance test code 27. EPA approved methods or other methods approved by the DNR to determine source compliance. These test methods, however, are already part of the SIP. EPA recommends that all states use EPA methods when conducting source tests. If alternative test methods are approved by the DNR, these test methods must be submitted to EPA as SIP revisions.

NR 154.06(7), which is not significantly modified from requirements in the present SIP, requires a source to allow an inspector to enter its facility for the purpose of inspection. It is not clearly stated within the regulation as to what constitutes an "inspection", but EPA interprets this term to allow, at the inspecting agency's discretion, any and all necessary inspection techniques and methods.

EPA approves NR 154.06: Sources reporting, recordkeeping, testing, inspection and operation.

##### NR 154.12 (4) and (5)—Control of Sulfur Emission: Brokaw and Madison

On March 3, 1978 (43 FR 8962), EPA designated an area within the City of Madison in Dane County and the Village of Brokaw in Marathon County as nonattainment for the primary SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS). On April 4, 1980, EPA proposed to approve the Wisconsin SO<sub>2</sub> control strategy which was developed to provide for the attainment and maintenance of the SO<sub>2</sub> NAAQS for these areas.

Wisconsin developed the SO<sub>2</sub> control strategy using dispersion modeling. At the time Wisconsin DNR developed their modeling, EPA modeling guidelines called for the use of a multi-year meteorological data base, if available. In the absence of a multi-year data base, EPA guidelines considered a single year of data acceptable. Because only one year of data was available when Wisconsin DNR began the modeling for its SIP, EPA considered the single year data base to be adequate. EPA has since changed its policy and now requires five years of data (see 45 FR 42279). Therefore, all future Wisconsin analyses will be required to use five years of meteorological data.

As was discussed in the notice of proposed rulemaking, the regulations developed for the Village of Brokaw assume that the sources will continue to use natural gas or fuel oil. If a source in the area decides to burn coal, however, there would be no enforceable SO<sub>2</sub> emission limitation for that source. Therefore, in order for a source in the Village of Brokaw to switch to burning coal, it will be necessary for Wisconsin DNR to submit a SIP revision request to EPA which will assure the attainment and maintenance of the standard.

EPA approves NR 154.12 (4) and (5), the SO<sub>2</sub> regulations for the City of Madison in Dane County and the Village of Brokaw in Marathon County as contained in Wisconsin's rules.

The 1980 edition of 40 CFR Part 52 lists in the subpart for each state the applicable deadlines for attaining ambient standards (attainment dates) required by Section 110(a)(2)(A) of the Act. For each nonattainment area where a revised plan provides attainment by the deadline required by Section 172(a) of the Act, the new deadlines will be substituted on the attainment date charts. The earlier attainment dates under Section 110(a)(2)(A) will be referenced in a footnote in the charts. Sources subject to the plan requirements and deadlines established under Section 110(a)(2)(A) prior to the 1977 Amendments remain obligated to comply with those requirements, as well as with the new Section 172 plan requirements.

Congress established new deadlines under Section 172(a) to provide additional time for previously regulated sources to comply with new, more stringent requirements and to permit previously uncontrolled sources to comply with newly applicable emission limitations. If these new deadlines were permitted to supersede the deadlines established prior to 1977 Amendments, sources that failed to comply with the pre-1977 plan requirements by the earlier deadlines would improperly receive more time to comply with those requirements. Congress, however, intended that the new deadlines apply only to new, additional control requirements and not to earlier requirements. As stated by Congressman Paul Rogers in discussing the 1977 Amendments:

Section 110(a)(2) of the Act made clear that each source has to meet its emission limits "as expeditiously as practicable" but not later than the three years after the approval of a plan. This provision was not changed by the 1977 Amendments. It would be a perversion of clear congressional intent to construe Part D to authorize relaxation or delay of emission limits for particular sources. The added time for attainment of the national ambient air quality standards was

provided, if necessary, because of the need to tighten emission limits or bring previously uncontrolled sources under control. Delays or relaxation of emission limits were not generally authorized (123 Cong. Rec. H 11958, daily ed. November 1, 1977).

To implement fully Congress' intention that sources remain subject to pre-existing plan requirements, sources cannot be granted variances extending compliance dates beyond attainment dates established prior to the 1977 Amendments. Such variances would impermissibly relax existing requirements beyond the applicable Section 110(a)(2)(A) attainment date under the plan. Therefore, for requirements adopted before the 1977 Amendments, USEPA will not approve a compliance date extension beyond pre-existing 110(a)(2)(A) attainment dates, even though a Section 172 plan revision with a later attainment date has been approved.

However, in certain exceptional circumstances, extensions beyond a pre-existing attainment date are permitted. For example, if a Section 172 plan imposes new, more stringent control requirements that are incompatible with controls required to meet the pre-existing requirements, the pre-existing requirements and deadlines may be revised if a state makes a case-by-case demonstration that a relaxation or revocation is necessary. Any such exemption granted by a state will be reviewed and acted upon by EPA as a SIP revision. In addition, as discussed in the April 4, 1979 *Federal Register* (44 FR 20373), an extension may be granted if it will not contribute to a violation of an ambient standard or a PSD increment.

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 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 later in civil or criminal proceedings brought by EPA to enforce these requirements.

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

This notice is issued under authority of Sections 110, and 172 of the Clean Air Act, as amended, (42 U.S.C. 7410, 7502).

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

Dated: March 23, 1981.

Walter C. Barber,  
Acting Administrator.

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

1. Section 52.2570(c) is amended by revising paragraph (12) and adding new paragraphs (14) and (15) to read as follows:

§ 52.2570 Identification of plan.

(c) \* \* \*

(12) A request for an extension of the statutory timetable for the submittal of the portion of the Wisconsin SIP which provides for the attainment of the Secondary NAAQS for TSP was submitted by the Wisconsin DNR on February 22, 1979, and was supplemented with additional information on April 16, 1979 and May 13, 1980.

(14) On November 27, 1979 the Wisconsin Department of Natural Resources submitted revised rules NR 154.01 (126m), 154.02, 154.03 and 154.06. Support materials for these regulations were previously submitted on July 12, 1979 and September 4, 1979.

(15) On May 1, 1980, the Wisconsin Department of Natural Resources submitted the sulfur dioxide regulations NR 154.12 (4) and (5) for the Village of Brokaw, Marathon County and the City of Madison, Dane County.

2. Section 52.2575 is added as follows:

§ 52.2575 Control strategy: sulfur dioxide.

(a) Part D—Approval—With the exceptions set forth in this subpart, the Administrator approved the Wisconsin sulfur dioxide control plan.

(1) Part D—No action—USEPA takes no action on the Wisconsin sulfur dioxide rules NR 154.12 (1), (2) and (3).

3. Section 52.2577 is revised to read as follows:

§ 52.2577 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 Wisconsin's plan, except where noted.

4. Section 52.2582 is revised to read as follows:

§ 52.2582 Extensions.

The Administrator hereby extends until July 1, 1980 the statutory timetable for submission of Wisconsin's plan for attainment and maintenance of the Secondary NAAQS for TSP in Brokaw, Green Bay, Kenosha, LaCrosse, Madison, Manitowoc, Marshfield, Neenah, Oshkosh, Racine, and Superior. The plan will be due on July 1, 1980.

Air quality control region	Pollutant						
	TSP		SO <sub>2</sub>		NO <sub>x</sub>	CO	O <sub>3</sub>
	Primary	Secondary	Primary	Secondary			
Duluth (Minnesota)-Superior (Wisconsin) Interstate (AQCR 129):							
a. Primary/Secondary nonattainment areas	a	f	b	a	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
North Central Wisconsin Intrastate (AQCR 236):							
a. Primary/Secondary nonattainment areas	b	f	d	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Lake Michigan Intrastate (AQCR 237):							
a. Primary/Secondary nonattainment areas	b	f	c	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Southeast Minnesota-LaCrosse (Wisconsin) Interstate (AQCR 128):							
a. Primary/Secondary nonattainment areas	b	f	a	a	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Southern Wisconsin Intrastate (AQCR 240):							
a. Primary/Secondary nonattainment areas	b	f	d	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Southeastern Wisconsin Intrastate (AQCR 239):							
a. Primary/Secondary nonattainment areas	a	f	b	a	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Rockford (Illinois)-Janesville-Beloit (Wisconsin) Interstate (AQCR 73):							
a. Primary/Secondary nonattainment areas	b	a	c	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c
Metropolitan Dubuque Interstate (AQCR 68):							
a. Primary/Secondary nonattainment areas	a	a	c	c	c	c	d
b. Remainder of AQCR	c	c	c	c	c	c	c

a. July, 1975.

b. Air quality levels presently below primary standards or is unclassifiable.

c. Air quality levels presently below secondary standards or is unclassifiable.

d. December 31, 1982.

e. December 31, 1987.

f. 18-month extension granted.

NOTE.—Sources subject to the 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 these requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.2577 (1978).

For actual nonattainment designations refer to 40 CFR Part 81.

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.

[FR Doc. 81-10746 Filed 4-9-81; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 95 and 97

[SS Docket No. 78-352; RM-2857; FCC 81-122]

### Radio Service; Amendment of the Commission's Rules To Establish Procedures To Minimize Potential Interference to Radio Astronomy Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission is adopting rules in the Amateur Radio Service and in the General Mobile Radio Service (GMRS) to apply the protection procedures of the national radio quiet zone to Amateur radio stations in repeater operation, and to GMRS base, fixed, and mobile relay stations. The aim of the coordination procedures is to protect the observational and research activities of the National Radio Astronomy Observatory and the Naval Research Laboratory from harmful interference. These rules will preserve the uniqueness of the quiet zone as a national resource and prevent its deterioration which would be harmful to

the scientific and national defense posture of the United States.

**EFFECTIVE DATE:** May 13, 1981.

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

**FOR FURTHER INFORMATION CONTACT:**

Maurice J. DePont, Private Radio Bureau, (202) 632-4964.

**SUPPLEMENTARY INFORMATION:** In the matter of amendment of the General Mobile Radio Service (Part 95) and Amateur Radio Service (Part 97) Rules to establish procedures to minimize potential interference to Radio Astronomy Operations.

Adopted: March 26, 1981.

Released: April 3, 1981.

By the Commission: Chairman Ferris not participating.

1. On October 19, 1978, the Commission adopted a Notice of Proposed Rule Making in this proceeding which was published in the *Federal Register* on November 2, 1978 (43 FR 51048). In the Notice, it was proposed that the procedures for the protection of the operations of the National Radio Astronomy Observatory (NRAO), Green Bank, West Virginia, and the Naval Research Laboratory (NRL), Sugar Grove, West Virginia, be extended to fixed, base, and mobile relay stations in the General Mobile Radio Service (Part 95) and to stations in repeater operation in the Amateur Radio Service (Part 97). The final dates for the filing of comments and reply comments in this proceeding were March 5, 1979, and April 3, 1979, respectively.

2. The procedures mentioned above involve the establishment of a "quiet zone" in order to facilitate the activities of NRAO/NRL. The National Radio Quiet Zone (NRQZ) was first authorized by the Commission and the Interdepartment Radio Advisory Committee (IRAC) in 1958. The concept of the NRQZ is that of a national environmental asset where the level of man-made electromagnetic activity is suppressed and actively maintained at low levels to provide premium radio receiving conditions for Navy and national facilities near Green Bank and Sugar Grove. Sugar Grove is the site of a special Naval radio station operated for the Department of Defense, while Green Bank is the site of the National Radio Astronomy Observatory operated by the

National Science Foundation. The purpose of the NRQZ is not to eliminate the use of the radio spectrum within the boundaries of the zone, but rather, through coordination with existing regulatory bodies and users, to engineer the use of the spectrum and radiation paths in such a way that the radio interference levels at Green Bank and Sugar Grove will be maintained below specified levels to permit the successful operation of these important Navy and national facilities.

3. Since the inception of the NRQZ, NRAO/NRL have worked in cooperation with applicants in nearly all radio services licensed by the Commission to achieve a balance between the integrity of the zone and communications requirements in the zone. When the NRQZ was created in 1958, the Citizens Radio Service (as we now know it) was not in existence and stations in the Amateur Radio Service were operated in such a fashion that they posed no threat of harmful interference to NRAO/NRL. With the proliferation of amateur repeater operations and the new-found interest in fixed, base, and mobile relay facilities by General Mobile Radio Service licensees, NRAO/NRL felt it was necessary to be protected from harmful interference from these radio services. Hence, they petitioned the Commission in RM-2857 for that protection, and this proceeding was instituted.

4. Seven comments, including those of NRAO/NRL, were filed in support of applying the protection procedures of the quiet zone to Amateur radio stations in repeater operation and to base, fixed, and mobile relay stations in the General Mobile Radio Service. Eighty-four comments, filed by individuals, Amateur radio clubs, Citizens radio organizations, and local government entities, opposed the adoption of rules to afford protection to NRAO/NRL from interference by Amateur repeater operations or from General Mobile stations.

5. Essentially, the comments favoring quiet zone coordination procedures stressed the astronomer's contribution to the study of the size and nature of the universe, its origins and destiny, and stated that successful operation of a radio observatory requires preventing interference before it occurs. It was pointed out by the proponents that radio observatories are extremely vulnerable to interference because of the ultra-faint signals they receive and that their listening capability should be kept as free from interference as possible. Mr. Robert Bingham of Elgin, Illinois, in his comments, agreed that General Mobile

stations should be subject to the protection procedures because of "... the total disregard of the rules exhibited by large groups of [Part 95] users, especially in the 27 MHz portion . . .", but felt that Part 97 operators should not be required to abide by the coordination procedures "as long as there is only a suspicion that interference may happen." The National Telecommunications and Information Administration (NTIA) favored the NRAO/NRL position. It recalled how the two agencies involved had worked with other Federal agencies to insure that the signal strengths from radio transmissions within the zone were kept at acceptably low levels, and concluded: "It is inconceivable that the unique national resource of the NRQZ now be allowed to deteriorate. This Office therefore concludes that such action would be seriously detrimental to both the scientific and national defense posture of the United States."

6. In response to some concerns raised by amateur radio licensees, NRAO/NRL declared that, except for amateur repeater operations, they are not concerned to any degree with other amateur operations and that they have no intention of precluding all amateur operations in the quiet zone. Further, they emphasized that they would be required to pass on proposed amateur repeater operations within 20 days, thus defusing arguments that substantial amounts of time would be needed to process the proposals. Moreover, they assured that they would have no objections to any change or modification, for example, increase of power, of repeater facilities during an emergency. NRAO/NRL stated their concern as follows:

Some amateur repeaters already are creating serious interference to the Green Bank and Sugar Grove installations. NRAO has been able to hear and identify approximately 18 amateur repeaters of which 9 are believed to be within the zone. NRL has identified 8 or 10 repeater signals. All these repeaters are in the 144-148 MHz band. All of those within the zone as identified by NRAO are radiating on an average of 30-40 dB above the normal acceptable limits at Green Bank. . . . The problems being created by the already existing repeater stations plus the possibility of the inauguration of additional repeater facilities during the pendency of this proceeding makes time of the essence in pushing forward to finalization of the proposed rule before any new and additional repeaters are installed and before the situation in the Quiet Zone becomes chaotic.

7. Opposition to the proposal raised four main arguments: that there was already a lack of adequate communication facilities within the quiet zone to cope with emergency

situations; that coordination procedures were antithetical to deregulatory measures; that, today, Amateur repeater operation was to be subject to coordination procedures, but that regulation of *all* amateur operations was next; and, that interference to the work of NRAO/NRL by amateur repeater operations has not been proven.

8. The first assertion is raised in the comments of Charles F. Merica of Covington, Virginia, who said:

The only radio service out of their (NRAO and NRL) domain of regulation presently is amateur radio, and this is the intent and purpose of the proposed docket, to place amateur radio under the thumbnail control of Green Bank and Sugar Grove. The result of which, should the docket be passed, would be a negation of any real communications of our area (the Virginia Valley and Appalachia) with the outside world that now only amateur radio has to offer in case emergency or disaster strike our communities.

9. The American Radio Relay League (ARRL), in filed comments, said that the proposal contradicts the Commission's long-standing program of deregulating the Amateur Radio Service. ARRL recommended voluntary, cooperative agreements between NRAO/NRL and amateur operators.

10. ARRL also questioned the need for the proposal, claiming there have been no complaints that radio astronomy operations have been interfered with. ARRL also noted that NRAO/NRL are not entitled to the claim of harmful interference to their operations when they are listening on frequencies which have not been allocated to them by international regulations. ARRL also stated:

There are currently eight amateur repeaters within the Quiet Zone. Amateurs in the area have projected that no more than 10-12 new amateur repeaters might be placed into operation during the remainder of this century. It is difficult to understand how such a small number of relatively low-powered repeater stations can represent a hazard to the radio astronomy operations at Green Bank and Sugar Grove, particularly in light of the fact that at this time amateur repeaters comprise no more than four-tenths of one percent of stations in the Quiet Zone. Moreover, it is frightening to believe that these eight amateur repeaters, operating legally on frequencies allocated by international agreement to the Amateur Radio Service could actually compromise our national defense posture. Is our national defense system so vulnerable that the existence of a handful of legally operating low-powered stations can represent a threat to our nation's security?

11. Opposition comments also expressed the fear of regulatory control

over Amateur radio. John S. Harvey, of Fishersville, Virginia, commented:

In fact in the docket . . . the word repeater is used only twice, and could, I feel, be easily deleted and apply to not only repeaters but to individual amateurs who use the 144 MHz band as a means of communication.

12. We are required in this proceeding to choose between the public good and the individual aspirations of a group of radio users. Our decision is to adopt rules which will afford protection to the astronomy and research activities of NRAO/NRL.

13. Radio astronomy is a relatively new science. It had its conception in the United States in 1932 when it was discovered that weak noise signals in a radio receiver were extra-terrestrial in origin and appeared to emanate from a point in outer space in the area of the Milky Way. Subsequent work in this as well as other countries has confirmed the original observations. It has now been determined that electromagnetic radio signals may be radiated by the sun, the moon and other so-called "radio stars". In addition, radiated signals have also been observed from interstellar gaseous areas. These radiations may occur over a very wide band of frequencies. In the relatively short time since its discovery, the science of radio astronomy has contributed materially to our knowledge of astronomy, stellar physics and radio propagation. Protection from radiocommunication interference must be given to NRAO/NRL in order that they may continue this important work. They have already identified some amateur stations in repeater operation that are radiating radio energy at levels higher than the normal acceptable limits at Green Bank. Tests were made at Sugar Grove during the period February 17-20, 1979, which showed that the interference levels are considerably above minimum levels that would avoid harmful interference. We believe that their scientific endeavors should be protected from radio signals which would impede their research and observational activities.

14. With respect to the argument that adoption of the rules is against the spirit of deregulation, we disagree. Deregulation does not mean an absence of all rules and standards. Rather, it is the judicious use of regulations where they are needed. This is one such instance. As NRAO/NRL point out, voluntary guidelines, without the force of rules, would not bring about the necessary protection they need. For example, if a compromise proposal (for an amateur repeater operation vis-a-vis the two agencies' protection) was not acceptable to those wanting to establish an amateur repeater operation, a

recalcitrant operator could disregard the compromise sought by the agencies and put the repeater on the air and immediately start causing interference.

15. The other two objections are not persuasive. The rules will apply only to amateur radio stations in repeater operation and to fixed, base and mobile relay stations in the General Mobile Radio Service. There is no intention to later embrace all amateur radio stations. With respect to the concern expressed in the comments that there would be fewer radio stations in the quiet zone providing communications in time of emergency, it should be noted that the rules do not prohibit Amateur stations in repeater operation or General Mobile radio stations from being established or operated in the quiet zone. The rules simply apply the coordination and protection procedures to these stations. In addition, NRAO/NRL have said, as mentioned earlier, that they would not object to modification of repeater facilities in emergencies. There are also police, fire, special emergency, local government and Citizens Band radio stations in the quiet zone providing communications coverage in times of emergency.

16. In conclusion, we take official notice of the fact that, as recently as 1977, appropriate military and civilian officials reviewed the efficacy of the quiet zone. Pursuant to that review, IRAC's Ad Hoc Committee No. 141 found that the quiet zone is necessary and must be preserved.

17. For all of the foregoing reasons, we believe that the proposed rules should be adopted applying the Quiet Zone protection procedures to the Amateur radio and General Mobile radio stations specified herein. However, changes of a minor nature are necessary in the language of the rule for Part 97, since Amateur radio repeater stations are no longer separately licensed. Any Amateur radio operator under his present Amateur radio license could place his station in repeater operation in any area, including the Quiet Zone, without requesting additional license authority. Therefore, we are taking the notification procedure out of the licensing subpart of Part 97 as we had proposed in the Notice and placing it in the operating requirements subpart of the Amateur Radio Service rules.

18. Accordingly, it is ordered, That effective May 13, 1981, Parts 95 and 97 of the Commission's Rules are amended as shown in the Appendix, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. It is further ordered, That this proceeding is terminated and the docket is closed. Information on this matter may be obtained from Maurice J.

DePont, Personal Radio Branch, at (202) 632-4964.

(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.

A. Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

In § 95.17, a new paragraph (g) is added, as follows:

**§ 95.17 Filing of applications.**

(g) In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, West Virginia, and at the Naval Research Laboratory site at Sugar Grove, Pendleton County, West Virginia, any applicant for a license (other than mobile, temporary base, or temporary fixed) for a new station or for modification of an existing station in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39° 15' N. on the north, 78° 30' W. on the east, 37° 30' N. on the south, and 80° 30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia, 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity, if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the Observatory. If an objection to the proposed operation is received, within 20 days of the receipt of the application, from the National Radio Astronomy Observatory for itself or on behalf of the Naval Research Laboratory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

B. Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

In § 97.85, a new paragraph (f) is added, as follows:

**§ 97.85 Repeater operation.**

(f) The licensee of an amateur radio station, before modifying an existing station in repeater operation in the

National Radio Quiet Zone, or before placing his/her amateur station in repeater operation in the National Radio Quiet Zone, shall, after May 13, 1981, give written notification thereof to the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, West Virginia, 24944. Station modification is any change in frequency; power; antenna height or directivity; or the location of the station.

(1) The notification shall include the geographical coordinates of the antenna, antenna height, antenna directivity, if any, proposed frequency, type of emission, and power.

(2) The National Radio Quiet Zone is the area bounded by 39° 15' N. on the north, 78° 30' W. on the east, 37° 30' N. on the south, and 80° 30' W. on the west.

(3) If an objection to the proposed operation is received by the Commission from the National Radio Astronomy Observatory at Green Bank, Pocahontas County, West Virginia, for itself or on behalf of the Naval Research Laboratory at Sugar Grove, Pendleton County, West Virginia, within 20 days from the date of notification, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

[FR Doc. 81-10728 Filed 4-8-81; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 74-14; Notice 21]

### Federal Motor Vehicle Safety Standards; Occupant Crash Protection

**AGENCY:** Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this notice is to amend Safety Standard No. 208, *Occupant Crash Protection*, to delay for one year the effective date of the first phase of the automatic restraint requirements of the standard. Prior to this notice, the automatic restraint requirements were scheduled to become effective for large cars on September 1, 1981 (model year 1982), for mid-size cars on September 1, 1982 (model year 1983), and for small cars on September 1, 1983 (model year 1984). As amended by this notice, the requirement for equipping large cars with automatic restraints will not take effect until September 1, 1982, or model year 1983.

This one-year delay in the automatic restraint requirements is being specified

in light of dramatic changes in production plans for the model-year 1982 fleet (fewer large cars and more small cars) and because the economic and other justifications for the existing phase-in schedule have changed drastically since the standard was adopted in 1977.

The one-year delay will also allow the Department sufficient time to re-evaluate the entire automatic restraint standard as required by the Presidential Executive Order 12291 (February 17, 1981). The Department is simultaneously issuing a notice of proposed rulemaking in today's issue of the **Federal Register** discussing further possible changes in the automatic restraint standard.

**DATE:** The new effective date of the automatic restraint requirements for large cars is September 1, 1982.

**ADDRESSES:** Any petitions for reconsideration should refer to the docket number and notice number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Finkelstein, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-1810).

**SUPPLEMENTARY INFORMATION:** On February 12, 1981, the Department of Transportation issued a notice of proposed rulemaking to delay for one year the first phase of the automatic restraint requirements of Safety Standard No. 208, *Occupant Crash Protection* (46 FR 12033). Automatic restraints are systems that require no action by vehicle occupants, such as buckling a seat belt, to be effective. Two existing systems that qualify as automatic restraints are air cushion restraints (air bags) and automatic seat belts (belts which automatically envelop an occupant when entering the vehicle and closing the door).

The automatic restraint requirements were added to Standard No. 208 on July 5, 1977 (42 FR 34289), and require installation in accordance with the following schedule:

- For full-size cars (wheelbase greater than 114 inches) beginning September 1, 1981 (1982 model year);
- For mid-size cars (wheelbase not more than 114 inches but greater than 100 inches) beginning September 1, 1982 (1983 model year);
- For small cars (wheelbase less than 100 inches) beginning September 1, 1983 (1984 model year).

The February notice issued by the Department proposed to alter this phase-in schedule by deferring the first

phase (large cars) for one year, from model 1982 to model year 1983. The proposal noted that such a change may be appropriate because of the effects of implementation in model year 1982 on large car manufacturers, because of the added significance which those effects assume due to the change in economic circumstances since the schedule was adopted in 1977, and because of the undermining by subsequent events of the rationale underlying the original phase-in schedule. (See the notice of proposed rulemaking for a full discussion of the facts which led to the proposed alteration of the phase-in schedule).

### Comments Upon Proposal

The responses to the proposal were equally divided between those commenters adamantly opposed to any delay in the automatic restraint requirements and those commenters in favor of both the delay and a total revocation of the requirements. The comments and data supporting these factions were as diametrically opposed as the competing economic interests involved, in this instance the automobile and the insurance industries. Following is a summary of the major comments submitted in response to the proposal. A more detailed summary of representative comments is included as an appendix at the end of this notice.

The automobile insurance industry was unanimously against the proposed delay in the first phase of the automatic restraint requirements, unless the standard is also amended to require an earlier implementation of automatic restraints for small cars (i.e., a delay and reversal of the current schedule). The commenting insurance companies stated that the automatic restraint requirements will save thousands of lives and prevent hundreds of thousands of serious injuries. They argued that the proposed delay of the 1982 requirements would, therefore, result in a significant number of fatalities and injuries that would not otherwise occur. These companies also argued that the monetary savings that would result from the proposed delay are so small that they would not significantly help the ailing automobile industry. The commenters pointed specifically to the fact that most of the capital expenditures have already been made for installing automatic restraints on 1982-model large cars.

In urging a reversal of the implementation schedule, the insurance companies noted the dramatically increasing number of small cars, and pointed to insurance research which

shows small cars are inherently more dangerous for occupants than large cars. (NHTSA statistics show that a person is eight times more likely to be killed in a small car than in a full-size car in a crash between the two.) Since small cars will represent a majority of the 1983-model passenger car fleet, the companies argued that more lives could ultimately be saved if automatic restraints are required on small cars in that model year, than under the existing implementation schedule.

Many of these same sentiments were also voiced by consumer groups and health organizations, the majority of which were also opposed to the proposed delay of the MY 1982 requirements. Like the insurance companies, most of these groups asserted that usage rates for automatic belts will be relatively high and that the automatic restraint standard as a whole will save thousand of lives.

Several consumer groups and air bag component suppliers stated that they could support the proposed delay provided there is also a requirement that vehicle manufacturers at least offer air bags as options on some of their model lines. These groups are concerned that further delay of the automatic restraint standard will drive the remaining air bag component suppliers out of the market and that, as a result, the life-saving potential of air bags will be lost.

The insurance industry and a majority of the consumer groups argued that the benefits of the 1982-model year requirements outweigh the costs. A detailed analysis by Professor William Nordhaus of Yale University was submitted on behalf of several insurance companies. This analysis concludes that the economic costs of the proposed delay would be approximately five times greater than the benefits, for a net cost of \$200 million. These figures are based on computations regarding the societal costs of deaths and injuries that would result without the MY 1982 automatic restraint requirement.

Several of the commenting insurance companies and consumer groups also argued that as a matter of law and statutory authority the Department cannot rely on the general economic health of the automobile industry to justify a delay in the automatic restraint standard. The National Traffic and Motor Vehicle Safety Act (the Vehicle Safety Act) (15 U.S.C. 1381, *et seq.*) provides that motor vehicle safety standards shall be "reasonable" and "practicable". These commenters noted that the legislative history of the Vehicle Safety Act indicates that in promulgating standards, safety shall be the overriding consideration. The

commenters contend that the current poor economic condition of the automobile industry does not make the 1982 model-year requirements impracticable.

In addition to comments from the above groups and organizations, the Department also received comments from numerous private citizens, who were equally divided in their support or opposition to the proposed delay.

The proposed delay in the 1982 model-year requirements was unanimously supported by the automobile industry, both foreign and domestic. In addition, most manufacturers urged the Department to reconsider the entire standard, to provide additional lead time for all phases of the implementation schedule, or to revoke the automatic restraint requirements altogether. Regarding a possible reversal of the current implementation schedule, nearly all of the foreign automobile manufacturers joined Chrysler Corporation and American Motors in stating that it would be impossible to install automatic restraints on 1983-model small passenger cars because of insufficient lead time.

In support of a complete rescission of the automatic restraint requirements, the vehicle manufacturers made several arguments. The manufacturers believe that automatic seat belts will be so unacceptable to the public that they will create a consumer "backlash" greater than that caused by ignition interlock devices required by NHTSA to be installed on 1974-75 models. These devices made it impossible to start the vehicle unless front seat belts were fastened, and were specifically precluded by the Congress by amendment to the Vehicle Safety Act in 1974.

The manufacturers contend that automatic seat belts will produce such a reaction because of their coercive nature and obtrusiveness. They also contend that automatic belts must be designed so that they are easily detachable (and presumably thereby more acceptable to the public). In such case, they argue that the usage rate for automatic belts would be no greater than for current manual belts, and that the increased cost of automatic belts would not be justified.

Auto manufacturers also argued that the extremely high price of air bags makes them impractical, and allege that few will be installed on future passenger cars. Consequently, they contend, the only benefits attributable to the automatic restraint standard will be those derived from automatic belts, which for the above reasons will not be effective.

Only two vehicle manufacturers, Ford Motor Company and General Motors, produce any significant number of large cars. Therefore, the existing automatic restraint requirements for 1982 models would only directly affect these two companies.

Ford Motor Company supported the proposed delay and stated that it considers its original 1982-model, three-point automatic belt designs to be "out of date" because of their release concepts (i.e., they include a feature to frustrate release and thus defeat of the system). Ford believes this could lead to significant public dissatisfaction with MY 1982 automatic belts. In response to this concern, Ford had decided to add a conventional release buckle to this three-point belt, so that it can be detached by those motorists who refuse to wear a belt. Ford's submission stated that the company projects that as many as 100,000 purchasers would switch to mid-size cars in the 1982 model year rather than buying large cars with an automatic belt. Ford plans to redesign its automatic belts, but states that such a program has major lead time implications which would make it impractical to install improved automatic belts in small cars before September 1, 1983.

General Motors Corporation stated that its planned 1982-model automatic belt designs are easily detachable (i.e., there will be a buckle release mechanism without an interlock or other mechanism to discourage defeat of the system). With this type belt, according to GM, the impact on safety will depend upon voluntary use of the automatic belt, so use would not likely be any greater than with current manual belt systems. Therefore, General Motors argues that the proposed delay should have only a minimal adverse safety impact.

General Motors stated that the proposed delay would result in a net increased sales revenue to the company of \$760 million, and that the company could realize a savings of approximately \$13 million in capital investment for the 1982 model-year program. General Motors explained the \$760 million figure with the following rationale:

Automatic belts will be regarded by many as an unnecessary inconvenience, and they will deprive purchasers of six passenger seating capacity. Thus, 1982 full size cars equipped with such a restraint will be at a competitive disadvantage in that consumers can avoid the penalties of increased cost and reduced accommodation either by purchasing vehicles not subject to passive restraint requirements in that year, or by deferring their purchases. The proposed delay will allow the consumer to purchase a full size car

in 1982, without a cost penalty, which fully meets his needs and expectations.

General Motors' concern in this regard derives from the fact that large cars with automatic seat belts will be able to have only two front seating positions, since no company has developed an automatic belt system for the center seat position. With the automatic restraint requirements delayed, General Motors would be able to install bench front seats with three seating positions in its large cars. General Motors estimates that the reduced seating capacity thus caused by automatic belts will result in 120,000 fewer large car sales; 50,000 purchasers will shift from large cars to GM mid-size cars, and 70,000 potential purchasers will defer buying a new large car in the 1982 model year if they cannot obtain a six-passenger large car. General Motors contends that these factors will result in a revenue loss to the company of \$760 million if the automatic restraint requirements are not delayed.

#### Rationale For Agency Decision

The agency has given thorough consideration to all comments submitted in response to the proposed delay of the first phase of the automatic restraint requirements, and carefully analyzed all such information and data in the Record of this proceeding. The wide diversity among factual, analytical and policy related positions urged by those supporting and those opposing the proposed delay illustrates the degree to which this proceeding involves questions for which there are currently no concrete answers.

For example, the usage rate of automatic belts will be extremely dependent on the exact design of a particular belt system. Consumer expectations (for example, that six-seat cars will be available), consumer acceptance (for example, the purchase of cars with automatic belt systems which cost more than current belt systems) and actual rates of usage are values crucial to the Department's decision-making process. These factors, which are dependent on the desires and reaction of the American public, cannot be quantified or predicted with certainty.

On the basis of the record herein, the Department has concluded that the applicability of FMVSS 208 in MY 1982 to large cars would be impracticable and unreasonable. Requiring such compliance would reduce sales and profits, and increase unemployment, for the manufacturers of such vehicles. The Department believes that it is in the public interest to avoid these

unnecessary costs and impacts by providing an additional year of leadtime.

The February 12, 1981 notice detailed many of the specific reasons which led to the proposed delay. As specified in that notice, many of the factual assumptions and premises which led to adoption of the phase-in schedule have been proven wrong by subsequent events. The economic situation of the industry and consumers and the economy as a whole have drastically changed since the standard was adopted in 1977.

The current phase-in schedule for automatic restraints was intended to permit manufacturers to introduce automatic restraints without undue technological or economic risk. Such risks would otherwise have had to have been assumed contemporaneously with the risks involved in having to meet the requirements imposed by emission and fuel economy standards applicable to automobiles in the early 1980's.

Large cars were chosen for the first phase of the schedule because at that time there was more experience with air bags in such full-size cars. A phased schedule to cover progressively smaller cars, in stages, was adopted to provide manufacturers with a chance to gain similar levels of experience in smaller cars. To ensure that manufacturers would in fact have the maximum flexibility to choose between equipping smaller cars with air bags or automatic belts, those cars were to be phased-in last. This justification for a phased implementation schedule is no longer valid. Gasoline shortages, price increases (especially those occurring since the Iranian oil cut-off in 1979), and continuing uncertainty about levels of future petroleum supplies have led to dramatic increases in production plans for small cars. The small car share of new production is growing at a much faster pace than was anticipated by the Department when the automatic restraint requirements were issued.

In 1977, the Department projected that new car production in the model year 1982-1985 period would be approximately 24 percent large cars, 53 percent mid-size cars, and 23 percent small cars. However, NHTSA now estimates that actual production of large cars will be about 11 percent in model year 1982 while mid-size and small cars are expected to increase commensurately in that model year.

Thus, under the state of facts now facing the Department, about 11 percent of the 1982 model year cars would be required to have automatic restraints under the 208 standard.

This major shift in the absolute and relative numbers of cars which would be subject to the first year of the standard will have important adverse impacts upon the benefits to be achieved by the first year of application of the standard. Consumer acceptance of the automatic restraints now anticipated to be used in the 1982 model year cars is likely to be substantially less than was assumed in 1977. There will be more than a million fewer vehicles with automatic restraints than was previously expected. With fewer cars equipped with automatic restraints, the vehicles which are so equipped will be far more vulnerable to negative consumer reaction.

The Department has long recognized that any costly, arguably coercive restraint system will cause a certain percentage of the population to react negatively. The factors leading to such negative reaction will be magnified as the percentage of new 1982-model cars equipped with automatic restraints decreases. Adverse consumer preferences leading to deferral of the purchase of large cars, or to shifts to the purchase of midsize cars, will predictably occur.

Concern about providing additional leadtime to adapt air bags to small cars is also less important now as a result of changes in facts occurring since 1977. When the standard was issued, the Department assumed that manufacturers would equip a great majority of their vehicles (75%) with air bags in preference to belt systems. However, most manufacturers now indicate that they intend to offer air bags on very few of their large cars, and on almost none of their smaller cars. Almost all 1982 model year cars are planned to use automatic belts.

The absence of any opportunity to select between automatic restraint systems will materially affect public acceptance of the automatic restraint standard. General Motors has pointed out that two automatic belt designs recently offered as options on its Chevette line produced very low purchaser interest, even though the cost was minimal and the car line was in high demand. GM states that fewer than 13,000 of 415,000 1980-model Chevetttes sold were equipped with the automatic belt option, despite the fact that the option was offered at no cost to most purchasers, GM salesmen were to be given an additional commission of \$25 for each sale, and over \$1 million was spent on advertising and marketing.

Similar low interest has been shown in an automatic belt system offered as an option on General Motor's 1981 Cadillac.

The poor consumer acceptance of these automatic belt options substantiate the Department's assumption that automatic belts installed on only a limited percentage of a particular model-year fleet will have difficult public acceptance problems.

The public acceptance of 1982-model automatic restraints is a valid concern of the Department and is of primary importance in determining the reasonableness and practicability of the standard, and whether there is good cause for the delay. As stated by the Court of Appeals in *Pacific Legal Foundation v. Department of Transportation*, 593 F.2d. 1338 (D.C. Cir.), cert. denied, 444 U.S. 830 (1979).

We believe that the agency cannot fulfill its statutory responsibility unless it considers popular reaction. Without public cooperation there can be no assurance that a safety system can 'meet the need for motor vehicle safety'. And it would be difficult to term 'practicable' a system, like the ignition interlock, that so annoyed motorists that they deactivate it.

The Department is unable to conclude from its current data, taking into account the large number of private citizens who took the time and effort to file comments reflecting their opposition to automatic restraints, that the 1982 automatic belt designs planned by the manufacturers will receive "public cooperation".

The proposal stated that the changed economic circumstances may make the current implementation schedule for automatic restraints impracticable. Several commenters argued that the general economic situation of the automobile industry is not a legitimate criteria for determining whether a safety standard is practicable under the National Traffic and Motor Vehicle Safety Act. The legislative history of the Vehicle Safety Act clarifies that economic considerations may be considered in determining the "practicability" of a particular safety standard:

This would require consideration of all relevant factors, including technological ability to achieve the goal of a particular standard as well as consideration of economic factors. (H.R. Rep. No. 1776, 89th Cong., 2d Sess. (1966) at 16.)

One commenter stated that the term "practicable" must be viewed as relating solely to the economic and technological capability of the industry to meet the timetables established by the particular safety standard in question, and not to the general economic health of the industry. The Department disagrees with this reading of the Vehicle Safety Act and its legislative history.

The reasonableness and practicability of the current phase-in schedule cannot be determined in a vacuum. What is reasonable and practicable for a healthy firm or industry may not be for an ailing one. The proposal noted the current financial difficulties of the automobile industry. Vehicle sales remain at depressed levels and unemployment in the domestic industry is extremely high. Approximately 200,000 workers have been indefinitely laid off, and more have been temporarily laid off. These losses come at a time when the domestic manufacturers are spending unprecedented sums to meet the continuing demand for more fuel efficient cars.

The Department concludes further that economic hardship to the affected industry and individual companies must be balanced with all other considerations in determining the "reasonableness" and "practicability" of a particular safety standard. None of the individual factors involved in the deliberations may properly be applied without regard to the other factors. This proposition holds both in promulgating a standard and in retaining a standard when relevant factors have materially changed since the standard was first adopted.

The same commenter also argued that the Department had not shown "good cause" for proposing to delay the effective date of the automatic restraint requirements, in light of the requirements of the Motor Vehicle Safety Act that the lead time for the effective date of safety standards shall be no longer than one year, unless the Secretary finds, for good cause shown, that an earlier or later effective date is in the public interest (15 U.S.C. 1392).

The lead times associated with the existing implementation schedule were much longer than one year. These were upheld by the Court in the *Pacific Legal Foundation* case, *supra*. In that case, the court relied heavily on the inability of the manufacturers to comply with the requirement in one year's time, and on the need for considering the likelihood that the public will accept the change:

When dealing with a 'technology-forcing' rule like Standard 208, the agency must consider the abilities of producers to comply with the new requirement and of the public to grasp the need for the change.

As was stated earlier, the Department is now concerned that 1982-model large cars might be seriously unacceptable to a large portion of the public.

The Department concludes that "good cause" exists for the proposed delay. The public interest in the economic viability of the industry and, with

respect to the proposed delay, the particular circumstances of the manufacturers of the vehicles involved, requires that inequitable burdens and unnecessary costs be avoided where possible in implementing FMVSS 208. Large cars are not expected to be produced beyond MY 1985. Application of the standard to large cars in advance of smaller cars would thus involve such burdens and could involve such costs.

In addition to these considerations, the Department believes that the proposed delay must be viewed as a separate regulatory action insofar as lead time is concerned. The lead time specifications for the existing implementation schedule were upheld by the court in *Pacific Legal Foundation*. The proposed delay represents a new consideration of the factors which will determine whether automatic restraints are reasonable and practicable for large cars in the 1982 model year, with primary attention being given to acceptability of these systems by the public.

Opponents of the proposed delay have pointed to the adverse safety impacts that might result, stating specifically that the safety benefits of the 1982 model-year requirements outweigh the costs. The Department's proposal stated that a delay of the first phase requirement could over the ten year life of the vehicles involved result in a loss of 600 lives, and the accrual of 4,300 more injuries than would have occurred without the delay. After reviewing the information submitted in response to the proposal and analyzing more current data, however, the Department now concludes that its earlier estimate of adverse affects is invalid.

First, the assertion that 600 lives would be lost was based upon earlier estimates of benefits that would arise from 100 percent usage of automatic restraint systems. This calculation in turn had been based primarily on 1977 assumptions that air bags would be the technology of choice. As stated earlier, however, the Department now knows that very few air bags are planned for the 1982 model-year.

Unlike air bags, estimates of benefit arising from compliance with the automatic restraint standard by means of automatic belts must be based upon projected usage rates. The most optimistic expectations of automatic belt use for the 1982 model-year now appear to be a usage rate of 60 percent. Moreover, given the planned design of the 1982-model automatic belts, NHTSA now believes that a much lower usage rate will in fact occur. Both General

Motors and Ford plan automatic belts designs which have a release buckle identical to the buckle on current manual belt systems. Motorists would therefore be able to disconnect the proposed belts with the same ease with which current active belt systems can be released. NHTSA believes it is likely that a large percentage of motorists would adopt this usage pattern, and detach the automatic belts. Usage could thus in fact turn out to be low, and approach levels similar to that of current manual belt systems (7.0%).

The final regulatory analysis thus now includes a range of possible usage rates for 1982-model automatic belts, in analyzing possible benefits to be foregone by deferring the MY 82 standard for one year. If usage rates for the automatic belts otherwise required for that model-year were to be 15 percent, more than double the rate of use of current manual belts, retention of the 1982 requirements might save a total of 75 lives over the projected 10 year life of the large cars involved. If usage rates were to occur at the level of 60 percent, this number could possibly increase to as many as 490 lives over the same 10 year period.

NHTSA now believes that the potential usage of 1982-model automatic belts designs would more likely be near the bottom end of this scale. NHTSA data on observed usage rates for the belt systems employed in some models of the Volkswagen Rabbit, for example, are relevant. All such belts are optional, and were chosen by the purchaser either as a separate option or as a part of the "Deluxe" package. Moreover, the VW system employs an interlock mechanism, so that the engine may not be started if the system is not in place. Despite these factors, usage rates have been observed to be only 81%. That is, of the purchasers who specifically selected this optional system, nearly 20% thereafter in practice enter their vehicles, start their engines, and then deliberately disconnect the belt system when driving.

Moreover, actual accident data relating to such vehicles show even lower usage rates, of 55-57%. (See Regulatory Analysis, at V-11, 13 for discussion.)

After analyzing the data submitted in response to the proposal, the Department has determined that the one-year delay will result in a cost savings to consumers of approximately \$105 million. Capital investment savings for the industry will be about \$30 million. Net income available for reinvestment would be increased \$292 million by the delay. Over 13,000 jobs will be saved in the automobile

manufacturer and supplier industry, a savings of \$159 million. The basis for these figures is explained in detail in the final regulatory analysis. Given the current economic situation of the American public and the domestic automobile industry, these savings are significant, particularly when viewed in conjunction with the Department's belief that the safety impact of the delay can be minimized.

While some measure of safety benefits will be foregone by this delay, the Department has concluded that such benefits are relatively minor. Moreover, the Department believes that any such loss of safety benefits can be offset with a coordinated effort by all parties involved. The Department believes that an intense seat belt use education campaign, joined by the Department, industry and consumer groups and targeted directly at the 1982-model year cars, has the potential of affording even greater safety benefits than would otherwise accrue.

Finally, such a targeted campaign to increase the use of existing manual seat belts will provide further data on the viability of such strategies in increasing active seat belt use. Such information would be especially valuable for future rulemaking purposes, since it would in any event be at least ten years before all cars in the passenger fleet would be expected to be equipped with new safety equipment. Such information would enable the Department, State and local governments, and other interested parties to determine how to make best use of their scarce resources to increase actual usage of the millions of manual seat belts that will remain on the nation's highways for years to come.

#### Summary of Agency Conclusion

The Department has determined that the existing schedule for the first year of implementation of FMVSS 208 is no longer reasonable or practicable. The assumptions leading to the 1977 rule are no longer valid. There will be few, if any, air bags installed in passenger cars because manufacturers have chosen automatic belts as the preferred means of compliance with the standard. The number of small cars on the road is increasing drastically and these cars are more unsafe than large cars. Yet, under the current implementation schedule, small cars are to be equipped with automatic restraints last.

The delay of the first phase of the automatic restraint requirements will enable the Department to adequately reassess the most viable alternatives for the occupant crash protection standard. The Department is publishing simultaneously with this Final Rule a

Notice of Proposed Rulemaking addressing alternatives to this standard, and attention is specifically directed to that proposal.

The Department is taking these actions because courts have found that the Department has a statutory responsibility to reexamine its safety standards in light of changing circumstances and new data. In those circumstances, the Department is required to make necessary revisions and schedule changes to ensure that the standards are practicable, reasonable and appropriate. As noted above, key assumptions underlying the issuance of the automatic restraint requirements in 1977 have been substantially undermined by subsequent events.

The delay and re-evaluation of FMVSS 208 is also consistent with Executive Order 12291, which directs all executive branch agencies to delay final rules to the extent necessary to re-evaluate those under criteria specified in the Order.

This amendment has been evaluated as a major rule under the guidelines of new Executive Order 12291 and a final regulatory analysis is being placed in the public docket simultaneously with the publication of this notice. The major findings of that analysis have been discussed in the body of this notice.

The effect of the one-year delay has been evaluated in accordance with the National Environmental Policy Act of 1969. It has been determined that this action is not a major Federal action significantly affecting the quality of the human environment. An evaluation of the environmental consequences of the amendment is included in the regulatory analysis. Further information regarding environmental issues concerning automatic restraints, especially air bags, can be found in the environmental impact statements published in conjunction with the 1977 automatic restraint standard.

The regulatory analysis also includes a discussion of the Department's consideration of the possible impact of this amendment on small entities. The analysis shows that the one-year delay will have a minimal effect on the automatic seat belt-related firms, since it is likely that most of the 1982-model large cars will continue to be equipped with conventional manual type seat belts. Generally, however, the same firms produce both automatic and manual belts, and none of these direct suppliers qualify as "small businesses" under the Regulatory Flexibility Act.

The effect of the delay on air bag suppliers is less certain. Neither Ford or General Motors would have installed air

bags in 1982 vehicles regardless of the delay. The analysis determined that some suppliers of air bag components will be adversely affected by the delay to some extent and that a few of these qualify as small businesses. However, it is doubtful that a substantial number of small businesses will be adversely affected by the delay to a significant degree.

The analysis also considered the effect of the delay on small governmental units and other small fleet purchasers of cars. Since large cars are not generally sought for fleet purposes, the amendment is likely to have only a minimal effect on all types of small fleet purchasers.

In consideration of the foregoing, Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208) is amended as follows:

Section S4.1.2 is revised to read:

"S4.1.2 *Passenger cars manufactured from September 1, 1973, to August 31, 1983.* Each passenger car manufactured from September 1, 1973, to August 31, 1982, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, S4.1.2.3. Each passenger car manufactured from September 1, 1982, to August 31, 1983, inclusive, shall meet the requirements of S4.1.2.1, S4.1.2.2, or S4.1.2.3, except that a passenger car with a wheelbase of more than 100 inches shall meet the requirements specified in S4.1.3. A protection system that meets requirements of S4.1.2.1 or S4.1.2.2 may be installed at one or more designated seating positions of a vehicle that otherwise meets the requirements of S4.1.2.3."

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407))

Issued on April 6, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

#### Appendix—Detailed Discussion of Comments

##### A. Comments Opposing the Delay

The insurance industry argued that the automatic restraint requirements will save thousands of lives and prevent hundreds of thousands of serious injuries. The League Insurance Companies stated that the proposed one-year delay would be "tragic and costly," adding that "there is a legitimate place for regulation when the need is great, the cost-benefit is demonstrably high, and the structure of the market place requires uniformity to be imposed on all manufacturers."

Allstate Insurance Company argued that the growing proportion of small cars will increase deaths and injuries by 35 percent during the next four years, and

that the only way to reverse this trend is by implementation of the automatic restraint standard. Allstate also argued that the proposal's analysis of the economic consequences of the scheduled implementation is based only on conjecture. The company stated that there is no substantial evidence of record that the proposed delay would provide any significant financial assistance to car makers. According to Allstate, however, the proposed delay would result in needless deaths and injuries at huge costs to society at large and to insurance-buying customers. Allstate concluded that it could only support a one-year delay in the automatic restraint requirements if the delay is coupled with a requirement that small cars comply with the standard in model year 1983 (i.e., one year earlier than the existing schedule). This sentiment was also expressed by the Alliance of American Insurers and the League Insurance Companies. Alliance stated that a move to install automatic restraints on small cars first is consistent with insurance research which shows small cars to be inherently more dangerous to occupants than large cars, and that such a change could also afford domestic manufacturers some economic relief.

State Farm Mutual Automobile Insurance Company attacked the proposed delay of the automatic restraint requirements on several grounds. First, State Farm argued that the record in this rulemaking proceeding demonstrates that full implementation of the automatic restraint standard will save thousands of lives and avoid tens of thousands of crippling and maiming injuries. The company pointed to the Department's analysis which found that the proposed delay would cost the nation 600 deaths and approximately 4,300 injuries over the lifetime of the 1982-model large cars, and stated that a delay is not justified under any cost/benefit calculations. State Farm also argued that the proposed delay is inconsistent with the overriding mandate of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381, *et seq.*) and that "the controlling statutes do not permit the Secretary to defer otherwise supportable life-saving regulations solely on the basis of current economic conditions in the auto industry."

State Farm concludes that the current economic situation of the auto industry does not make the implementation of the current automatic restraint schedule impractical. First, nearly all of the necessary capital commitments for automatic restraint implementation for

large cars have already been made. Second, the variable costs associated with installing automatic restraints on 1982-model large cars are insignificant to the industry. State Farm also argued that the balance of costs against benefits does not support the proposed delay, rather, it supports an acceleration of the existing schedule if anything. The company cited a recent study by Professor William Nordhaus (discussed below) which contends that the annual economic costs of the proposed deferral of the model year 1982 requirements relative to the current schedule are five times greater than the economic benefits to the auto industry.

It is State Farm's position that as a matter of law and statutory power, the Department cannot rely on the general economic health of the automobile industry to justify a delay in the implementation of the life-saving automatic restraint standard. The comment cites the Senate report concerning the Vehicle Safety Act which stated that safety is "the overriding consideration" in carrying out the purposes of the Act (S. Rep. No. 1301, 89th Cong., 2d Sess. 8 (1966)). State Farm argues that economic considerations in rulemaking by the Department and NHTSA under the Vehicle Safety Act must relate to the costs and benefits of the standard itself and not to the general health of the auto industry: "... if the Secretary were to implement the proposed delay in this rulemaking on the basis of the general employment, production, and economic status of the auto industry, he would be acting arbitrarily and capriciously and outside the scope of his statutory authority." The legal memorandum submitted in support of State Farm's contentions included the following argument:

If the general economic condition of the auto industry could justify suspending implementation of the automatic restraint standard in the face of such cost and benefit data, the industry's economic condition could also be used to justify suspension or elimination of other safety standards. The industry's current problems could thus be used to effectively nullify the National Traffic and Motor Vehicle Safety Act.

Professor William Nordhaus of Yale University submitted comments concerning the economic ramifications of the proposed delay in the first phase of the automatic restraint requirements (the submission was sponsored by Allstate, Kemper, Nationwide, State Farm Insurance Companies). (For a full discussion of the methodology and bases for these calculations, one should refer to the Nordhaus submission filed at the National Highway Traffic Safety

Administration under Docket 74-14, Notice 20. NHTSA's response to this analysis is set forth in detail in the Appendix to the Regulatory Impact Analysis.) The basic conclusions contained in the Nordhaus comment are as follows (verbatim):

1. The current passive restraint requirement (FMVSS 208) has very substantial net benefits compared to current lap and shoulder belt usage. According to the economic analysis presented here, the current rule has net benefits of approximately \$10 billion for model years 1982-85. The substantial economic gain from passive restraints should not be ignored in debates on fine-tuning the phase-in.

2. Using standard analysis, the ranking of options in terms of net benefits is as follows (with the first having the highest net benefits and the last the lowest net benefits):

(1) Simultaneous 1983 implementation (all cars equipped with passive restraints in 1983).

(2) Delay and reversal (small cars in 1983, intermediate cars in 1984, large cars in 1985).

(3) The current rule (large cars in 1982, intermediate cars in 1983, and small cars in 1984).

(4) The proposed delay (large and intermediate cars in 1983, small cars in 1984).

(5) General rollback (large cars in 1983, intermediate cars in 1984, large cars in 1985).

3. A sensitivity analysis shows the ranking of alternatives is unchanged under a wide range of alternative assumptions.

4. Any deferral of requirements to install passive restraints on any size automobile has net costs unless it is "traded in" on an acceleration of requirements on a larger number, or a smaller sized, set of automobiles.

5. In terms of the costs and benefits of different options, there is no justification for either the proposed delay or for a general rollback. In particular, the economic costs of the proposed delay are approximately 5 times greater than the benefits, for a net cost of over \$200 million. The net costs of the general rollback are significantly greater, in the order of \$4.5 billion.

6. There appears to be strong economic justification for the simultaneous 1983 option if it is technically feasible.

7. The analysis indicates that the delay and reversal option has the highest net benefits of any of the four considered in the proposal and Regulatory Analysis. The superior net benefit of delay and reversal arises because the reversal of the requirement to small cars first affects a larger number of automobiles more quickly and because the net economic benefits per vehicle are greater for small cars than for large and intermediate cars.

8. The estimated impact of the proposed delay on the automobile industry is minuscule. There will be little or no improvement in the "health" of the domestic automobile industry from the proposed delay. For this reason, nonregulatory considerations discussed in the notice (the effect on imports, the conditions of the automobile industry, or freedom-of-choice arguments) should not, from an economic point of view, enter in this rulemaking.

The proposed delay of the automatic restraint requirements was also opposed by various consumer groups and health-related organizations, including: the Consumer Federation of America, the National Spinal Cord Injury Foundation, the Epilepsy Foundation of America, the Consumers Union, the Automotive Occupant Protection Association, the National Safety Council, the Houston Independent School District, the American College of Surgeons, the Georgia Department of Human Resources, the New York Department of Transportation, and the Center for Auto Safety. The National Safety Council conceded that the economic situation of the auto industry is serious, but stated that any adjustment of the implementation schedule for automatic restraints should also include consideration of an earlier implementation for small cars, since the need for protection is much greater in these vehicles.

The Automotive Occupant Protection Association stated that it could support the proposed delay of the automatic restraint requirements for one year, as well as a reversal of the implementation schedule, provided there is a requirement for the major automobile manufacturer to offer optional air bag systems on at least one model line. The Association is concerned that further delay of the automatic restraint standard could drive the remaining air bag supplier manufacturers out of the business, and the life-saving potential of air bags could be lost. The Epilepsy Foundation of America echoed this sentiment and stated that "consumers deserve a guarantee that would assure the air bag option will be available in any model they wish to purchase."

The Consumers Union argued that the auto industry's financial condition should not be used to justify "less safe automobiles". Moreover, according to the Union, the proposed delay is unlikely to significantly alleviate the financial problems facing domestic automobile manufacturers.

The Center for Auto Safety argued that the proposed delay of the first-phase automatic restraint requirements will not help the auto industry solve its current economic problems. In addition, the Center stated that the projected savings of 600 lives and 4,300 injuries associated with the first-phase requirements represents an economic gain of approximately \$170 million, and this far outweighs any savings to the industry. In regard to a possible reversal of the existing implementation schedule for automatic restraints, the Center stated that automatic belts can be

installed on all small cars with a lead time as short as one year because automatic belts are so well developed.

Comments were also received from two manufacturers which supply air bag system components, Thiokol and Rocket Research Company. Rocket Research stated that it could support the proposed delay and reversal of the implementation schedule provided any such change also contains a requirement that the major manufacturers "tool for and offer for sale" air bag systems on at least one car line. The company stated that without such a guarantee there is little incentive for air bag suppliers to remain in the business. Rocket Research stated that an indefinite delay of the automatic restraint requirements over the next five years would amount to a business loss of 23 percent. The company also stated that cost savings accruing to General Motors and Ford because of the one year delay (estimated in the proposal to be approximately 37 million dollars) would be reduced if air bag programs are delayed or eventually cancelled since both Rocket Research and Hamill Manufacturing Company have substantial claims against the two companies for capital expenditures to build and equip production plants to make air bag modules (Rocket Research stated that these claims are based on letters of agreement and contingent liability statements).

Thiokol stated that the model year 1982 automatic restraint requirements for large cars resulted in the first major production program for Thiokol, and that substantial funds have been expended for manpower, tooling and facilities to meet this requirement. According to Thiokol, a one-year delay in the program would add substantial additional expenses and result in a reduction of manpower, facility use and vendor capability. In response to questions contained in the notice of proposed rulemaking, Thiokol stated that another year of delay would discourage rather than encourage further design improvements and research efforts in automatic restraint systems.

#### *B. Comments Favoring the Delay*

The Pacific Legal Foundation supported the proposed one year delay, and stated four primary reasons why such a delay is warranted:

1. The proposed delay would create additional time for the Department of Transportation to implement an adequate evaluation program for air bags.

2. The proposed delay would give the American public an additional year of

freedom to choose their means of occupant protection.

3. The proposed delay would allow additional time for the public to familiarize itself with passive restraints [which have been or will be voluntarily installed prior to a mandatory effective date].

4. The proposed delay would reduce the likelihood of costly Congressional action on the passive restraint standard after its implementation.

The proposed delay of the first phase of the automatic restraint requirements was unanimously supported by all commenting automobile manufacturers, both domestic and foreign. Additionally, most manufacturers urged the Department to reconsider the entire standard and to provide additional lead time for all phases of the implementation schedule or to revoke the automatic restraint requirements altogether. Regarding a possible reversal of the current implementation schedule, nearly all of the foreign automobile manufacturers stated that it would be impossible to install automatic restraints on 1983 model small passenger cars because of insufficient lead time.

Chrysler Corporation also urged that the automatic restraint requirements be withdrawn entirely. The company argued that automatic belts will be disconnected by many motorists and that purchasers will turn to models that are not equipped with automatic belts. Chrysler predicts that automatic belts would create a consumer "backlash" greater than that resulting from ignition interlocks (devices installed in 1974-75 models which made it impossible to start the vehicle unless the seat belt was fastened).

In lieu of automatic restraints, Chrysler urged the Department to mount a national educational effort to increase the use of current manual seat belt systems: "Increased usage of these systems is the most cost effective and immediate method of reducing injuries and fatalities in motor vehicle accidents." Regarding a possible reversal of the current implementation schedule, Chrysler stated that it would be impossible at this time to advance automatic belt installation for small cars prior to the 1984 model year.

American Motors Corporation recommended that a delay in effective date of the automatic restraint requirements be adopted for all cars to permit a re-evaluation of all issues. The company particularly does not support a reversal of the implementation schedule so that small cars would be phased in first, since the company will rely on technology developed for or by the automobile manufacturers after it is

proven in actual volume production. American Motors also recommended that if a new phase-in schedule is adopted, at least a one-year delay for low-volume manufacturers (e.g., less than 200,000 sales) be included in the change.

Foreign vehicle manufacturers produce few, if any, large passenger cars (i.e., cars with wheelbases over 114 inches), but all the foreign manufacturers supported the proposed delay of the first phase of the automatic restraint requirements. However, these manufacturers were unanimously against any reversal of the existing implementation schedule that would require small passenger cars to be equipped with automatic restraints a year earlier than currently required.

Fiat Motors of North America recommended that the entire automatic restraint schedule be delayed for one year (i.e., each phase delayed one year). The company stated that if its small cars were not required to comply until model year 1985, it would give the company more time to develop appropriate automatic belt designs for its convertibles. Fiat stated that it is currently having difficulty with its convertibles in terms of finding adequate automatic belt attachments and fittings for existing vehicle structures. Fiat stated that it would prefer to see the automatic restraint standard revoked and mandatory seat belt use laws implemented.

Nissan Motor Company stated that it would not be possible to equip its small cars with automatic restraints by September 1, 1982. Nissan's objection does not relate to capital expenditure or retail price increase, but rather, to "the lack of proper lead time needed to develop acceptable, reliable and high quality vehicles for the consumer." Nissan argued that automatic belts already face a tough challenge in winning consumer acceptance without forcing the imposition of hastily developed designs.

Toyota Motor Company also stated that it could not comply with a change in the effective date for small cars from September 1, 1983, to September 1, 1982. Toyota stated that if such a change is adopted, it would have to drop from production certain of its volume passenger car lines for the 1983 model year, thereby limiting the freedom of choice of the customers who wish to purchase Toyota cars.

Volvo of America Corporation requested that the implementation schedule for automatic restraints be amended to reflect the fact that the current market situation has forced the industry to be flexible with respect to

model year introductions. Volvo refers specifically to the desire of some manufacturers to continue model lines past the September 1 effective dates for the three phases of the current implementation schedule, and to discontinue these lines at the beginning of the new calendar year. Volvo argues that tooling for installation of automatic restraints on model lines that will be discontinued six months after the effective date of the standard is cost prohibitive. Consequently, without a change in the implementation schedule, manufacturers would be required to cease production of certain models sooner than they would like.

Volvo recommends that the implementation schedule be amended to provide that the effective dates for the three phases is "September 1 or the date of production start of the new model year if this date falls between September 1 and December 31."

Rolls-Royce Motors produces three models that would have to be equipped with automatic restraints by September 1, 1981, under the existing schedule. Rolls-Royce originally planned to offer air bags in these models but changed plans after General Motors announced in 1979 that it would delay the introduction of air bags. Consequently, Rolls-Royce states that it got a late start with automatic belts and the automatic belt systems it has planned for the 1982 models is not developed to a degree of refinement normally associated with Rolls-Royce cars. In support of the proposed one-year delay in the automatic restraint requirements, Rolls-Royce made the following comment:

Refinement, weight and cost will all be subject to continuous development anyway but one year extra lead time would permit full development of the system before the customer is charged a cost premium for the restraint system.

**Note.**—Allstate Insurance Company requested that a public hearing be held on the one-year delay in the large car requirement. However, due to the limited time available before the previous effective date of this requirement, the agency must deny this request. The issues on which this decision is based are primarily technical and economic, lending themselves well to written presentations. Interested parties have taken full advantage of the opportunity to provide their views in writing in this proceeding. Further, an additional opportunity for comment on issues relating to the automatic restraint standard is provided in the notice of proposed rulemaking issued today.

[FR Doc. 81-10708 Filed 4-6-81; 2:25 pm]

BILLING CODE 4910-59-M

## 49 CFR Part 571

[Docket No. 70-27; Notice 22]

## Hydraulic Brake Systems

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** This notice corrects four typographical errors which were contained in a final rule amending Safety Standard 105 (Part 571.105, Chapter V of Title 49, Code of Federal Regulations), *Hydraulic Brake Systems*, published in the *Federal Register* on January 2, 1981 (46 FR 55).

**DATES:** These corrections to the January 2, notice are effective April 9, 1981. The effective date of the January 2 amendments is September 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. George L. Parker, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2720).

**SUPPLEMENTARY INFORMATION:** FR Doc. 80-40437 appearing at 46 FR 55 is corrected in § 571.105 as follows:

## § 571.105 [Corrected]

1. On p. 65, first column, item no. 7, 9th line of regulatory text by changing the phrase "shall meet the requirements of either S5.1.3.1, S5.1.3.3, or S5.1.3.5", contained in section S5.1.3, to read "shall meet the requirements of either S5.1.3.1, S5.1.3.3, or S5.1.3.4".

2. On p. 65, first column, item no. 8 by changing the phrase "at an average decelerating", contained in sections S5.1.3.2(b) and S5.1.3.3(b), to read "at an average deceleration".

3. On p. 65, second column, item no. 13, 6th line of regulatory text by changing the phrase "in proportion to its GVWR", contained in section S6.1.1, to read "in proportion to its GAWR".

4. Changing footnote 1 of Table II to read, "1. Distances for specified tests."

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 [15 U.S.C. 1392, 1407]; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on March 27, 1981.

Michael M. Finkelstein,  
Associate Administrator for Rulemaking.

[FR Doc. 81-10696 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE  
COMMISSION

## 49 CFR Part 1139

[Ex Parte No. MC-141]

Policy Statement on Motor Carrier  
Pooling Applications

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final statement of general policy; final rules.

**SUMMARY:** Statutory changes respecting the pooling or division of transportation or earnings between motor carriers have recently been enacted (49 U.S.C. 11342). That legislation alters former law by adding criteria to the consideration of motor carrier pooling agreements which in turn require alteration of our pooling application procedures. This notice sets forth the necessary contents of motor carrier pooling applications as well as Commission procedures for processing and considering such applications.

**EFFECTIVE DATE:** These rules will become final April 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** Bruce Kasson, (202) 275-7655, Ellen Hanson, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** This general policy statement was proposed for public comment and published in the *Federal Register* on July 21, 1980 (45 FR 48796). In that notice, we described the provisions of the new legislation and proposed to issue a general policy statement rather than formal rules because of the small number of pooling applications filed each year. Our notice set forth the proposed contents of a pooling application (including certain appendices), and described the case processing procedures we proposed to use.

The Regular Common Carrier Conference, Inc. (RCCC), the American Trucking Associations, Inc., and the Motor Carrier Lawyers Association submitted comments in response to that notice.

## Background

The Motor Carrier Act of 1980<sup>1</sup> alters the criteria by which the Commission is to decide pooling applications under 49 U.S.C. 11342. Previously, we had granted pooling applications, after hearing, if (a) the carriers involved assent to the pooling or division, and (b) we find that the pooling or division of traffic, services, or earnings (1) will be in the interest of better service to the public or of economy of operation and (2) will not

unreasonably restrain competition. The new legislation requires an additional, initial decisional stage. Now a pooling agreement must be submitted to us for approval not less than 50 days before its effective date. In this 50-day period, we must initially determine whether the pooling agreement is of major transportation importance and whether there is substantial likelihood that the agreement will unduly restrain competition. If we decide negatively on both factors, the statute requires us to approve the pooling agreement without hearing. If we decide positively on either factor, an evidentiary hearing must be held. We must then examine the pooling agreement under the same statutory criteria which previously applied.

## Case Processing

We will implement these statutory changes in the following manner. When a pooling application is received (not less than 50 days before the effective date specified in the pooling agreement),<sup>2</sup> we will either reject it<sup>3</sup> or make the initial determination required by the legislation within 50 days. That decision will state whether the pooling agreement is of major transportation importance and whether there is a substantial likelihood that the pooling agreement will unduly restrain competition. In those cases where neither of these two factors is present, we will grant the application without a hearing. However, where either factor is found to exist, notice of the application will be published in the *Federal Register* using the caption summary filed with the application and we will schedule an evidentiary hearing (normally to receive written verified statements) to consider the issues further. Since the statutory standards for this second phase are identical to those which have been in effect since 1940, the pooling application will receive the same type of consideration that pooling applications have traditionally received.<sup>4</sup>

<sup>1</sup> We could require an extended effective date, as a condition to a grant of the application, if it is filed less than 50 days before its contractual effective date.

<sup>2</sup> Because, for instance, what is proposed is not a bona fide pooling arrangement or because we lack jurisdiction over the transaction.

<sup>3</sup> See, for instance, *Red Ball Motor Frt.—Pooling—Thunderbird*, 122 M.C.C. 557 (1976); *American Rail Box Car Co.—Pooling*, 347 I.C.C. #62 (1974); *Consolidated Freightways Corp. of Del.—Pooling*, 109 M.C.C. 596 (1971); *Application of Pullman Co. under Sec. 5(1), I.C.C. Act*, 259 I.C.C. 41 (1944).

<sup>1</sup> Pub. L. No. 96-296, 94 Stat. 793 (1980).

### Application Contents

Each commentor expressed concern about one aspect of the proposed contents of a pooling application: the requirement for an applicant to assess how the pooling arrangement will affect present and future competition in the area (by describing the commodity and geographic transportation market involved, the number of active competitors in that market, and the relative market shares of each). They assert that the proposed requirements are beyond the capacities of motor carriers to meet, and unnecessarily burdensome in a proceeding designed to implement legislation that seeks to promote motor carrier pooling.

RCCC also objects to the proposed requirement that carriers demonstrate that rates set for traffic moving under a pooling agreement are not set in violation of the restrictions on collective ratemaking contained in the Motor Carrier Act of 1980 and our regulations (49 CFR 1331). RCCC believes that a certification by an applicant of its compliance with this requirement, rather than the filing of documents detailing the collective ratemaking process, should be sufficient for our regulatory purposes.

### Conclusions

The Motor Carrier Act of 1980 seeks to encourage pooling arrangements "when such arrangements are in the interest of better service to the public or of economy of operation and when they do not unreasonably restrain competition."<sup>5</sup> In view of this charge and the general thrust of that legislation, which is to promote competition, we have taken care not to impede unnecessarily carriers seeking to enter pooling agreements. Therefore, we have revised the proposed requirements toward this end.

We have considered the comments received and find that some of the concerns voiced are well founded. A requirement that market share data accompany each application is unnecessarily burdensome. Consequently, it will be sufficient for carriers to include in their applications a narrative statement assessing how a grant of the pooling application would affect present and future competition in the area. Carriers will be asked to supply projected volume, revenue, and commodity information to accomplish this.

We recognize that the statute fails to define what is meant by "major transportation importance." However,

such information must be generated in order for us to make an initial determination. Consequently, we request applicants to assess the relative transportation importance of the application. We have not attempted here to define in the abstract which pooling transactions would be considered to be of "major transportation importance" since this analysis would be better accomplished on a case by case factual basis. However, we will require an analysis of how the pooling application affects the public interest within the context of the national transportation system, rather than the private interests of the carriers involved. We have structured this information request accordingly.

We also agree that a simple rate certification by applicants is a more appropriate filing requirement. Therefore, we are adopting the suggestion made by RCCC.

We have deleted as unnecessary the requirement for applicant to submit a balance sheet and income statement. Additionally, we have deleted the requirement to show that there has been some level of prior competition between the applicants on the traffic sought to be pooled. The purpose of pooling is to allow carriers to combine their resources to promote maximum efficiency when there is an insufficient volume of traffic for the number of carriers authorized to transport it. Consequently, it would be unduly burdensome and unnecessary for applicants to show prior competition. This change is in accord with Congressional policy to promote such agreements in the interest of service to small communities and carrier efficiency.

Finally, we have added a requirement that applicant, or its representative, verify that the representations made in the application are, to the best of his/her knowledge and belief, true and complete.

The necessary contents of a pooling application, as revised to reflect the changes, are set forth in the Appendix to this decision.

We wish to alert prospective pooling applicants that we reserve the right to require any additional information which might be helpful to our analysis. Furthermore, in appropriate instances, we may require special or periodic reports to be filed under 49 U.S.C. 11145 by motor carriers who are authorized to pool their traffic. In this way we can monitor certain pooling arrangements to ensure that they do not become unduly anticompetitive.

### Adoption of Policy Statement

We are adopting the final policy statement appended to this decision to ensure that prospective applicants and their counsel have adequate notice of our procedures and application requirements. We will have this policy statement codified in volume 49 of the Code of Federal Regulations, Part 1139. This decision does not significantly affect the quality of the human environment or energy consumption.

This policy statement is issued under authority contained in 5 U.S.C. 553 and 559 and 49 U.S.C. 10321 and 11342.

Decided: March 30, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,  
Secretary.

### Appendix

Title 49 CFR Chapter X is amended by adding a new Part 1139 as follows:

#### PART 1139—POLICY STATEMENT ON MOTOR CARRIER POOLING APPLICATIONS

##### Sec.

- § 1139.1 Scope and purpose.
- § 1139.2 Contents of a pooling application.
- § 1139.3 Processing pooling applications.

Authority: 5 U.S.C. 553 and 559 and 49 U.S.C. 10321 and 11342.

##### § 1139.1 Scope and purpose.

This statement of policy on motor carrier pooling applications implements Section 20 of the Motor Carrier Act of 1980 [Pub. L. No. 96-296, 94 Stat. 793]. The Act's provisions are now contained at 49 U.S.C. 11342(b).

##### § 1139.2 Contents of a pooling application.

A pooling application filed under 49 U.S.C. 11342(b) should include the following information:

- (1) an identification of all the carriers who are parties to the pooling agreement;
- (2) a general description of the transaction;
- (3) a specific description of the operating authorities sought to be pooled;
- (4) the basis to establish that the agreement is a genuine pooling arrangement (as opposed to a lease or interline arrangement);
- (5) a description of what applicants consider to be the relevant transportation markets affected by the proposed agreement;
- (6) the competitive routing and service alternatives that would remain if the

<sup>5</sup>H.R. REP 96-1069, 96 Cong., 2nd Sess. 34 (1980).

agreement is approved, to the best of applicant's knowledge;

(7) if there is a lessening of such alternatives, an estimate of the public benefits that will accrue from approval, or new competition that will arise, which would offset such lessening;

(8) a narrative assessment of how the pooling arrangement will affect present and future competition in the area, including a description of the projected volume of traffic, the revenues, and the commodities which will be subject to the pooling agreement;

(9) certification that rates set for traffic moving under the agreement do not violate the restrictions on collective ratemaking contained in 49 U.S.C. Subtitle IV and Commission regulations;

(10) a narrative statement as to the relative transportation importance of the pooling agreement as it would affect the public and the national transportation system;

(11) if any known non-pooling carriers authorized to transport the subject

traffic are not included in the pooling arrangement explain why, and explain whether inclusion would enhance or restrain competition;

(12) a statement of the energy and environmental effects of the agreement, if any; and

(13) certification by applicant, or its representatives, that the representations made in the application are, to the best of his/her knowledge and belief, true and complete.

As appendices, applicants must submit: (A) a copy of the pooling agreement; (B) a copy of the specific operating authority of each carrier which is the subject of the pooling agreement; and (C) a caption summary (for *Federal Register* publication) of the pooling transaction sought to be approved.

#### § 1139.3 Processing pooling applications.

After the pooling application is received (not less than 50 days before the effective date specified in the

pooling agreement), the Commission will either reject it or determine initially whether the pooling agreement is of major transportation importance and whether there is a substantial likelihood that the pooling agreement will unduly restrain competition. If neither of these two factors is present, the application will be granted without further hearing. Where either factor is found to exist, the application will be published in the *Federal Register* using the caption summary filed with the application, and a hearing will be scheduled (normally to receive written verified statements) to consider the issues further. In this second phase of the proceeding, the Commission will consider whether the pooling agreement would be in the interest of better service to the public or of economy of operation and whether it will unduly restrain competition.

[FR Doc. 81-10702 Filed 4-6-81; 8:45 am]

BILLING CODE 7035-01-M

# Proposed Rules

Federal Register

Vol. 46, No. 68

Thursday, April 9, 1981

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Parts 1032 and 1050

#### Milk in the Southern Illinois and Central Illinois Marketing Areas; Proposed Suspension of Certain Provisions of the Orders

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed suspension of rules.

**SUMMARY:** This notice invites written comments on a proposal to suspend certain provisions relating to how much milk not needed for fluid (bottling) use may be moved directly from farms to manufacturing plants and still be priced under the orders. The action was requested by a cooperative association to assure the efficient disposition of milk not needed for fluid use and still maintain producer status under the respective orders for its dairy farmer members regularly associated with the markets. The proposed suspension would remove the limits on such movements of milk during the months of April through July 1981 in the Southern Illinois market and during the month of April 1981 in the Central Illinois market.

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

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

**FOR FURTHER INFORMATION CONTACT:** Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4824.

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

It also has been determined that any need for suspending certain provisions of the order on an emergency basis

precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the required suspension procedures and the inclusion of April 1981 in the suspension period if this is found necessary. The initial request for the action was received on March 25, 1981.

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

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the orders regulating the handling of milk in the Southern Illinois and Central Illinois marketing areas is being considered:

#### PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

##### § 1032.13 [Amended]

1. In CFR Part 1032 (Southern Illinois).  
a. During the month of April 1981, in § 1032.13(b)(2), the language "during the months of May, June, and July, during the months of August and December for not more than 12 days of production of producer milk by such producer, and in any other month for not more than 8 days of production of producer milk by such producer".

b. During the months of April 1981 through July 1981, in § 1032.13(b)(3), the language "for not more days of production of producer milk, by such producer than is received at a pool plant(s) pursuant to paragraph (a) of this section".

#### PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

##### § 1050.13 [Amended]

2. In CFR Part 1050 (Central Illinois) during the month of April 1981.

a. In § 1050.13(d)(1), the language "During May, June and July".

b. In § 1050.13, paragraph (d) (2), (3), (4), and (5).

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

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

#### Statement of Consideration

The proposed suspension would remove the limits on the amount of milk that may be diverted from pool plants to nonpool plants during the months of April through July 1981 under the Southern Illinois order and during the month of April 1981 under the Central Illinois order. The Southern Illinois order now provides that during the months of January through April and September through November not more than 8 days' production of a producer may be diverted to nonpool plants that are not other order plants. Such diversions are limited to not more than 12 days' production of a producer during August and December. Diversions to nonpool plants that are also other order plants are limited each month of the year to not more than the number of days of production of a producer that is received at pool plants. The Central Illinois order now provides that diversions to nonpool plants may not exceed the number of days of production that is received at pool plants during the months of August through April, provided that the total quantity of producer milk diverted does not exceed 35 percent of the amount of milk physically received at pool plants.

The suspension was requested by a cooperative association that supplies milk to handlers regulated under each of the orders. Based on current market conditions, the cooperative anticipates a 7 percent increase in producer receipts during the month of April over year-

earlier levels at a facility that supplies the Southern Illinois market. With the increase in producer receipts, the cooperative anticipates the need to divert a greater quantity of milk to manufacturing plants during April than was diverted during the previous year when diversions approached the limits specified in the order. The cooperative contend that similar increases in producer receipts are being experienced under the Central Illinois order and by other handlers and cooperative associations operating in both of the orders. The cooperative contends that because of production increases which are expected to continue through the spring and summer months suspension of the diversion provisions is necessary to prevent uneconomic movements of milk that would be made solely for the purpose of pooling the milk of dairy farmers who have regularly been associated with the respective markets.

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

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-10604 Filed 4-9-81; 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 14 CFR Ch. I

#### 23 CFR Chs. I and II

#### 33 CFR Chs. I and IV

#### 41 CFR Ch. 12

#### 46 CFR Chs. I and III

#### 49 CFR Subtitle A, Chs. I-VI

### Improving Government Regulations, Department Regulations Agenda and Review List; Semi-Annual Summary

#### Correction

In FR Doc. 81-10166, appearing in the issue of Thursday, April 2, 1981, a printing error occurred in the ninth line of the paragraph discussing the Regulatory Flexibility Act on page 20036. The symbol used to identify the regulations for which a Regulatory Flexibility Analysis has or will be prescribed appears incorrectly as "4". The symbol should appear as a dagger "†".

BILLING CODE 1505-01-M

## Federal Aviation Administration

### 14 CFR Ch. I

[Summary Notice No. PR-81-7]

#### Petitions for Rulemaking; Summary of New York Air Petition

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for rulemaking.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of a New York Air petition requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on the petition must identify the petition docket number involved and be received on or before May 26, 1981.

**ADDRESSES:** Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 21589, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

**ADDITIONAL INFORMATION:** On February 21, 1981, counsel for New York Air filed a "Petition for Clarification or Interpretation" of the High Density Rule, 14 CFR Part 93, Subpart K. It has been determined that this document is a petition for rulemaking in accordance with 14 CFR 1125.

Petitions for Rulemaking are required to be published in the **Federal Register** by 14 CFR 1127. The document being published is the "Executive Summary" submitted by petitioner. The entire petition is in the docket where it can be reviewed. In most cases the comment period for petitions is 60 days. Since this

petition pertains to matters which have been before the agency in related proceedings, a 45 day comment period is determined to be adequate.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on April 2, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

Before the Department of Transportation,  
Washington, D.C.

Executive Summary of New York Air Petition  
Petition of New York Air for Clarification or  
Interpretation

The FAA's High Density Rule, originally proposed as a method of limiting Washington National Airport to short-haul traffic, is no longer consistent with its original intent, with the actual capacity of the high density airports, or with the law. While the Rule thus needs a thorough review by the new administration, this petition seeks to have the Northeast Corridor restored to the high priority of access it was granted in the Rule as originally promulgated.<sup>1</sup> Restrictive efforts by the previous administration have threatened to limit to just one carrier the Rule's grant of unlimited Northeast Corridor access to high density airports. The Deregulation Act mandates that that access be available to all carriers competing in the Corridor.

*The Rule was intended to be a flexible, pragmatic measure.* It contains several provisions granting authority to operate at high density airports. In addition to allocated IFR reservations, or so-called "slots," additional operational authority is available to scheduled carriers, air taxis and general aviation. The Rule's history shows a purposeful evolution from a rigid, simplistic proposal to a flexible regulation. Because the Rule's allocated "slots" do not now bear any rational relationship to actual capacity at high density airports, this flexibility remains a critically important part of the Rule. Actual operations regularly exceed the allocated reservations.

*The Rule's flexibility is biased.* Certain airport users have an ease of access they were not intended to have. Actual operations records compiled by the FAA demonstrate this bias.

*The Rule intended Northeast Corridor travelers to have the highest priority of access to high density airports.* The authors of the Rule accomplished this by granting authority for virtually unlimited "extra sections," a provision explicitly intended to permit the Eastern shuttle to operate without regard to the Rule's IFR limitations. In the protectionist environment of 1968-69, the shuttle was the only real choice of frequent

<sup>1</sup> Northeast Corridor means the Washington-New York/Newark-Boston corridor, including the satellite airports of Westchester County and Islip, Long Island.

air service in the densely traveled Northeast Corridor. The extra section authority was added simply to bow to overwhelming demand in the corridor. The obvious and convenient way to acknowledge that demand was to provide for unlimited extra sections.

*Northeast Corridor travelers no longer lack a competitive alternative.* In its first full month of low fare, high frequency operations, New York Air flew 37,676 passengers at an average load factor of 58.1%. New York Air's entry into the Washington-New York market also helped stimulate a surprisingly strong increase in shuttle traffic. New York Air has just begun service between Washington and Boston and New York and Boston. The Northeast Corridor markets thus show every sign of welcoming the advent of fully competitive service, and are poised to develop in the same manner as the Dallas/Ft. Worth, Houston market has developed.

*The Rule's Northeast Corridor provision as restrictively interpreted does not bear any relationship to how Eastern operates its shuttle service: Eastern operates scheduled service.* In every material way except publication in the Official Airline Guide, Eastern's shuttles operate as scheduled service. Studies of load factor data, pre-filed flight plans, and other materials show that Eastern treats its extra sections, and in some cases holds out its extra sections to the public, as regularly scheduled service. There is nothing wrong with this; it makes operational and economic sense.

*The Rule's Northeast Corridor provision today hinders effective competition.* Restrictive efforts by the previous administration threaten to turn the Rule into the type of protectionist and anticompetitive measure so strongly condemned by the Deregulation Act. By permitting only one Northeast Corridor carrier offering only one mode of service to have unlimited access to high density airports, the Rule denies the traveler his choice of fare/service/amenity packages. New York Air's early traffic results prove beyond question that *the traveler wants that choice.* The Deregulation Act says he cannot be denied that choice.

*All carriers competing in the Northeast Corridor should have the same flexibility of high density airport access.* By clarifying the Rule to put all carriers in the corridor on an equal competitive basis, the DOT will serve these salutary purposes:

—Fulfill the Deregulation Act's mandate that marketplace forces govern the provision of air service;

—Give the Northeast Corridor traveler a meaningful choice among competing service/fare/amenity combinations;

—Restore the High Density Rule in one critical respect to its original intent;

—Remove the impending threat of a total breakdown in the airline scheduling committees, and thus rescue the government from the task of having to allocate IFR reservation slots in a chronic state of emergency;

—Maintain the Rule for the foreseeable future as the best flexible and pragmatic constraint available, if one is necessary, since carrier managements will not tolerate the fuel, crew and capital expenses occasioned by undue delays;

—End the pressure on the DOT for a "quick fix" for a complicated problem posing significant public issues.

These goals can be met simply by recognizing that the High Density Rule was always intended to permit the Northeast Corridor a priority of airport access. Once the traveler is given his choice of how to take advantage of that access, all high density airport users will benefit.

Respectfully submitted,

Gerry Levenberg, P.C.

Peter D. Dickson,

*Van Ness, Feldman & Sutcliffe, A Professional Corporation, 1220 Nineteenth Street, N.W., Suite 500, Washington, D.C. 20036, (202) 331-9400, Counsel for New York Air.*

February 20, 1981.

[FR Doc. 81-10797 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-13-M

## CIVIL AERONAUTICS BOARD

### 14 CFR Part 241

[Economic Regulations; Docket 39498]

#### Air Carriers; Amendment of Fuel Cost and Consumption Reporting

Dated: April 3, 1981.

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The CAB is soliciting public comment on a proposal that would reduce the amount of fuel cost and consumption data reported by air carriers each month. In addition, it would establish a new procedure for withholding monthly fuel cost and consumption data of individual carriers from public disclosure until thirty days after the calendar quarter to which these data relate. This responds to a motion filed by Delta Air Lines, Inc. on February 13, 1981.

**DATES:** Comments by: June 8, 1981.

Reply comments by: June 29, 1981.

Comments and other relevant information received after this date will be considered by the Board to the extent practicable.

Requests to be put on the Service List by: April 20, 1981.

The Docket Section prepares the Service List and sends it to each person listed, who then serves comments on the others on the list.

**ADDRESSES:** Twenty copies of comments should be sent to Docket 39498, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut

Avenue, N.W., Washington, D.C., as soon as they are received.

**FOR FURTHER INFORMATION CONTACT:** Clifford M. Rand or J. T. Curry, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6042.

**SUPPLEMENTARY INFORMATION:** On February 13, 1981, Delta Air Lines, Inc. (Delta) filed a motion for confidential treatment of CAB Form 41 Schedule P-12, "Fuel Inventories and Consumption" and Schedule P-12(a), "Fuel Consumption by Type of Service and Specific Operational Markets." The motion also asked for similar treatment for the monthly CAB publication, "Fuel Cost and Consumption." The motion was filed pursuant to section 302.39 of the Board's Procedural Regulations (14 CFR 302.39).<sup>1</sup>

Delta contends that it is likely to be substantially harmed by the dissemination of fuel price, inventory and consumption data. Delta states that the availability of these data provide the potential for fuel sellers to coordinate prices. Further, Delta states that the availability of these data enables sellers to chart inventory levels and peak demand periods to determine when and in which operational markets the carrier's demand for fuel is relatively price insensitive. Delta alleges that all of this places the carrier at a competitive disadvantage in price negotiations. They say that the data made available on Schedules P-12 and P-12(a) fall within the "trade secrets and commercial or financial information" provision for exemption from disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(4) and should be treated accordingly.

Finally, Delta notes that a precedent exists for providing the confidential treatment it is seeking. In Board Order 79-10-91, adopted October 16, 1979, the Board decided to grant confidential treatment for special fuel price data submitted by nine U.S. air carriers. In that decision, the Board recognized that the legitimate private interest of a

<sup>1</sup> On February 27, 1981, Pan American World Airways, Inc. filed an identical motion adopting Delta's reasons as their own. In addition, Trans World Airlines and United Air Lines followed with requests for confidential treatment of Schedule P-12 and Schedule P-12(a) data on March 20, 1981 and March 23, 1981, respectively. Since the action taken here with respect to Delta Air Lines will affect all air carriers, this is a response to the other carriers, as well. United Air Lines also commented on the Delta motion in a letter addressed to the Chief, Data Requirements Division, Office of Comptroller, Civil Aeronautics Board. This letter dated March 12, 1981, essentially supports the Delta motion and will be placed in this docket.

carrier outweighed the public's interest in disclosure.

Consideration of Delta's request begins with the question of whether or not the Board needs all of the fuel price and consumption data it now receives. As matters stand now, the answer to such a question is no.

#### Fuel Inventory Data

At the time the Delta motion was received, the Board had already proposed the elimination of Schedule P-12, "Fuel Inventories and Consumption" on the grounds that it no longer serves any regulatory purpose (Docket 39077; EDR-417, 45 FR 85064, December 24, 1980 and EDR-417A, 46 FR 11827, February 11, 1980). Comments on EDR-417 were due March 25, 1981, with reply comments due April 9, 1981. In view of the Delta motion and the Board's tentative conclusion in EDR-417, the Board's Comptroller has used authority delegated in the Board's Organization Regulations (14 CFR 385.27(c) to waive the requirement to file Schedule P-12 pending the Board's final decision on EDR-417.

If for some reason the comments filed in that proceeding dissuade the Board from eliminating Schedule P-12, we shall deal with Delta's concerns over public disclosure of Schedule P-12 in the final rule emanating from EDR-417.

#### Consumption by Market

An examination of Schedule P-12(a), "Fuel Consumption by Type of Service and Specific Operational Markets" revealed that it could be trimmed to conform more closely to the ratemaking needs of Standard Industry Fare Level determinations, Standard Foreign Fare Level calculations and mail rate determinations. The Regulatory Information Planning Project review of Part 241 financial reporting recommended consolidation of domestic market reporting on Schedule P-12(a) after December 31, 1981. We are accelerating a consolidation, and going a bit further, in light of changes in ratemaking activities and diminishing needs for great volumes of supporting detail that have occurred in the intervening year since the review was conducted. For example, the proposal eliminates unneeded information on bonded, nonbonded and foreign fuel, and consolidates specific operational markets into larger entities. These changes should allay some of Delta's concern over the ability of fuel suppliers to chart peak demand periods in specific markets.

For domestic scheduled service, the number of operational markets would be consolidated from seven into two for all

domestic scheduled service. For international scheduled service, the number of operational markets are being consolidated from seven into three: Atlantic operations, Latin American operations and Pacific operations. Nonscheduled services will be consolidated in the same way. A separate line will still be provided for Military Airlift Command charter operations which, if reported combined with other charter data, could conceivably distort other data reported by entity.

Before we eliminate these data, we will allow users outside the Board an opportunity to comment and justify continuation or, alternative modifications of what we propose. This approach is consistent with the policy established during the Regulatory Information Planning Project.

#### Public Disclosure

In reviewing Delta's motion against the backdrop of a Schedule P-12 that all carriers have been relieved from submitting and a proposal to revise Schedule P-12(a) that consolidates specific operational markets, there still remains the carrier's concern over price coordination by suppliers.

Schedules P-12 and P-12(a) are not new. Moreover, jet fuel prices have been decontrolled for more than two years. For these reasons, we do not fully agree with Delta's argument that the recent decontrol of crude oil and product prices<sup>2</sup> has suddenly created a new environment that would radically tip the balance of fuel price negotiations in favor of suppliers armed with the knowledge of average fuel prices in very broad areas. Although a supplier might raise prices upon finding that they are below average, we are not inclined to withhold fuel price and consumption data from public disclosure permanently or even for an extended period.

As long as the Board has rate regulation responsibility, we believe there is a legitimate public interest in knowing the degree to which fuel prices contribute to air transportation costs.

Many of the circumstances that existed when the Board granted confidential treatment in Board Order 79-10-91 are absent here. In 1979 only nine carriers were asked to comply with a special data request. There was a difference in the nature and the frequency of the information that was being provided. Information was provided on a weekly rather than monthly basis. It was more up-to-date. From some of the information,

individual vendors could be identified. These differences created a potential for difficult situations wherein some carriers but not others could determine very current and specific prices charged their competitors by individual sellers. Order 79-10-91 is not a precedent for action to be taken here.

Nevertheless, the Board believes that some of Delta's concern is well founded. Absent some market force that makes it desirable or necessary for a particular fuel seller to cultivate a particular fuel purchaser, we think the inclination to move prices toward an average, when that average is higher and becomes known, is a natural one which would result in substantial costs to the carrier.

We are, therefore, proposing to amend Part 241 so as to withhold individual carrier data from public disclosure until thirty days after the close of the calendar quarter to which the monthly schedules relate. We are making individual carrier data available on a quarterly basis because it is on a quarterly basis that average prices can be calculated from other sources, as Delta itself acknowledges. This can be done using quarterly reports to the Securities and Exchange Commission and other Form 41 schedules. Data would be released to the public before then in aggregate form without identifying individual carriers. We are including exceptions in the proposal for: (1) parties to any proceeding before the Board to the extent such information is relevant and material to the issues in the proceeding upon a determination to this effect by the administrative law judge assigned to the case or by the Board; (2) agencies and other components of the Federal Government for their internal use only; and (3) such other persons and in such circumstances as the Board determines to be in the public interest or consistent with its regulatory functions and responsibilities.

The Board publication "Fuel Cost and Consumption" will be amended to conform with the new disclosure practices established in this rule.

We believe that the combination of actions discussed in this proposal would afford Delta and all other carriers a substantial measure of relief from their concerns without adverse effect to the Board's ongoing regulatory activities or the public interest.

Since Delta, Pan American, Trans World Airlines and United have requested confidentiality under 14 CFR 302.39, their data is protected from automatic disclosure pending the decision on their motions. The motions will be decided in the context of this rulemaking. Until the rulemaking is

<sup>2</sup> Executive Order No. 12287 January 28, 1981; published at 46 FR 9909, January 30, 1981.

concluded, therefore, their data will not be automatically released. Moreover, we will exclude the confidential data from published carrier group summaries where inclusion in the aggregate amounts would reveal confidential data of individual carriers.<sup>3</sup> The provisions of 14 CFR 302.39 are available to other carriers that are concerned about disclosure of their fuel data pending the outcome of this rulemaking.

#### Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act (Pub. L. 96-354), the Board certifies that this rule will not, if adopted as proposed, have a significant economic impact on a substantial number of small entities. Although some of the carriers that are subject to Schedule P-12(a) are small businesses, they are not the ones that will be most significantly affected by this proposal. In EDR-417, the Board has already proposed to eliminate Schedule P-12(a) for most small carriers.

#### Proposal

The Board proposes to amend Part 241, *Uniform System of Accounts and Reports for Certificated Air Carriers* (14 CFR Part 241) as follows:

1. Section 24 would be amended by revising the reporting instructions for Schedule P-12(a) to read:

#### Section 24—Profit and Loss Elements

Schedule P-12(a)—Fuel Consumption by Type of Service and Entity.

(a) This schedule shall be filed monthly by all air carriers.

(b) A single copy (original only) of this schedule shall be filed to report monthly fuel consumption data by type of service and entity.

(c) For the purposes of this schedule, type of service shall be either scheduled

service or nonscheduled service as those terms are defined in Section 03 of Part 241.

(d) For the purpose of this schedule, scheduled service shall be reported separately for: (1) Intra-Alaskan operations; (2) domestic operations, which shall include all operations within and between the 50 States of the United States (except Intra-Alaska), the District of Columbia, the Commonwealth of Puerto Rico and the United States Virgin Islands and Canadian transborder operations; (3) Atlantic operations (excluding Bermuda); (4) Pacific operations which shall include the North/Central Pacific, South Pacific (including Australia) and the Trust Territories; and (5) Latin American operations which shall include the Caribbean (including Bermuda, Venezuela and the Guianas), Mexico and South/Central America.

(e) For the purpose of this schedule, nonscheduled service should be reported separately for domestic operations and international operations as defined in paragraph (d) above, except that domestic and international MAC operations shall be reported on separate lines.

(f) The cost data reported on each line should represent the average cost of fuel as determined at the station level consumed in that entity.

(g) The cost of fuel shall include shrinkage but exclude (1) "through-put" and "in to plane" fees, *i.e.* service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a separately identifiable form and (2) nonrefundable Federal and State excise taxes. However, "through-put" and "in to plane" charges that cannot be identified or segregated from the cost of fuel shall remain a part of the cost of fuel as reported on this schedule.

(h) Each air carrier shall maintain records for each station showing the computation of fuel inventories and consumption for each fuel type. Carriers shall utilize the periodic average cost method. Under this method, an average unit cost for each fuel type shall be computed by dividing the total cost of fuel available (Beginning inventory plus purchases) by the total gallons available. The resulting unit cost shall

then be used to determine the ending inventory and the total consumption costs to be reported on this schedule.

(i) Where amounts reported for a specific entity include other than Jet A fuel, a footnote shall be added indicating the number of gallons and applicable costs of such other fuel included in amounts reported for that entity.

(j) Where any adjustment(s) recorded on the books of the carrier results in a material distortion of the current month's schedule, carriers shall file a revised Schedule P-12(a) for the month(s) affected.

(k) Data reported on this schedule shall be withheld from public release until thirty days after the close of the calendar quarter to which the monthly schedules relate. However, aggregate data may be released before that time without identifying individual carriers. Individual carrier fuel data withheld from public disclosure may be disclosed by the Board to (1) parties to any proceeding before the Board to the extent such material is relevant and material to the issues in the proceeding upon a determination to this effect by the administrative law judge assigned to the case or by the Board; (2) agencies and other components of the Federal Government for their internal use only; (3) and such persons and in such circumstances as the Board determines to be in the public interest or consistent with its regulatory functions and responsibilities.

2. CAB Form 41 Schedule P-12(a) would be amended as shown in the attached Exhibit.

(Secs. 101, 204, 401, 402, 403, 404, 407, 411, 416, 417, 901, 1002, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 754, 757, 758, 760, 766, 769, 771, 774, 783, 784, 788, 76 Stat. 145; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1387, 1471, 1472, 1482)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,  
Secretary.

BILLING CODE 6320-01-M

<sup>3</sup>Delta's reports will be held confidential beginning with their January report. Pan American's motion was not received in time to apply to their January filing because their January reports were filed on the February 20 due date which preceded their motion by seven days. Pan American's reports will be held confidential beginning with their February report. TWA reports will be confidential treatment beginning with their February report. United's reports will be given confidential treatment beginning with their March report because their request was received after the due date for the February report.

Exhibit

<p>FUEL CONSUMPTION BY TYPE OF SERVICE AND ENTITY</p>	<p>Air Carrier _____</p> <p>Month Ended _____, 19__</p>	
Service/Entity	Gallons	Cost
Scheduled Service		
Domestic		
Intra-Alaska		
Domestic (excluding Intra-Alaska)		
Domestic Subtotal		
International		
Atlantic		
Pacific		
Latin America		
International Subtotal		
Total Scheduled Service		
Nonscheduled Service		
Domestic		
Intra-Alaska		
Domestic (excluding Intra-Alaska)		
MAC Operations		
Domestic Subtotal		
International		
Atlantic		
Pacific		
Latin America		
MAC Operations		
International Subtotal		
Total Nonscheduled Service		

Schedule P-12(a)  
(Proposed Amendment)

CAB Form 41

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

## 18 CFR Parts 157 and 260

Revised Notice of Proposed  
Rulemaking Pertaining to the Annual  
Report of Gas Supply for Certain  
Natural Gas Pipelines: Form No. 15

Issued April 2, 1981.

**AGENCY:** Federal Energy Regulatory  
Commission, DOE.**ACTION:** Revised notice of proposed  
rulemaking.

**SUMMARY:** By this Notice, the Federal Energy Regulatory Commission (Commission) seeks further comment on proposed revisions to Commission Form No. 15, Interstate Pipelines' Annual Report of Gas Supply. The proposed amendments would include reducing the reporting requirements in the form, clarifying the accompanying instructions and definitions, and changing the format of the statements and schedules in the form.

As a result of these changes, the Form No. 15 reporting requirements should be reduced by more than fifty percent.

The proposed changes are made as part of the Commission's ongoing program to eliminate unnecessary reporting requirements and to update its forms.

**DATE:** Comments are due May 4, 1981.

**ADDRESS:** Comments to this Revised Notice of Proposed Rulemaking should be addressed to the Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should reference Docket No. RM80-69.

**FOR FURTHER INFORMATION CONTACT:** Wayne Thompson, Chief, Gas Supply Branch, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 4402-B, Washington, D.C. 20426, (202) 357-9077.

In the matter of an annual report of gas supply for certain natural gas pipelines: Form No. 15, Docket No. RM80-69, revised notice of proposed rulemaking.

## I. Background

## A. Description of Form No. 15\*

Form No. 15, Annual Report of Gas Supply for Certain Natural Gas

Pipelines, is designed to obtain a yearly report of the total gas supply of each pipeline company under the jurisdiction of the Federal Energy Regulatory Commission (Commission).<sup>1</sup> The gas supply includes the pipeline company's owned reserves, producer contracts for which a producer has received a certificate to sell the gas to the pipeline,<sup>2</sup> gas purchase contracts with other jurisdictional pipelines,<sup>3</sup> purchases of gas from foreign suppliers, purchases of Liquefied Natural Gas (LNG), Synthetic Natural Gas (SNG), coal gas, and short-term or other purchases over which the Commission has regulatory authority.

The date collected in Form No. 15 are used in considering gas supply issues in certificate applications and curtailment cases, to perform depreciation analyses in rate cases, and to make determinations about new or increased sales of natural gas, the extension of facilities, or the abandonment of service.

B. History of Rulemaking to Amend  
Form No. 15 (Docket No. RM80-69)

1. *The August, 1980 Notice of Proposed Rulemaking.* On August 7, 1980, the Commission issued a Notice of Proposed Rulemaking to revise Form No. 15 (45 FR 54082, August 14, 1980), as part of its ongoing program to review the data collection forms which are used for Commission decisionmaking purposes in the regulatory process and to reduce the reporting burdens imposed by these forms.

The Notice proposed to amend the content, format and instructions of Form No. 15 in order to make it more concise, better facilitate its use, and reduce unnecessary respondent reporting burdens. The schedules were to be redesigned to better facilitate its use and to improve readability, and the definitions and data requirements were to be standardized and made to conform with changes resulting from passage of the Natural Gas Policy Act of 1978 (NGPA). Under this proposal, companies which filed a magnetic tape (computer readable copy) of the form could continue to submit the magnetic tape in

including all instructions to the form are available in the Commission's Office of Public Information.

<sup>1</sup>Form No. 15 was initially promulgated in 1964: Order No. 279, 29 FR 4874 (April 7, 1964). It has undergone four revisions since that date: Order No. 337, 32 FR 3292 (February 25, 1967); Order No. 339, 35 FR 6962 (May 1, 1970); Order No. 476, 38 FR 6810 (March 13, 1973); and order No. 546, 41 FR 9866 (March 8, 1978).

<sup>2</sup>Pursuant to the Natural Gas Policy Act (15 U.S.C. 3301-3432), in certain instances, producers are no longer required to obtain certificates. (See section 601 of the NGPA.)

<sup>3</sup>Pursuant to the NGPA, pipelines are also permitted to purchase gas from intrastate pipeline companies.

its current format; however, a "hard copy" (computer printout) would have to be filed in the proposed format. These proposed changes to Form No. 15 were to be implemented in time to apply to reports due on April 1, 1981, which would contain 1980 report year data.

2. *Adverse Comments on the August, 1980, Proposed Rule.* Most commenters who responded to the August 7, 1980 Notice of Proposed Rulemaking expressed approval of the Commission's intention to reduce reporting burdens through deletion of certain data items in Form No. 15. However, the majority of commenters strongly objected to the proposed revisions to Form No. 15 on the grounds that the proposed changes would actually create an increase in reporting burdens, at least for the first reporting period after the revisions were to be effected.

Specific complaints cited the excessive and duplicative burden that would be caused by the proposed requirement for respondents to file a magnetic tape of the form in its current format, and also a "hard copy" of the form in the proposed new format; they also stressed that there would be a lack of time in which to implement these revisions prior to the April 1, 1981 deadline.

Several commenters suggested that the Form No. 15 should be retained in its current format and unnecessary elements should simply be deleted from its current format.

Many commenters also urged that, in any case, changes should only be effective for reports due on or after April 1, 1982. Other comments stated that certain of the "clarifying" changes and revisions made to conform with recent legislation actually created a greater reporting burden, which conflicted with the Commission's express purpose of reducing reporting burdens. Several of the proposed definitions were allegedly unclear, and conflicted with each other and with the actual data requirements in the form.

Many commenters opposed the Commission's detailed reservoir reporting requirements and favored only field level reporting instead. They also objected to the requirement for the attachment of field maps to the form as expensive and burdensome. Several suggestions were also made for specific changes to definitions, data elements on specific schedules, further deletions, clarifications and reformatting.

One commenter objected because the proposal would have deleted the 20-year annual projection of total pipeline system gas supply requirements and replaced it with a one-year requirements

\*Form No. 15 (Attachment A) is not being printed by the Federal Register. Copies of Form No. 15.

report. The commenter also opposed the elimination of curtailments data for the current report year. The commenter suggested several additional reporting requirements for the form.

Finally, the majority of commenters recommended that the Commission convene a conference between Commission staff and interested persons to discuss the various problems regarding the proposed changes as well as suggestions for improvements to the form.

These comments were discussed in the Commission's Interim Rule in this docket, issued in November, 1980.

3. *The November, 1980 Interim Rule.* After due consideration of each of the comments to the Notice of Proposed Rulemaking, the Commission issued an Interim Rule on November 6, 1980 (45 FR 75192, November 14, 1980). The Interim Rule provided, among other things, that Form No. 15 was revised by the deletion of those items which were proposed for deletion in the Notice of Proposed Rulemaking; no other changes were made at that time. Thus, the present version of Form No. 15 requires the reporting of 1980 data in accordance with the current format for the Form, minus those items specified for deletion in the November, 1980, Interim Rule; and this Form is due on April 1, 1981.

The Interim Rule also provided that a series of informal public meetings would be held in the near future to discuss further changes to the form.

4. *Informal meetings and additional written comments.* The Commission held informal conferences between members of the public and the Commission staff on December 2, 9, and 16, 1980.<sup>4</sup> At those meetings the basic issues raised in written comments to the Notice of Proposed Rulemaking were discussed in detail, and numerous useful suggestions were offered for less burdensome changes in the Form No. 15 format, definitions, instructions and reporting requirements.<sup>5</sup>

<sup>4</sup> See Notice of Public Meetings, issued November 17, 1980 (45 FR 77043, November 21, 1980), which provided a general outline of topics for discussion in each meeting; Notice of Agenda Change in Public Meetings, issued December 3, 1980 (45 FR 81062, December 9, 1980), which provided for separate meetings to discuss reservoir level reporting, (December 9), field level reporting (December 16), and data automation (January 16, 1981); and Notice of Cancellation of Public Meeting, and Reopening of Comment Period, issued December 24, 1980 (45 FR 1744, January 7, 1981), which provided for the cancellation of the January 16, 1981 meeting on data automation since the meeting was no longer necessary, and for the reopening of the comment period until January 16, 1981.

<sup>5</sup> Copies of the transcripts of the public meetings are available in the Commission's Office of Public Information.

## II. Summary of Proposed Revisions to Form No. 15

Upon due consideration of the discussions in each of the informal meetings and all written comments in this docket, the Commission now proposes to make, in addition to those deletions already made by the Interim Rule, the following revisions to that version of Form No. 15 which was proposed for consideration in the Notice of Proposed Rulemaking. Unless otherwise noted, all changes proposed are made in response to the written and oral comments and suggestions offered in this docket.

### A. General

Detailed reservoir data which was proposed to be reported in the Notice "Schedule II, 'Reservoir Data, Field Data, Salable Reserve Data and Deliverability Estimate'" would be totally deleted from Form No. 15. Instead, the Commission would combine Notice Schedule II and the Notice Schedule III, "Committed Reserves and Deliverability Estimates for Other Supply Sources." This new Schedule II would be entitled, "Committed Reserves and Deliverability Estimates for All Supply Sources."

The following changes would be made to each of the Notice schedules:

All requirements to state whether the report is an original or a resubmission would be deleted; the "Date of Resubmission" element would be changed to "Date of Submission;" only a "Yes" choice would appear in the "Footnote Made For This Page" item; pagination would be simplified; and a provision included for "Supplemental Sheet No."

### B. Identification Schedule and Statements

1. *Notice "Identification Schedule."* The Notice "Identification Schedule" would be revised as follows: The schedule would be renumbered as Page 0001; parenthetical references to "sheets and supplemental pages" would be deleted from the Notice Item 11, as would the reference to "Sheets" in Column 03, "Total Number of Pages/Sheets", of Notice Item 11; conforming changes would be made to the title of Schedule II; and the Title of the Notice Schedule III would be deleted in its entirety.

2. *Notice "Synopsis of Gas Supply."* The Notice statement, "Synopsis of Gas Supply," would be renumbered as Page

<sup>6</sup> All references to "Notice" schedule, line, item, etc. apply to the proposed schedule, line, item, etc. in the Form No. 15 proposed for revision in the August 7, 1980 Notice of Proposed Rulemaking.

0002 and the following changes would also be made:

Lines 01 and 02 would remain the same. The Line 03 requirement would be transferred to Page 0004, "Gas Procurement Activity Statement."

New line 03 would report data required in Notice line 06, and include certain clarifying language.

Line 04 would be deleted in its entirety.

New line 04 would report data required in Notice line 08, except that "new reserves certificated" would be changed to "new reserve additions acquired through new gas purchase contracts with independent producers" to conform with requirements in the NCPA.

Line 05 would remain the same.

Line 06 would become new line 03.

Line 07 would be deleted in its entirety.

Line 08 would become new line 04.

Line 09 would be deleted in its entirety.

Line 10 would become new line 06 and include certain clarifying language.

Line 11 would become new line 07 and include certain clarifying language.

3. *Notice "Disclosure of Other Gas Supply Filings With Other Federal Agencies."* The Notice statement, "Disclosure of Other Gas Supply Filings With Other Federal Agencies" would be renumbered as Page 0003, but would otherwise remain the same.

4. *Notice "Gas Procurement Activity Statement."* The Notice "Gas Procurement Activity Statement" would be renumbered as Page 0004. A detailed list that includes company activities which could result in additions to gas supplies would be added to the instructions for clarification.

### C. Schedules

The schedule pages and "Footnote Data Page" would be unnumbered so that the appropriate page and supplemental page number could be inserted by the individual reporting companies.

1. *Notice Schedule I, "System Deliverability Summary."* The following change would be made to Notice Schedule I, "System Deliverability Summary":

#### Current Gas Supply

##### Lines 101 and 102

Column 02 would be changed from "Producer Dedicated" to "Producer Contracted", for clarification, and to conform with the NCPA.

Column 03 would be changed from "Warranty Contracts" to "Other Supply Contracts" to report supply sources other than owned, producer contracted, and interstate pipeline purchases (this "other supply contracts" data was previously

reported in Item 04). Warranty contract data would now be reported in Column 02. Column 04 would be changed from "Pipeline Purchases" to "Interstate Pipeline Purchases" for clarification.

#### Deliverability Forecast

##### Lines 103 through 123

Column 01 would be changed from "Owned and Producer Dedicated" to "Owned and Producer Contracted" for clarification. A new Column 02 would be added, entitled, "Other Supply Contracts," to conform to the "Other Supply Contracts" reported in the Current Gas Supply portion of Schedule I.

##### Lines 103 through 123

Column 02 would be renumbered Column 03 and would be changed from "Pipeline Purchases" to "Interstate Pipeline Purchases", to conform with "Interstate Pipeline Purchases" reported in Current Gas Supply.

Columns 03 and 04 would be renumbered 04 and 05, respectively.

A new Column 06 would be added, entitled, "Total Certificate Requirements" to report, for clarification the maximum delivery obligation under certificates.

A requirement would be added in the instructions to include a footnote explaining if any assumption is made for new Columns 02 and 03 under Deliverability Forecast, other than "receiving full contract quantity."

2. *Notice Schedule II, "Reservoir Data, Salable Reserve Data and Deliverability Estimate," and Notice Schedule III, "Committed Reserves and Deliverability Estimates for Other Supply Sources."* The Notice Schedule II, "Reservoir Data, Salable Reserve Data and Deliverability Estimate," and the Notice Schedule III, "Committed Reserves and Deliverability Estimates for Other Supply Sources," would be revised to delete certain data elements which need not be reported annually because this information is submitted with certificate applications. The new Schedule II would combine the remaining elements in Notice Schedules II and III, and would be entitled, "Committed Reserves and Deliverability Estimates for All Supply Sources". The format would be changed for ease of reporting.

Following are the changes to Notice Schedules II and III which would result from the combination of those schedules into a new Schedule II:

a. *Notice Schedule II, "Reservoir Data, Salable Reserve Data and Deliverability Estimate"*. The deletions to Notice Schedule II would be as follows:

- Item No.  
03—Reservoir Name  
04—Geologic Code  
06—Year First Reported

- 09—Type Gas  
10—Reservoir Gas Gravity  
12—GOR or GLR  
13—Reservoir Depth  
14—Reservoir Temp. °R  
15—Initial Pressure  
16—Current Pressure  
17—Terminal Pressure  
18—Type Pressure  
20—Name of Other Interstate Pipeline Purchaser  
21—Name of Other Interstate Pipeline Purchaser  
33—New Reservoirs  
34—Extensions  
36—Maximum Daily Quantity  
37—Gathering Line Pressure, psia

The following items would be added for clarification purposes:

- Item 216, "Additions During Reporting Year";  
Item 219, "Total Number of Reservoirs";  
Item 220, "Number of Non-Producing Reservoirs"; and  
Item 221, "Remaining Total Dry Gas In Non-Producing Reservoirs."

b. *Notice Schedule III, "Committed Reserves and Deliverability Estimates for All Supply Sources"*. The deletions to Notice Schedule III would be as follows:

- Item No.  
04—Offshore Area Name  
05—Offshore Area Code  
13—Maximum Daily Quantity

3. *Notice "Footnote Data Page"*. The Notice "Footnote Data Page" would be amended to include certain conforming format changes; the new "Footnote Data Page" would, however, report essentially the same data as the Notice version.

#### C. Instructions

The definitions and instructions accompanying Form No. 15 would be clarified and revised to conform with the changes proposed for the form itself. In addition, the Supply Type Codes, Supply Class Codes and Supply Term Codes would be standardized by use of three and four letter abbreviations; the Geologic Codes would be deleted in their entirety, because they are no longer essential to reporting; the Pipeline System Map requirement would be clarified so that field maps which have not been substantially revised since they were last filed with a Form No. 15 report would not have to be submitted with a new report; and an example of a completed Schedule II, in the new format, would be included in the instructions as a guide for respondents who must complete that schedule. The magnetic tape instructions would be amended; computer responses to the form would be required in the new format. Accordingly, magnetic tape responses and hard copy printouts

would both be reported under the new format.

#### III. Amendments to Commission Regulations

While the format of Form No. 15 and the requirements set forth in the Form's various schedules have been markedly changed in response to public comment, the amendments to §§ 260.7 and 260.7a to implement these changes would be essentially the same as those proposed in the August, 1980 Notice of Proposed Rulemaking. The only significant proposed changes would be the following:

Section 260.7(b)(1)(ii) of the August proposed rule provides that certain interstate pipelines are required to file only specific portions of Form No. 15, including Schedule III. Because Schedule III would be consolidated with Schedule II in the new format, these pipelines would, instead, be required to file Schedule II.

Section 260.7(b)(ii)(A) would be clarified to provide that the Identification Schedule, the Synopsis of Gas Supply and Schedule II of Form No. 15 shall be filed by each interstate pipeline with total remaining recoverable gas reserves that are owned or controlled by the pipeline pursuant to producer contracts and amount to less than 50 billion cubic feet at the end of the reporting year. The August Notice provided for such filings from each interstate pipeline with gas reserves owned and controlled by producers amounting to less than 50 billion cubic feet at the end of the reporting year.

Finally, § 260.7a would be corrected to provide that each interstate pipeline which transports gas for another company in interstate commerce shall file a statement which includes the name and address of each company for which it transports gas. The August Notice inadvertently provided that the interstate pipeline which transports gas for another interstate pipeline would be required to file this statement.

In addition, the Commission would also amend its regulations at § 157.14 to provide for the reporting of information about individual reservoirs as it relates to an application for a certificate of public convenience and necessity. § 157.14 provides requirements for exhibits to be attached to applications for certificates of public convenience and necessity and for orders permitting and approving abandonment under section 7 of the Natural Gas Act.) *Exhibit H, Total Gas Supply Data* (§ 157.14(a)(10)(vi) provides for the filing of certain information in addition to the Form No. 15. Under the current

regulations, a pipeline company which is required to report gas supply and deliverability data as part of an application, can comply with the requirement by filing information reported in Schedules II and III respecting individual reservoirs. Although the reporting of individual reservoir data is proposed to be eliminated from the annual Form No. 15 report by this Revised Notice of Proposed Rulemaking, the Commission would still require information about these reservoirs in processing individual applications. Subclause (vi) of *Exhibit H* would, therefore, be amended to provide for the reporting of such information.

#### IV. Written Comment Procedures

The Commission invites interested persons to submit written data, views and other information concerning the matters set out in this Notice. An original and 14 copies of such comments should be filed with the Commission by May 4, 1981. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Docket No. RM80-69.

All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 during regular business hours.

(Department of Energy Organization Act, 42 U.S.C. 7101-7352; Natural Gas Act, 42 U.S.C. 717-717w; Natural Gas Policy Act, 15 U.S.C. 3301-3432; E.O. 12009, 3 CFR 1977 Comp., p. 142)

In consideration of the foregoing, the Commission proposes to amend Form No. 15 as set forth in Attachment A, and Parts 157 and 260 of Chapter I, Title 18 of the Code of Federal Regulations as set forth below.

By direction of the Commission,  
Kenneth F. Plumb,  
Secretary.

#### PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

1. In §157.14, paragraph (a)(10)(vi) is revised in the fourth sentence, to read as follows:

##### § 157.14 Exhibits.

- (a) \* \* \*  
(10) \* \* \*

(vi) \* \* \* In those instances, the pipeline company must file detailed gas supply and deliverability information, including a summary of the remaining recoverable salable gas reserves in each reservoir for each source of supply reported, all factors used for the reserve estimate in each individual reservoir and a 10-year deliverability projection for each supply source.

#### PART 260—STATEMENTS AND REPORTS (SCHEDULES)

2. Section 260.7 is revised to read as follows:

##### § 260.7 FERC Form No. 15, Interstate pipelines' annual report of gas supply.

(a) *Prescription.* The form of Interstate Pipelines' Annual Report of Gas Supply, designated herein as FERC Form No. 15, is prescribed for the year 1981 and thereafter.

(b) *Filing requirements.* (1) *Who must file.* (i) *Generally.* All interstate pipeline companies, as defined by section 2(15) of the Natural Gas Policy Act (15 U.S.C. 3302(15)), shall prepare, and file in accordance with the instructions in Form No. 15, an original and four copies of FERC Form No. 15, unless excepted under clause (ii).

(ii) *Exceptions.* The following interstate pipelines shall prepare and file with EIA and original and four copies of only the Identification Schedule (with Certification), the "Synopsis of Gas Supply," and Schedule II of FERC Form No. 15:

(A) Each interstate pipeline with total year-end remaining recoverable gas reserves that are owned by such pipeline, or controlled by such pipeline pursuant to producer contracts, and that amount to less than 50 billion cubic feet of natural gas at the end of any reporting year; or

(B) Each interstate pipeline that purchases its entire supply of natural gas from other interstate pipelines subject to the provisions of this section, or from foreign suppliers.

(2) *When to file.* Such reports shall be filed on or before April 1 for each calendar year ending December 31 of the previous year.

3. Section 260.7a is revised to read as follows:

##### § 260.7a Annual statement of gas transported by interstate pipelines for other interstate pipelines.

Each interstate pipeline, as defined by section 2(15) of the Natural Gas Policy Act (15 U.S.C. 3302(15)), which only transports natural gas for another company in interstate commerce subject to the provisions of this section, shall

prepare, and file in accordance with the requirements in Form No. 15, an original and four copies of a statement which contains the name and address of each such company for which it transports the gas. Such statement shall be filed on or before April 1 for each calendar year ending December 31 of the previous year.

[FR Doc. 81-10751 Filed 4-8-81; 8:45am]

BILLING CODE 6450-85-M

#### 18 CFR Parts 271 and 274

[Docket No. RM81-25]

#### Procedures for Operator Protests Regarding Stripper Well Natural Gas

Issued April 3, 1981.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission is proposing to amend its regulations implementing section 108 of the Natural Gas Policy Act of 1978 to establish procedures to be followed in filing motions contesting a notice to disqualify a well from section 108 status.

**DATES:** Written comments are due by May 8, 1981. Requests for public hearing are due by April 24, 1981.

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

#### FOR FURTHER INFORMATION CONTACT:

Dan White, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, 202-357-8066.

Issued April 3, 1981.

In the matter of procedures for operator protests regarding stripper well natural gas, Docket No. RM81-25, notice of proposed rulemaking.

#### I. Introduction

In its regulations, the Federal Energy Regulatory Commission (Commission) has established rules implementing section 108 of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3318), which establishes the maximum lawful price and criteria for qualifying stripper well natural gas. The Commission is proposing herein to amend its regulations to establish the procedures to be followed in filing motions contesting a notice to disqualify a well from section 108 status.

## II. Discussion

Title I of the NGPA prescribed maximum lawful prices for natural gas. Gas produced from qualified stripper wells is eligible for a comparatively high price under the NGPA.

To qualify as a stripper well, a well must produce no more than an average of 60 Mcf of non-associated natural gas per production day during any 90-day production period. To maintain qualification for the section 108 price a stripper well may not exceed certain production rate limitations contained in § 271.805 of the Commission's regulations. If the well produces natural gas at a rate exceeding the production limitation, the operator and purchaser are required to submit notices of disqualification from stripper status. If a purchaser files a notice of disqualification and the operator does not agree with the purchaser, the operator can contest a purchaser's notice of disqualification by filing a motion in accordance with § 271.805(b)(1)(i) of the regulations. Presently, the regulations do not provide filing requirements and procedures whereby a jurisdictional agency and the Commission shall consider such a motion. This rule proposes appropriate filing requirements and procedures.

## III. Summary of Proposed Regulations

The proposed rule would amend § 274.206 to provide filing requirements for a motion contesting a notice of disqualification. Essentially, the movant would be required to reference the initial determination qualifying the well for stripper status and the notice of disqualification and would be required to provide a statement summarizing the reasons why the well should not be disqualified, accompanied by any supporting documentary evidence.

The proposed rule would further amend § 271.806 to provide that a jurisdictional agency shall treat a motion contesting a notice of disqualification as it would treat an application for initial determination. The jurisdictional agency would make a determination on the motion and, within 15 days of the date of determination, would give written notice to the Commission in accordance with § 274.104.

The procedures for Commission review of a jurisdictional agency determination on a motion contesting a notice of disqualification would be the same as those governing review of well category determinations under § 275.202.

Thus, under the proposed amendments, the Commission would have 45 days after receipt of the determination to act on the jurisdictional agency determination; if no action were taken by the Commission within the 45-day period, the jurisdictional agency determination would become final.

## IV. Public Procedure

### A. Written Comments

Interested persons are invited to submit comments, data, views, or arguments with respect to this proposed rule. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should refer to Docket No. RM81-25. An original and 14 copies should be filed. All comments received prior to 4:30 p.m., May 8, 1981, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file that has been established in this docket. This file is available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during regular business hours.

### B. Public Hearing

Interested persons may request an opportunity for oral presentation of their views at a public hearing. Requests for a hearing should be submitted no later than April 24, 1981, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM81-25. If a public hearing is held in this docket, the time and place will be announced by May 8, 1981.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, the Commission proposes to amend Parts 271 and 274 of Subpart H, Chapter I, Title 18, Code of Federal Regulations as set forth below.

By direction of the Commission.

**Kenneth F. Plumb,**  
Secretary.

## PART 271—CEILING PRICES

1. Section 271.806 is amended by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively and by adding new paragraph (b), to read as follows:

### § 271.806 Jurisdictional agency determinations and Commission review.

(b) *Motion contesting a notice of disqualification.* The jurisdictional agency shall treat a motion contesting a notice of disqualification under § 271.805(b)(1)(i) as if it were an application for initial determination and shall comply with the applicable provisions of § 274.206(f) Subpart A of Part 274.

2. Section 271.806 is amended in newly designated paragraph (c) by inserting the words "or (b)" after the words "under paragraph (a)".

## PART 274—DETERMINATIONS BY JURISDICTIONAL AGENCIES

3. Section 274.206 is amended by adding a new paragraph (f), to read as follows:

### § 274.206 Stripper well natural gas.

(f) *Motion contesting a notice of disqualification.*

For the purposes of a determination under § 271.806(b), on a motion contesting a notice of disqualification, the operator shall file:

(1) The names and addresses of the operator and purchaser(s);

(2) An identification of the well and accurate reference to:

(i) The original determination qualifying the well as a stripper well; and

(ii) The notice of disqualification filed by the purchaser pursuant to § 271.805(a);

(3) A statement summarizing the reasons why the well should not be disqualified;

(4) Any documentary evidence that supports the statement made pursuant to subparagraph (3);

(5) A statement, under oath, that all of the information contained in the motion is true to the best of the operator's information, knowledge, and belief; and that the motion has been served on the Commission and on the purchaser(s); and

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

[FR Doc. 81-10752 Filed 4-6-81; 8:45 am]

BILLING CODE 6450-85-M

## DEPARTMENT OF THE TREASURY

## Customs Service

## 19 CFR Part 177

Proposed Customs Regulations  
Amendments Relating to Country of  
Origin Determinations

**AGENCY:** Customs Service, Department of the Treasury.

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes amendments to the Customs Regulations to reflect the Government procurement provisions of the "Trade Agreements Act of 1979." The proposed amendments relate to the issuance of country of origin advisory rulings and final determinations relating to Government procurement under the Act for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products of eligible countries.

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

**ADDRESS:** Written comments should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

**FOR FURTHER INFORMATION CONTACT:** Benjamin Mahoney, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5778).

**SUPPLEMENTARY INFORMATION:****Background**

The "Trade Agreements Act of 1979," Pub. L. 96-39, 93 Stat. 144 (the "Act"), approves and implements the trade agreements negotiated by the United States in the Tokyo Round of Multilateral Trade Negotiations (the "MTN"). The Act consists of 11 separate titles. This document relates only to those aspects of Title III of the Act, Government Procurement, which impact Customs activities.

Title III, which implements the Agreement on Government Procurement, permits the President to waive certain "Buy American" restrictions in U.S. law or practice which discriminate against particular products of designated countries. Designated countries are those which are parties to the Agreement or which provide reciprocal procurement benefits to the United States. The President is permitted to prohibit Federal Government procurement of products from non-designated countries.

Furthermore, the President is permitted to withdraw or to limit waivers granted, and, after consultation with the Congress and the private sector, to grant new waivers.

The President may waive those portions of U.S. law, most notably the Buy American Act (41 U.S.C. 10a *et seq.*), which discriminate against purchases of foreign goods by Federal Government agencies. A waiver can only apply to goods which are the products of designated countries. Least developed (poorest) countries could be designated without condition. All other countries are required to provide reciprocal benefits for the United States in their government procurement, and major industrial countries are required to become parties to the Agreement in order to be designated.

Section 305(b) of Title III provides that Customs will make country of origin advisory rulings and final determinations for the purpose of waivers for products of eligible countries. Judicial review of the final determinations is provided for in Title X of the Act.

To implement Title III, it is proposed to redesignate the present provisions of Part 177, Customs Regulations (19 CFR Part 177), as Subpart A and add a new Subpart B to provide a procedure whereby any foreign manufacturer, producer, or exporter, or a United States importer of merchandise, may request and receive an advisory ruling or final determination as to the country of origin of imported merchandise.

**Authority**

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66); section 624, 46 Stat. 759 (19 U.S.C. 1624); Pub. L. 96-39, 93 Stat. 144.

**Comments**

Before adopting this proposal, consideration will be given to any written comments, preferably in triplicate, that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

**Drafting Information**

The principal author of this document was John E. Elkins, Regulations and Research Division, Office of Regulations and Rulings, U.S. Customs Service.

However, personnel from other Customs offices participated in its development.

**Proposed Amendments**

It is proposed to amend Part 177, Customs Regulations (19 CFR Part 177), in the following manner:

**PART 177—ADMINISTRATIVE RULINGS**

1. It is proposed to amend Part 177 by adding a subpart designation before § 177.1 to read as follows:

**Subpart A—General Ruling Procedure**

2. It is proposed to add a new Subpart B to Part 177 to read as follows:

**Subpart B—Government Procurement; Country of Origin Determinations****Sec.**

- 177.21 General.
- 177.22 Country of origin.
- 177.23 Who may request country of origin determinations.
- 177.24 By whom request is filed.
- 177.25 Form and content of request.
- 177.26 Where request filed.
- 177.27 Notification of receipt.
- 177.28 Advisory ruling.
- 177.29 Appeal of advisory ruling.
- 177.30 Publication of notice of final determinations.

**§177.21 General.**

This subpart relates to the issuance of country of origin advisory rulings and final determinations relating to Government procurement under Title III, "Trade Agreements Act of 1979," Pub. L. 96-39, 93 Stat. 144, for the purpose of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products of eligible countries.

**§ 177.22 Country of origin.**

For the purpose of this subpart, an article is a product of a country or instrumentality only if (1) it is wholly the growth, product, or manufacture of that country or instrumentality, or (2) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term "instrumentality" shall not be construed to include any agency or division of the government of a country, but may be construed to include such arrangements as the European Economic Community,

**§ 177.23 Who may request country of origin determinations.**

Any foreign manufacturer, producer, or exporter, or a United States importer of merchandise, may request a country of origin determination.

**§ 177.24 By whom request is filed.**

A request may be filed by a foreign manufacturer, producer, or exporter, or a United States importer of merchandise, or by a duly authorized attorney or agent on their behalf. A request filed by a corporation shall be signed by a corporate officer, and a request filed by a partnership shall be signed by a partner.

**§ 177.25 Form and content of request.**

The request shall be in writing and shall contain the following information:

(a) The name of the requester, the requester's principal place of business, and a statement that the requester is either a foreign manufacturer, producer, or exporter, or a United States importer, or a duly authorized attorney or agent;

(b) A description of the article for which a country of origin determination is requested;

(c) The country or instrumentality an article is claimed to be the product of; and

(d) Such information as will enable Customs to determine if an article is a product of a specific country or instrumentality.

**§ 177.26 Where request filed.**

The request shall be filed with the Director, Entry Procedures and Penalties Division, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229.

**§ 177.27 Notification of receipt.**

Upon receipt of the request by the Office of the Director, Entry Procedures and Penalties Division, it shall be date stamped. The requester shall be promptly advised in writing of the date the request was received.

**§ 177.28 Advisory ruling.**

Within 25 days of receipt of the request, the Director, Entry Procedures and Penalties Division, shall issue an advisory ruling as to whether an article is or would be a product of the claimed foreign country or instrumentality within the meaning of this section. Failure to issue a ruling within 25 days of receipt of the request shall be construed as an advisory ruling that an article is not or would not be a product of the foreign country or instrumentality claimed in the request. Any advisory ruling which is not appealed under § 177.29 shall become a final determination 30 days from the date of the decision.

**§ 177.29 Appeal of advisory ruling.**

An advisory ruling which is adverse to the requester may be appealed to the Director, Office of Regulations and Rulings, within 30 days of the date of the adverse advisory ruling. The appeal shall contain the same information required by § 177.25. In addition, the appeal shall identify the adverse advisory ruling from which the appeal is taken and the reasons why the party appealing the ruling believes it is in error. The appeal shall be filed with the Director, Office of Regulations and Rulings, U.S. Customs Service, Washington, D.C. 20229. Upon receipt of the appeal by the Office of the Director, Office of Regulations and Rulings, it shall be date stamped. The party appealing shall be promptly advised in writing of the date the appeal was received. The Director, Office of Regulations and Rulings, shall, within 30 days of receipt of the appeal, issue a final determination on the appeal. No further administrative appeal may be taken from the final determination of the Director, Office of Regulation and Rulings. Failure to issue a decision within 30 days of receipt of the appeal shall be construed as a final determination that the article is not or would not be a product of the foreign country or instrumentality claimed in the appeal.

**§ 177.30 Publication of notice of final determinations.**

Notice of all final determinations shall be published in the *Federal Register* within 60 days of the date the final determination is issued or occurs because of failure to issue a decision within the time limits established by this subpart.

**William T. Archey,**

*Acting Commissioner of Customs.*

Approved:

**John P. Simpson,**

*Acting Assistant Secretary of the Treasury.*

March 25, 1981.

[FR Doc. 81-10748 Filed 4-8-81; 8:45 am]

BILLING CODE 4810-22-M

**Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9**

[Notice No. 369]

**Edna Valley Viticultural Area**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in San Luis Obispo County, California, to be known as "Edna Valley." This proposal is the result of a petition from industry members in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labelling and advertising will help consumers better identify the wines they purchase.

**DATE:** Written comments must be received by June 8, 1981.

**ADDRESSES:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044.

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:**

Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

**SUPPLEMENTARY INFORMATION:****Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approval viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally

and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

#### Petition

ATF has received a petition proposing an area in San Luis Obispo County, California, as a viticultural area to be known as "Edna Valley." The proposed area is a natural valley consisting of approximately 35 square miles.

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by climatic variances, particularly temperature, and by unique geophysical characteristics and is historically and currently known by the name "Edna Valley." The petitioner bases these claims on the following:

(a) A San Luis Obispo County Planning Study published in 1969 describes Edna Valley as an elongated valley oriented along a northwest-southeast axis. The valley is well defined by the Santa Lucia Mountains on the northeast side; by a low, hilly complex on the southeast; and by the San Luis Range on the southwest. The upper end or northwest border merges into the Los Osos Valley just beyond the city of San Luis Obispo.

(b) The boundaries for Edna Valley are essentially the same as those proposed for the viticultural area, except that the viticultural area boundaries omit the hilly and mountainous areas (above the 400 foot contour line on the southwest side of the valley and above the 600 foot contour line on the northeast side) where slopes are too steep and soil capabilities are not suitable for grape growing.

(c) The climate within Edna Valley is predominantly Region II as classified by the University of California at Davis system of heat summation by degree days. There are a few localized microclimates in the valley which classify as Region I. The inland areas of San Luis Obispo County generally experience substantially higher summer

temperatures and substantially lower winter temperatures than Edna Valley. This is because of the mountain barrier which runs along the San Luis Obispo County coast line, shielding the inland areas from the moderating ocean influences.

(d) There is a gap in this mountain barrier where the Los Osos Valley meets the ocean in the Morro Bay area, 15 miles to the northwest of Edna Valley. Los Osos Valley serves as a wide mouthed funnel, providing an unobstructed sweep from the ocean into Edna Valley, bringing frequent morning fog during the summer months and winds in the afternoon.

(e) The pocket of hills and mountains surrounding Edna Valley captures the marine air, tempered by distance from the coast line, flowing in from Morro Bay through the Los Osos Valley, creating climatic conditions which differentiate Edna Valley from the surrounding areas.

(f) Although Los Osos Valley to the northwest is also a distinguishable valley, because of its proximity to the ocean its climate is colder and it experiences more fog cover and more wind than Edna Valley. Consequently, Los Osos Valley climate is too cold to mature wine grapes and none are planted there.

(g) The floor of Edna Valley is approximately 120 to 300 feet above sea level. The proposed viticultural area projects into the surrounding uplands to the 600 foot contour line of the Santa Lucia Mountains and to the 400 foot contour line of the San Luis Range on the west. The elevations of the surrounding mountainous areas generally range between 1000 to 2400 feet to the northwest, 600 to 1600 feet to the southeast and 400 to 900 feet to the south and west.

(h) The northern end of Edna Valley drains into San Luis Obispo Creek and Davenport Creek, which is a tributary of San Luis Obispo Creek. The southern end of the valley drains into Pismo Creek and into the east and west branches of Corral De Piedra Creek, tributaries of Pismo Creek. San Luis Obispo Creek flows southwesterly into the Pacific Ocean at Avila Bay. Pismo Creek flows southwesterly into the ocean at Pismo Beach.

(i) Major soils within the Edna Valley viticultural area are generally sandy clay loam, clay loam or clay. They are mostly hard, firm, sticky and plastic. They are also generally neutral to moderately alkaline. Most soils are calcareous at some level of the surface soil or subsoil.

(j) Soils in the surrounding mountainous areas above the 400 to 600

foot contour levels are shallower than in the valley and are of poor soil capability. Soils in Los Osos Valley are similar to those in Edna Valley but are generally heavier and of better capability.

(k) Climatic conditions in Edna Valley are favorable for growing wine grapes. The valley experiences a long, dry moderate summer season followed by a shorter, wet winter period and cool temperatures. The average rainfall is about 20 inches, more than 80 percent occurring from December through March. Killing frosts are rare, which is not the case in other inland areas of the county that are denied the benefits of the ocean influence by the mountain barrier.

(l) Historical and current usage of the name "Edna Valley" is supported by the following:

(1) Edna Valley derives its name from the small community of Edna, founded about 1883. The first official record of the use of the name "Edna" appears in a lease document recorded December 6, 1899. Over the ensuing years, the valley in which Edna is located came to be known locally as Edna Valley.

(2) A collection of excerpts from local publications concerning Edna Valley provides evidence that the area is locally known by that name.

(3) A study published by the San Luis Obispo County Planning Department in December 1969 entitled "San Luis Obispo County Agricultural Preserves—Edna Valley Area" provides evidence that the area is officially known locally by the name Edna Valley.

(4) A collection of clippings from regional and national wine-oriented articles and and publications provides evidence that Edna Valley has become widely known as a viticultural area.

(5) A collection of wine labels which refer to Edna Valley as the source of the grapes in which the wines were made provides further evidence that Edna Valley is widely recognized as a viticultural area.

(6) Wine grapes were first planted in the proposed viticultural area at Mission San Luis Obispo about 1772. Other small plantings were made in Edna Valley in the early 1900's. In 1968 the County Farm Advisor planted a plot of premium varietal wine grapes on the Righetti Ranch in Edna Valley. In 1973, substantial acreage of wine grape vineyards was planted in the area, followed by other smaller plantings over the next few years. At the present time there are five vineyards in Edna Valley totaling approximately 650 acres in vines.

The boundaries of the proposed Edna Valley viticultural area may be found on four U.S.G.S. 7.5 minute quadrangle maps ("San Luis Obispo Quadrangle, California", "Lopez Mtn. Quadrangle, California", "Arroyo Grande NE Quadrangle, California" and "Pismo Beach Quadrangle, California").

The boundaries are as follows:

(1) The beginning point is Cuesta Canyon County Park, located on U.S.G.S. map "San Luis Obispo Quadrangle" at the north end of Section 25, Township 30 South, Range 12 East. From the beginning point, the boundary runs southwesterly along San Luis Obispo Creek to a point .7 mile southerly of the confluence with Davenport Creek;

(2) Southeasterly from San Luis Obispo Creek along the 400-foot contour line of the northeastern flank of the San Luis Range, which forms the southwestern rim of Edna Valley, to the township line identified as "T31S/T32S" on the U.S.G.S. map;

(3) East along township line "T31S/T32S", across Price Canyon to Tiber;

(4) Easterly along the 400-foot contour line of Tiber Canyon and the southern rim of Canada Verde, crossing Corbett Canyon Road and continuing along the 400-foot contour line to longitude line 120° 32' 30";

(5) North along longitude line 120° 32' 30" to the 600-foot contour line of the southwestern flank of the Santa Lucia Mountain Range;

(6) Northwesterly along the 600 foot contour line of the southwestern flank of the Santa Lucia Range to Cuesta Canyon County Park, the beginning point.

#### Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Edna Valley viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

#### Drafting Information

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

#### Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.35 as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

§ 9.35 Edna Valley.

Paragraph 2. Subpart C is amended by adding § 9.35 to read as follows:

#### Subpart C—Approved American Viticultural Areas

#### § 9.35 Edna Valley.

(a) *Name.* The name of the viticultural area described in this section is "Edna Valley."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Edna Valley viticultural area are four U.S.G.S. maps. They are titled:

(1) "San Luis Obispo Quadrangle, California-San Luis Obispo Co.," 7.5 minute series;

(2) "Lopez Mtn. Quadrangle, California-San Luis Obispo Co.," 7.5 minute series;

(3) "Pismo Beach Quadrangle, California-San Luis Obispo Co.," 7.5 minute series; and

(4) "Arroyo Grande NE Quadrangle, California-San Luis Obispo Co.," 7.5 minute series.

(c) *Boundaries.* The Edna Valley viticultural area is located in San Luis Obispo County, California. The beginning point is Cuesta Canyon

County Park, located on U.S.G.S. map "San Luis Obispo Quadrangle" at the north end of Section 25, Township 30 South, Range 12 East.

(1) From the beginning point, the boundary runs southwesterly along San Luis Obispo Creek to a point .7 mile southerly of the confluence with Davenport Creek;

(2) Southeasterly from San Luis Obispo Creek along the 400-foot contour line of the northeastern flank of the San Luis Range, which forms the southwestern rim of Edna Valley, to the township line identified as "T31S/T32S" on the U.S.G.S. map;

(3) East along township line "T31S/T32S", across Price Canyon to Tiber;

(4) Easterly along the 400-foot contour line of Tiber Canyon and the southern rim of Canada Verde, crossing Corbett Canyon Road and continuing along the 400-foot contour line to longitude line 120° 32' 30";

(5) North along longitude line 120° 32' 30" to the 600-foot contour line of the southwestern flank of the Santa Lucia Mountain Range;

(6) Northwesterly along the 600-foot contour line of the southwestern flank of the Santa Lucia Range to Cuesta Canyon County Park, the beginning point.

Signed: January 8, 1981.

G. R. Dickerson,  
Director.

Approved: March 30, 1981.

John P. Simpson,  
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-10720 Filed 4-6-81; 8:45 am]

BILLING CODE 4810-31-M

#### 27 CFR Part 9

#### [Notice No. 368]

#### McDowell Valley Viticultural Area

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Mendocino County, California, to be known as "McDowell Valley." This proposal is the result of a petition submitted by members of the grape-growing and wine-producing industries. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers identify the wines they may purchase.

**DATES:** Written comments must be received by June 8, 1981.

**ADDRESSES:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, (Notice No. 368).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

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

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2), outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found

on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

**Petition**

ATF has received a petition proposing an area in Mendocino County, California, as a viticultural area to be known as "McDowell Valley." The proposed area is a natural valley consisting of approximately 2,230 acres and is situated four miles east of the Sanel Valley, Hopland, Mendocino County, California. The proposed area lies within the proposed North Coast viticultural area.

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas physically and historically. The petitioner bases these claims on the following:

(a) McDowell Valley is a natural, sheltered valley.

(b) The valley is surrounded by mountain ranges rising sharply to elevations of over 2,500 feet above sea level; the drainage from McDowell Valley passes out through a gorge cut in bedrock before it reaches the Little Sanel Valley and Hopland. McDowell Creek drains the valley and flows into the Russian River system.

(c) The benchmark at the lower northwestern end of the valley is at 725 feet. McDowell Creek flows through the gorge for approximately ½ mile before emerging in Little Sanel Valley at approximately 600 feet elevation. There is an upper elevation contour of 1,000 feet around the valley which effectively contains an area of alluvial soils.

(d) The alluvial soils of the valley are of the "gravelly-loam" types in depths ranging from 2 feet to 15 feet. The surrounding slopes are composed of nonalluvial upland soils.

(e) The valley has temperatures consistently warmer during the spring frost season and cooler during the summer growing season than most other Mendocino and Lake County areas surveyed by the National Weather Service between 1965 and 1978.

(f) Historical and current usage of the name "McDowell Valley" as identifying the area proposed by the petitioners is supported by the following:

(1) The valley was apparently first settled by Paxton A. McDowell around 1852.

(2) Survey maps from 1872 and 1874 refer to and locate McDowell Valley.

(3) A 1916 publication, "Soil Survey of the Ukiah Area, California," prepared by the United States Department of

Agriculture, refers to and describes McDowell Valley.

(4) Bruce E. Bearden, Farm Advisor, University of California, indicates that McDowell Valley is presently recognized as an area distinct from the Russian River Valley and has been historically identified since 1872.

(5) An area school has included "McDowell" in its name.

(6) McDowell Valley Vineyards and Cellars is a business currently operating in this area.

Relying on the "Soil Survey of the Ukiah Area," the petitioners describe the proposed area as a small valley lying east of Sanel Valley. This valley is about 2½ miles long and one mile wide. It is narrower at the north, widening somewhat toward the south. McDowell Creek carries its drainage westward through a narrow ridge into the Russian River. McDowell Valley differs from the other valleys in the area in that it has no flood plain along the stream. The valley floor lies well above the bed of the stream that drains it. The valley floor is about on level with the lowest part of the enclosing rim.

The boundaries of the proposed McDowell Valley viticultural area may be found on a U.S.G.S. 7.5 minute quadrangle map (Hopland California quadrangle).

The boundaries, which are described in proposed § 9.36, generally delineate the area drained by McDowell Creek up to the 1,000-foot contour line of the surrounding ridges.

**Public Participation—Written Comments**

ATF requests comments from all interested persons concerning this proposed viticultural area. This document proposes possible boundaries for the McDowell Valley viticultural area. However, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed

regulations should submit his or her request, in writing, to the Director within the 60-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

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

#### Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

### PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.36 as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

§ 9.36 McDowell Valley.

Par. 2. Subpart C is amended by adding § 9.36 to read as follows:

#### Subpart C—Approved American Viticultural Areas

§ 9.36 McDowell Valley.

(a) *Name.* The name of the viticultural area described in this section is "McDowell Valley."

(b) *Approved maps.* The appropriate map for determining the boundaries of the McDowell Valley viticultural area is a U.S.G.S. map. That map is titled: "Hopland California Quadrangle" 7.5 minute series.

(c) *Boundaries.* Beginning at the northwest corner of Section 22 T13N R11W; thence running southerly along the section line between Sections 22 and 21 approximately 1700 feet to the intersection of the section line and the ridge line between the McDowell Creek Valley and the Dooley Creek Valley; thence running southeasterly along the ridge line to the intersection of the ridge line and the 1000-foot contour line in Section 27; thence running southeasterly and on the McDowell Creek Valley side of the ridge along the 1000-foot contour line to the intersection of the 1000-foot contour line and the south section line of

Section 27; thence running easterly along the section line between Sections 27 and 34 and between Sections 28 and 35 to the intersection of the section line and the centerline of Younce Road; thence running southeasterly and then northeasterly along Younce Road to the intersection of Younce Road and the section line between Sections 26 and 35; thence running due north from the section line across Coleman Creek approximately 1250 feet to the 1000-foot contour; thence running westerly and then meandering generally to the north and east along the 1000-foot contour to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25; thence continuing along the 1000-foot contour easterly and then northwesterly in Section 25 to the intersection of the 1000-foot contour line and the section line between Sections 26 and 25; thence running northerly along the 1000-foot contour to the intersection of the 1000-foot contour line and the section line between Sections 23 and 24; thence running northerly along the section line across State Highway 175 approximately 1000 feet to the intersection of the section line and the 1000-foot contour line; thence running generally to the northwest along the 1000-foot contour line through Sections 23 and 14 and into Section 15 to the intersection of the 1000-foot contour and the flowline of an unnamed creek near the northeast corner of Section 15; thence southwesterly and down stream along the flowline of said unnamed creek and across Section 15, to the stream's intersection with the section line between Sections 15 and 16; thence running southerly along the section line approximately 100 feet to the northwest corner of Section 22 and to the point of beginning.

Signed: February 20, 1981.

G. R. Dickerson,  
Director.

Approved: March 30, 1981.

John P. Simpson,  
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-10721 Filed 4-8-81; 8:45 am]

BILLING CODE 4810-31-M

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[A-7-FRL 1784-1]

#### Approval and Promulgation of Implementation Plans; South Dakota

AGENCY: Environmental Protection Agency.

#### ACTION: Proposed rule.

**SUMMARY:** This action proposes to approve revisions to the South Dakota State Implementation Plan (SIP) submitted by the Governor of South Dakota on October 16, 1980. The revisions were prepared by the State to meet the requirements of Part D (plan requirements for nonattainment areas) of the Clean Air Act, as amended in 1977. The submittal also revises the numbering system of the South Dakota air pollution control regulations, adds several definitions, and discusses several New Source Performance Standards. This action proposes to approve a portion of a regulation which was previously disapproved on July 30, 1979.

**DATES:** Comments must be received on or before May 11, 1981.

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

Environmental Protection Agency,  
Region VIII, 1860 Lincoln Street,  
Denver, Colorado 80295

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

South Dakota Department of Health,  
Division of Air Quality and  
Hazardous Materials, Joe Foss  
Building, Pierre, South Dakota

Written Comments Should Be Sent To:  
Robert R. DeSpain, Chief, Air Programs  
Branch, Environmental Protection  
Agency, 1860 Lincoln Street, Denver,  
Colorado 80295.

**FOR FURTHER INFORMATION CONTACT:**  
William Bernardo, Air Programs Branch,  
Environmental Protection Agency, 1860  
Lincoln Street, Denver, Colorado 80295,  
(303) 837-6131.

**SUPPLEMENTARY INFORMATION:** On July 30, 1979 (44 FR 44494), EPA disapproved a part of a SIP revision submitted by the State of South Dakota on January 3, 1979, addressing the requirement of Section 172(b)(6). Section 172(b)(6) requires that permits for construction or modification of any major stationary sources affecting a nonattainment area be issued in accordance with Section 173 of the Act. Compliance with this provision required an amendment to the State permit regulations to allow for a permit to be issued only after a determination that (a) the source will comply with the lowest achievable emission rate, (b) all other facilities in the State owned, operated or controlled by the applicant are in compliance with the SIP, and (c) the source's emissions would not prevent achieving reasonable further progress towards attainment.

On October 16, 1980, South Dakota submitted a SIP revision including revisions to State regulations which took effect July 28, 1980. These revisions address the requirements of Section 172 and 173 of the Clean Air Act and current EPA policy for new source review programs in nonattainment areas. Permit requirements for the Pennington County nonattainment area are addressed in Sections 44:10:01:12 through 44:10:01:17 of the revised State regulations. In addition, several new definitions are added: (Section 44:10:01:01) and other critical terms (e.g., modifications, potential to emit, reconstruction) are discussed (Sections 44:10:01:02 through 44:10:01:06). The revised regulations also include New Source Performance Standards for a variety of sources (Sections 44:10:13 through 44:10:26).

EPA has reviewed the South Dakota SIP revision to determine consistency with Sections 172 and 173 of the Clean Air Act and currently applicable EPA policy. On August 7, 1980 (45 FR 52676), EPA promulgated final rules addressing permit requirements for nonattainment and prevention of significant deterioration areas. Since South Dakota is not required to comply with these new regulations until May 1981, EPA's review of the South Dakota SIP revision focused on its consistency with currently applicable criteria. (See 40 CFR Part 51, App. S and 44 FR 52924 (September 5, 1979)). Criteria for approval of nonattainment SIP revisions have also been discussed in detail in EPA's General Preamble for Proposed Rulemaking, 44 FR 20377 (1979), and its various supplements, including 44 FR 38583 (1979), 44 FR 50371 (1979), 44 FR 53761 (1979) and 44 FR 67182 (1979).

EPA believes the nonattainment new source review program submitted by South Dakota is generally consistent with currently applicable requirements. As explained in greater detail in EPA's Technical Support Document for this proposed rulemaking, there are a few minor problems with the State's regulations. Most notably, South Dakota's definition of "lowest achievable emission rate (LAER)" contains an apparent ambiguity which, if interpreted narrowly by the State, would not be consistent with the Clean Air Act. More specifically, South Dakota defines LAER as: "that rate for any source which is the most stringent emission limitation for the source or category which is contained in the SIP, or the most stringent emission limitation which is achieved in practice for that source or category, whichever is more stringent." Section 171(3) of the Clean Air Act defines LAER in such a way that

as soon as any new source in any state is required to achieve an emission rate which is more stringent than that previously required (e.g. because of the development of new, more effective control techniques), that emission rate becomes LAER for that source or category.

It is not clear if a new source locating in South Dakota would be required to achieve a more stringent emission rate, which may be required for a source located in another state, unless that other source has actually begun operating. Since emission rate requirements are often established many years before a source begins operation, the result could be an impermissible delay between the time more effective controls are developed and more stringent emission rates are required and the time achievement of that rate would be required in South Dakota.

EPA believes South Dakota LAER definition must be revised to eliminate this ambiguity. In the long term, South Dakota's LAER definition could adversely affect expeditious attainment because this ambiguity could result in a narrow interpretation which is not consistent with the Clean Air Act. Given the extent of the nonattainment problem in South Dakota, however (i.e., one TSP nonattainment area), the use of this definition in the short term should not create a major problem. Since the State should be revising these regulations in the near future in response to EPA's August 7, 1980, promulgation and there would be no major adverse impacts from allowing this definition to be used in the interim, EPA is proposing to approve this definition at this time. However, if the State does not submit the necessary revision to this definition along with other regulatory revisions due in May 1981, EPA will propose disapproval.

On the basis of the findings discussed above and in the Technical Support Document, EPA is proposing to approve the South Dakota SIP revision submitted on October 16, 1980. Interested persons are invited to comment on the SIP and EPA's proposed action. Public comment received up to May 11, 1981, will be considered in EPA's final decision on the SIP. All comments received will be available for inspection at the EPA Region VIII Office, 1860 Lincoln Street, Denver, Colorado 80295.

Pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. Section 605 (b)), I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves state actions

and imposes no new requirements. On January 27, 1981 the Administrator published the required certification for all SIP approvals under Section 110 of the Act at 46 FR 8709.

Moreover, due to the nature of the federal-state relationship, federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

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 of the fact that today's action merely proposes to approve regulations submitted by the State which are already in effect under State law and to remove existing EPA regulatory requirements.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: Environmental Protection Agency, Air Programs Branch, 1680 Lincoln Street, Denver, Colorado 80295.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act as amended (42 USC 7410).

Dated: February 11, 1981.

Roger L. Williams,  
Regional Administrator.

[FR Doc. 81-10745 Filed 4-6-81; 8:45 am]  
BILLING CODE 5560-38-M

#### 40 CFR Part 52

[A-3-FRL 1784-4]

#### Commonwealth of Virginia; Proposed Revision of the Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

**SUMMARY:** The Commonwealth of Virginia has submitted to the Environmental Protection Agency (EPA) a variance to its Air Pollution Control Regulations and requested that it be processed as a revision to the Virginia State Implementation Plan (SIP). This revision was submitted to EPA on August 29, 1980 and consists of a variance from Part IV, Section 4.22 and 4.31(a)(1)(ii) of the Regulations for the salvage fuel-fired boilers and power

plant boilers located at the Norfolk Naval Shipyard in Portsmouth, Virginia.

**DATE:** The public is invited to submit comments on this variance and proposed SIP revision. All comments submitted on or before May 11, 1981, will be considered.

**ADDRESSES:** Copies of the proposed variance, as well as accompanying support documentation submitted by Virginia, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Air Program Branch, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: Patricia Sheridan.

Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, VA 23219, Attn: Mr. John M. Daniel, Jr.

Public Information Reference Unit, EPA Library, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

All comments should be submitted to: Mr. James E. Sydnor, DC, MD, VA Section (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Attn: AH029VA.

**FOR FURTHER INFORMATION CONTACT:** Ms. Eileen M. Glen, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106, Phone: (215) 597-8187.

**SUPPLEMENTARY INFORMATION:** On August 29, 1980, the Commonwealth of Virginia submitted a variance which it had issued to the Norfolk Naval Shipyard on August 4, 1980 and requested it be reviewed and processed as a revision to the Virginia SIP. In addition, to the variance, the Commonwealth also submitted its technical and modeling analyses. The revision consists of a variance from Part IV, Section 4.22 and 4.31(a)(1)(ii) for S-101 and S-102 Salvage Fuel-fired Boilers and Boilers Nos. 9, 10, 11, 12, 13, and 14 at the main power plant.

The Commonwealth has provided proof that, after adequate public notice, a public hearing was held with regard to this variance. The dates of the public notice and hearing as well as the hearing location are shown below:

Date of public notice	Date of public hearing	Location
June 17, 1980	July 17, 1980	Virginia Beach, VA.

#### EPA Evaluation

The Norfolk Naval Shipyard powerplant houses six 150 x 10<sup>6</sup> BTU/hr boilers which are served by a single 200 ft. stack. These boilers burn #6 fuel oil, but are old and are no longer able to meet either the particulate standard for existing fuel burning equipment or the 20% opacity standard.

The shipyard also has a Salvage Fuel Fired Boiler Plant consisting of two 30,000 lbs. of steam/hr boilers burning refuse. The emissions from each boiler are controlled by a separate electrostatic precipitator and served by a single stack. Neither of these units was able to meet the particulate standard for existing incinerators (0.14 gr/dscf corrected to 12% CO) or the particulate standard for fuel burning equipment.

The Navy requests a variance from August 4, 1980 until July 31, 1982, in order to operate its power plant and salvage fuel-fired boiler plant until it can complete the proposed work which will bring the facilities into compliance. Specifically, the Navy is requesting a Variance to Sections 4.31(a)(1)(ii) and 4.22 of the Board's Regulations for its Power Plant and Salvage Fuel-Fired Boiler as it regards all units to be existing boilers under the provisions of the Rules for the Control and Abatement of Air Pollution.

Although the power plant has six boilers, it normally only operates two at a time and occasionally three at a time. Under unusual conditions, it is conceivable that four boilers could be on line simultaneously. Therefore, assuming "worst case" conditions, an evaluation was conducted using four boilers at rated power. Emissions, fuel usage, stack data, etc., were all taken from the 1978 stack tests. The particulate emissions for four boilers at rated power is 180.2 lbs./hr. Repairs to the power plant's stack and breaching are expected to lower the opacity below 20%.

The salvage fuel-fired boiler plant has two boilers. The 1978 stack tests indicate that at rated capacity the total emissions from both units averaged 32.2 lbs. of particulates per hour.

The two plants are 1100 meters apart and the maximum impact of both the power plant and the salvage fuel boiler plant together occurs when the wind is out of the northeast (the power plant plume merges with the plume from the salvage fuel boiler plant) and

atmospheric conditions are unstable (B). Under these conditions, the total impact of both plumes contributes a maximum of 9.64  $\mu\text{g}/\text{m}^3$  of particulates to 24-hour levels.

This impact occurs at a point approximately 500 meters downwind from the salvage fuel plant in the approximate vicinity of the proposed SPSA Resource Recovery Facility.

During the past three years that the Shipyard has been operating its main power boiler and its salvage fuel-fired boiler plant concurrently, there have been no observed violations in the area of either the primary standard (annual, 75  $\mu\text{g}/\text{m}^3$ ) or the secondary standard (24-hour, 150  $\mu\text{g}/\text{m}^3$ ) for particulates. The closest monitoring station (176A) is approximately 1.25 miles to the east and its current annual geometric mean is 66  $\mu\text{g}/\text{m}^3$ . There was another station two miles west of the yard (182G) which was discontinued in September, 1979. Its last observed annual mean was 60  $\mu\text{g}/\text{m}^3$ . During this period the highest and second highest 24-hour concentrations observed in the general area were 141  $\mu\text{g}/\text{m}^3$  and 138  $\mu\text{g}/\text{m}^3$  respectively.

Therefore, the control strategy demonstration and the variance, which expires on July 31, 1982, are acceptable to EPA as a SIP revision providing the Commonwealth amends the variance to include emission limitations (i.e., 180.2 #/hour from the power plant stack and 32.2 #/hour from the salvage boiler plant stack) which will remain in effect for the length of the variance.

The reader should also be aware that these facilities are scheduled to be placed out of service, if the regional Resource Recovery Facility proposed by the Southeastern Virginia Public Service Authority, and for which a State and PSD permit have been granted, is built.

#### Conclusion

The public is invited to submit, to the address stated above, comments on this variance to the regulations of the Virginia State Implementation Plan.

The Administrator's decision to approve or disapprove the proposed variance will be based on the comments received, the Commonwealth's decision to amend the variance to include emission limitations, and on a determination of whether the variance satisfies the requirements of Section 110(a)(2) of the Clean Air Act and 40 C.F.R. Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

Pursuant to the provisions of 5 U.S.C. § 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a

substantial number of small entities. This action only approves State action. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, under the Clean Air Act, Federal inquiry into the economic reasonableness of the State action would serve no practical purpose and could well be improper. In addition, this action only applies to one facility. On January 27, 1981, the Administrator published the required certification for all SIP approvals under Section 110 of the Act at 45 FR 8709.

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 of the fact that today's action merely proposes to approve regulations submitted by the State which are already in effect under State law and further in this action applies to only one facility in the Commonwealth of Virginia.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: EPA, Air Programs, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

(42 U.S.C. 7401-7842)

Dated: February 25, 1981.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 81-10744 Filed 4-6-81; 8:45 am]

BILLING CODE 6560-38-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 172 and 175

[Docket No. HM-149C; Notice No. 81-1]

#### Air Transportation of Limited Quantities of Low-Level Radioactive Materials; Exemption Renewal

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, D.O.T.

**ACTION:** Notice of proposed exemption renewal.

**SUMMARY:** The Materials Transportation Bureau (MTB) proposes to renew the limited exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transport of small quantities of materials exhibiting very low levels of radiation. These materials do not present a significant hazard to passengers and crew of an aircraft. The intended effect of this proposed action is

to permit continued transportation by passenger-carrying aircraft of radioactive materials under existing restrictions.

**DATES:** Comments must be received on or before April 17, 1981.

**ADDRESS COMMENTS TO:** Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday thru Friday. Telephone (202) 426-3148.

**FOR FURTHER INFORMATION CONTACT:** Thomas Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590; 202-426-2075.

**SUPPLEMENTARY INFORMATION:** The MTB is proposing to renew for two years the limited exemption found at 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transportation of small quantities of materials exhibiting very low levels of radiation. This exemption would also include exceptions from shipping paper and shippers' certification requirements for only those materials shipped as a component part of an instrument or manufactured article.

Conforming with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemption in §§ 172.204(c)(4), 175.10(a)(6), and 175.700(c) is limited to a two-year life unless reexamined and renewed. The exemptions were last renewed under Docket HM-149B (44 FR 25238) published on April 30, 1979. The legal background and regulatory history of these exemptions were discussed in that amendment and the preceding notice of proposed rulemaking (44 FR 15748, March 15, 1979). The exemptions will expire on May 3, 1981. MTB proposes to renew the exemptions on the finding that renewal is consistent with the public interest and safety.

The MTB had determined that this proposed regulation is consistent with Section 2 of Executive Order 12291 and will not result in a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, it is proposed to amend Parts 172 and 175 of Title 49, Code of Federal Regulations as follows:

## PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.204, paragraph (c)(4) would be revised to read as follows:

### § 172.204 Shipper's certification.

\* \* \* \* \*

(c) \* \* \*

(4) Radioactive material. Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this provision does not apply to materials meeting the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

## PART 175—CARRIAGE BY AIRCRAFT

2. In § 175.10, paragraph (a)(6) would be revised to read as follows:

### § 175.10 Exceptions.

(a) \* \* \*

(6) Prior to May 3, 1983, radioactive materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

3. In § 175.700, paragraph (c) would be revised to read as follows:

### § 175.700 Special requirements for radioactive materials.

\* \* \* \* \*

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

(Authority 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1, and paragraph (a)(4) of Appendix A to Part 106)

**Note.**—The Materials Transportation Bureau has determined that this proposed regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the Docket. I certify that this proposed regulation.

if published as a final rule, will not have a significant economic impact on a substantial number of small entities.

Issued in Washington, D.C. on April 2, 1981.

Alan I. Roberts,

Associate Director for Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-30795 Filed 4-8-81; 8:45 am]

BILLING CODE 6450-85-M

## National Highway Traffic Safety Administration

### 49 CFR Parts 571 and 575

#### Federal Motor Vehicle Safety Standards; Uniform Tire Quality Grading Standards; Tire Reserve Load Consumer Information Requirements

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** This notice describes a number of actions the National Highway Traffic Safety Administration intends to take to reduce unnecessary regulatory burdens upon the motor vehicle and related manufacturing industries.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Finkelstein, Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, 400-7th Street, S.W., Washington, D.C. 20590, Telephone: (202) 426-1810.

**SUPPLEMENTARY INFORMATION:** At the request of the Secretary of Transportation, the National Highway Traffic Safety Administration (NHTSA) has undertaken a review of its existing and proposed regulations to identify potential administrative changes which could reduce the regulatory burdens imposed upon the motor vehicle and related industries without jeopardizing the goals of vehicle and highway safety. The purpose of this notice is to describe the efforts which NHTSA has undertaken and the specific immediate and longer term actions by which NHTSA intends to reduce unnecessary regulatory pressures upon these industries.

This notice is not a notice of proposed rulemaking. Appropriate administrative proceedings will be separately taken to implement the actions described in this notice. In accordance with the requirements of Title 5 of the U.S. Code (the Administrative Procedures Act) and regulations of the Department of Transportation, appropriate notices of proposed rulemaking, hearings and opportunities for public comment will be

provided with respect to administrative actions involving adoption or modification of NHTSA standards or regulations.

#### Background

The National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407, hereinafter "the Act") requires that the Secretary issue Federal Motor Vehicle Safety Standards (FMVSS) that meet the need for motor vehicle safety and are objective, practicable performance standards. There are currently more than 50 standards and regulations in force covering motor vehicles and equipment.

In addition, the Motor Vehicle Information and Cost Savings Act of 1966 (15 U.S.C. 1401) authorizes certain consumer-related regulations and standards of NHTSA.

Standards and regulations issued under these and other statutory authorities impose significant economic burdens upon the motor vehicle and related industries.

Many of the requirements of NHTSA standards and regulations have led directly to a substantial improvement in motor vehicle safety and have resulted in the reduction of fatalities and serious injuries. In some cases, however, such standards and requirements deal with relatively minor issues or relate only indirectly to the legislative goals of the Congress. Some standards and regulations have produced relatively insubstantial benefits, either because they represent no significant change in industry practice, or because after evaluation and review, resulting changes in performance of motor vehicles do not appear to be significantly superior to pre-regulation performance.

Finally, some standards or regulations may have been adopted which upon later evaluation, involve costs which bear no reasonable relationship to the actual benefits derived, whether or not an adverse cost/benefit relationship was foreseen or foreseeable at the time of adoption.

#### Scope of Agency Review

NHTSA has undertaken a comprehensive review of: (1) its existing standards and regulations, (2) those standards or regulations (or modifications thereof) which have been adopted in final form but the effective date of which has not yet been resolved, and (3) those pending proposals to adopt or modify standards or regulations which are currently subject to notices or advance notices of proposed rulemaking

but which have not been adopted in final form.

In addition, NHTSA has reviewed those ongoing rulemaking efforts which have been subject to public notifications of intended rulemaking, or with respect to which specific comment or advice has been requested from the public by the Agency.

#### Purpose of Review

NHTSA has undertaken this review to determine what, if any, modifications to its standards and regulations may be appropriate to reduce regulatory burdens upon the regulated industries without jeopardizing the safety or consumer-related goals and policies established by Congress in its related legislation.

In undertaking this review, each standard, regulation or proposed rulemaking or modification was examined to determine (1) the direct or indirect relationship of the rulemaking in question to the safety or consumer goals of the Agency; (2) the relative importance of the rulemaking in achieving such goals; (3) whether the performance addressed by the rulemaking would be expected to continue at comparable levels in the absence of the rulemaking (taking into account such factors as the size and competitive characteristics of the specific regulated entities, any economic or market pressures or enforceable standards of care established by common or statutory law which might influence maintenance or deterioration of levels of performance, and whether regulated entities are subject to external pressures which would tend to insure achievement of the intended goals e.g., voluntary standards of compliance adopted by industry or professional societies); (4) the costs, benefits and burdens created or imposed by the rulemaking, (taking into account such factors as the difficulty of quantifying in economic terms the value of human life; the amount of consumer information sufficient to allow the public to make free choices in the marketplace; and the availability of specific data to support regulatory determinations); (5) the effects of the rulemaking on innovation and productivity in the industry and any associated administrative costs or burdens; and (6) whether in the absence or withdrawal of Federal regulation, the States would be able or encouraged to regulate independently, thereby making motor vehicle regulation more complex and costly.

In addition to the specific criteria enumerated above, NHTSA is taking into account the type and number of

complaints or suggestions received from the industry, public interest groups or special constituencies, and private individuals. The Agency has attempted to identify overlapping, duplicate or inconsistent aspects of its standards or regulations.

Finally, NHTSA has taken into account the length of time which has passed since each standard or regulation has been internally reviewed; changing safety, economic or other factors which may have affected the need or impact of the standard or regulation; and, in this light, the relevance of the policy of the new Administration strongly to prefer the operation of market or individual consumer choices to define and achieve societal goals.

The following are brief descriptions of actions NHTSA has taken or is proposing:

1. *Delay implementation of first phase of "208 Standard".* NHTSA is elsewhere publishing in the Federal Register a final rulemaking to grant a one year delay in the implementation of the first phase of Federal Motor Vehicle Safety Standard 208 relating to automatic occupant protection requirements for large cars (see Notice of Proposed Rulemaking, 46 FR 12033, February 12, 1981).

2. *Review requirement that manufacturers install automatic occupant restraints, e.g., air bags or automatic belt systems to protect all front seat occupants beginning in Model Year 1983.* The 208 Standard, issued in 1977, requires automatic occupant restraints to be installed in passenger cars according to the following schedule: large cars in model year 1982 (now deferred), intermediates and compacts in 1983, and small cars in 1984. NHTSA is also completing a notice of proposed rulemaking on what further action to amend standard 208 might be appropriate.

3. *Modify the existing bumper standard to meet the statutory requirements that such a standard be as cost effective as possible.* By statute, NHTSA is required to promulgate a bumper standard which achieves "the maximum feasible reduction of cost to the public and to the consumer" in low speed collisions. Existing standards now require uniform bumper heights and protection from damage to the vehicle and both front and rear bumper systems at speeds up to 5 mph of impact. A major cost benefit study taking into account such things as higher fuel cost and bumper weight has at this writing concluded that rear bumper systems would not meet the statutory test of "maximum feasible reduction of cost." NHTSA will propose amendments to the

bumper standard in April 1981, which will propose eliminating the rear standard completely and either eliminating or modifying the front bumper standard, as appropriate.

4. *Rescind the "Fields of Direct View" requirements for passenger cars.* This rule, published on January 2, 1981, deals with design requirements for driver vision. At present, no significant safety problems have been identified in long term design plans. Moreover, automobile manufacturers' design lead-times may not permit compliance without substantial costly redesign. Any serious obstruction of the drivers' field of view could be addressed by NHTSA by use of its defect enforcement authority. Accordingly, NHTSA will initiate rulemaking on or about July 1 to rescind Federal Motor Vehicle Safety Standard No. 128.

5. *Terminate rulemaking on "Fields of Direct View" for trucks, buses and multipurpose passenger vehicles (MPVs).* NHTSA will also withdraw a 1978 NPRM related to the preceding item limiting the size of obstructions in the driver's line of sight and specifying unobstructed critical viewing area for trucks, buses and MPVs. Because of the lack of an identified safety problem, NHTSA will issue a notice rescinding the 1978 NPRM on or before June 1, 1981.

6. *Withdraw the ANPRM on post-1985 fuel economy standards.* The Motor Vehicle Information and Cost Savings Act required passenger cars fleet average mileage rates to meet or exceed 27.5 mpg by 1985 and authorized NHTSA to set post-1985 fuel economy standards. Because strong market demand for fuel-efficient vehicles is expected to continue, NHTSA believes the initiation of rulemaking on post-1985 fuel economy standards to be unnecessary. A notice to withdraw the ANPRM will be published on or before April 15, 1981, and NHTSA will monitor future developments.

7. *Amend the regulation creating the Uniform Tire Quality Grading System.* NHTSA's current regulation requires manufacturers to test and grade tires for three characteristics: treadwear, traction, and heat resistance. NHTSA is conducting an evaluation to determine whether meaningful consumer information is provided by this complicated grading system. NHTSA will propose an advance notice of proposed rulemaking on or before June 1, 1981, seeking comment upon a substantial simplification and revision of the tire quality grading system.

8. *Amend the regulation on Safety Belt Comfort and Convenience.* The purpose of this regulation is to encourage seat belt use by requiring

systems to be more comfortable and convenient. It addresses such things as shoulder belt tension, accessibility of buckles and latch plates, belt retraction and convenience hooks. NHTSA has received petitions for reconsideration from all major domestic and some foreign automobile manufacturers. After reviewing these petitions, NHTSA is unable to conclude that the detailed design and locational requirements in this regulation would increase seat belt usage. Accordingly, on or about July 1 NHTSA will propose substantive changes to eliminate all requirements except belt tension, and to defer the effective date of this regulation for one year.

9. *Terminate rulemaking on safety problems associated with Multipiece Rims.* In March 1979, NHTSA issued an ANPRM regarding performance levels for multipiece tire rims to prevent explosive separations. Since that time, introduction of the problematic multipiece rims has virtually ceased and occupational hazards in service facilities for commercial tires have come under regulations of the Occupational Safety and Health Administration. Accordingly, NHTSA will issue a notice on or about July 1 that further rulemaking in this area will be terminated.

10. *Rescind the Standard on Speedometers and Odometers.* This standard requires that speedometers be calibrated in both miles-per-hour (MPH) and kilometers-per-hour (KM/H) and that they display speeds of no more than 85 MPH or 140 KM/H. It also requires that odometers be tamper-resistant and indicate whether or not a car has been driven more than 100 thousand miles. Because there appear to be no direct safety benefits to be gained from the regulation and in view of the potential for significant consumer savings, NHTSA will issue an NPRM to rescind the standard.

11. *Propose a one-year deferral of the effective date of the Theft Protection Standard and deletion of the key removal provisions.* This regulation extended key locking steering column requirements in existence now for passenger cars to light trucks and vans and required ignition locking systems for all vehicles that prohibited the key from being removed while the vehicle is in motion. In response to petitions for reconsideration, NHTSA will consider a delay in the effective dates for these provisions, that is September 1, 1982, for passenger cars and September 1, 1983, for light trucks and vans, and rescinding the key removal provisions.

12. *Propose modifications to the recently issued Hydraulic Brake Performance Standard for light trucks, buses and vans.* By September 1, 1983, this standard would require upgrading the braking performance of about 20 percent of new light trucks, buses and vans. This standard addresses such things as high-speed stopping distances, fade performance, pedal force levels, parking brake performance, and partial brake system failure performance requirements. Numerous petitions have questioned whether all elements of this complicated standard are relevant or necessary for safe operation of these vehicles. NHTSA will publish final decisions on these petitions for reconsideration on or before June 1, 1981.

13. *Propose termination of the rulemaking on Low Tire Pressure Warning Indicators.* NHTSA recently issued an ANPRM regarding a requirement that certain motor vehicles be equipped with a device to automatically indicate when tire pressure dropped four pounds per square-inch (psi) below recommended pressures in order to maximize tire treadwear and fuel economy. Because this objective might be more directly and efficiently addressed as a consumer information issue, NHTSA will continue contracted research and publish on or before June 1, 1981, a notice that rulemaking in this area has been terminated at this time.

14. *Propose eliminating information requirements on Tire Reserve Load, and reducing the minimum advance notice required before tire production may start.* Manufacturers are now required to provide consumers with information on "tire reserve load" capacity and to submit this and other information to NHTSA 90 days before model introduction. This requirement for a 90-day notice tends to inhibit or prevent any last minute changes to new models including possible consumer or safety improvements. A proposal to reduce this reporting requirement from 90 to 30 days prior to market introduction and to eliminate the requirement for complex tire reserve load information will be published in April 1981.

15. *Terminate rulemaking on design testing and labelling of batteries.* Since January 1977, NHTSA has been considering a regulation to prevent explosions and resulting injuries from automobile batteries. Since then, industry has adopted batteries with significantly less explosive potential, thus lessening or eliminating the need for regulation. Accordingly, NHTSA will publish notice in the Federal Register on

or about July 1, that rulemaking on batteries is terminated in view of market developments which have mitigated the problem.

16. *Streamline and reduce fuel economy reporting requirements.* NHTSA regulations now require semi-annual reporting of complicated data on manufacturers' progress in meeting fuel economy standards. Because manufacturers are now substantially exceeding current standards and will most probably exceed the statutory 1985 goal of 27.5 mpg, NHTSA will publish in the Federal Register on or before June 1, 1981, a proposal to reduce the fuel economy reporting requirements which are either duplicative or not needed to NHTSA's monitoring responsibilities.

17. *Propose changing Federal Vehicle Identification Number requirements from a federal Motor Vehicle Safety Standard to an administrative regulation.* Federal Motor Vehicle Safety Standard No. 115 requires each motor vehicle to carry a unique 17 digit vehicle identification number which identifies the manufacturer, and individual sequential number of manufacture. This number aids law enforcement, theft protection, and accident investigation. Manufacturers must provide NHTSA 60 days advance notification of all information needed to decode a vehicle identification number before the vehicles are manufactured. Errors constitute a violation of the standard and are grounds for recall proceedings. To ease this requirement, NHTSA will propose on or before June 1, 1981, to change its vehicle identification number regulation from that of a safety standard to an administrative regulation to reduce the administrative burdens upon manufacturers and NHTSA.

Dated: April 6, 1981.

Diane K. Steed,

Acting Administrator.

[FR Doc. 81-10787 Filed 4-6-81; 4:57 pm]

BILLING CODE 4910-69-M

#### 49 CFR Part 571

[Docket No. 74-14; Notice 22]

#### Federal Motor Vehicle Safety Standards; Occupant Crash Protection

**AGENCY:** Department of Transportation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The purpose of this notice is to seek comment on a series of alternative amendments to the automatic restraint requirements of Safety Standard No. 208, *Occupant Crash Protection*. As amended by a final rule published in today's Federal Register, those requirements are

currently scheduled to become effective for large cars and mid-size cars on September 1, 1982, and for small cars on September 1, 1983.

Under the first alternative being considered, the sequence of compliance would be changed so that small cars would be required to comply on September 1, 1982, mid-size cars on September 1, 1983, and large cars on September 1, 1984.

The second alternative would require all cars sizes to begin compliance on March 1, 1983. In addition, the first and second alternatives would amend the automatic restraint requirements so that those restraints would not be required in the front center seating position.

The third alternative would rescind the automatic restraint requirements.

This action is being taken to ensure that Standard No. 208 reflects the changes in circumstances that have occurred since the automatic restraint requirements were issued in 1977, and to ensure that the standard meets the requirements of the National Traffic and Motor Vehicle Safety Act of 1966 and Executive Order 12291, "Federal Regulation," (February 17, 1981).

**DATE:** Comments on this proposal must be received by: May 26, 1981.

**ADDRESS:** Comments should refer to the docket number and to the number of this notice and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. (Docket hours are 8:00 a.m. to 4:00 pm.)

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Finkelstein, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-1810).

**SUPPLEMENTARY INFORMATION:** On February 12, 1981, the Department of Transportation published a proposal for a one year delay in the application of the automatic restraint requirements of Safety Standard No. 208 to large cars (46 FR 12033). That action was proposed in light of circumstances which made it necessary and appropriate to extend the effective date, and to provide an opportunity to review the requirements and determine the need for further revisions in the standard. In today's issue of Federal Register, the Department has published a final rule adopting the one year delay.

The purpose of this notice is to gather public comment to aid the review process. The notice proposes a wide range of possible changes to the automatic restraint requirements in order to encourage broad and creative public participation. The Department

desires to ensure that it is taking the most effective and reasonable approach to addressing the serious safety problem posed by the low rate of safety belt use in all cars and by the steadily decreasing average size of new cars sold in this country. As discussed below, the Department is also undertaking an intensive campaign to inform and encourage the public on the need for increased manual belt usage.

#### Background

The automatic restraint requirements of Standard No. 208 were adopted by the Department in 1977 (42 FR 34289; July 5, 1977). That decision was based on a variety of factors. The Department was confronted with a substantial safety problem. Approximately 25,000 occupants in the front seats of passenger cars were being killed annually in crashes. Although the cars were equipped with manual safety belts under Safety Standard No. 208, relatively few people were being protected since most people did not use manual belts. Studies showed that usage was about 20 percent for all types of belt systems.

The Department anticipated that this safety problem would progressively worsen as people began to switch to smaller, more fuel efficient cars. Generally, the chance of death or serious injury in a crash increases as car size decreases.

The Department concluded that there was no available way of increasing manual belt use. Although mandatory belt use laws had been used in combination in other countries to achieve dramatic increases in the rate of belt use, similar opportunities do not exist in this country. Based on Congressional action indicating disfavor with these laws and lack of State interest, enactment of mandatory use laws was not deemed to be a viable alternative.

To provide a solution to the problems of a high death and injury toll and of a low manual belt use rate, the Department turned to requiring the use of automatic restraints. Then, as now, the two systems that qualified as automatic restraints were air cushion restraints (air bags) and automatic seat belts (belts that automatically move into place when an occupant enters a vehicle and closes the door). Automatic restraints were found to be superior to manual belts because they were as effective as manual belts in preventing death and injury and would provide protection in a much higher percentage of crashes. (Persons wishing to learn additional details about that and earlier rulemaking relating to automatic restraints are urged to consult dockets

69-7, 73-8 and 74-14 and the rulemaking notices associated with those dockets.)

The Department anticipated substantial safety benefits from the automatic restraint requirements. According to NHTSA's analysis, 9,000 fatalities and 65,000 serious injuries would be prevented annually once all cars on the road had automated restraints, i.e., ten years after initial implementation.

As the Department indicated in its February 12, 1981 proposal, the 1977 decision was based on a variety of key assumptions which, in the light of subsequent events, are no longer valid. The Department assumed that consumers would freely be able to choose between air bags and automatic belts, with 60 percent of cars having the former and 40 percent having the latter. The air bag percentage was based on the expectation that all large cars and intermediates, and half of the compacts would be equipped with those systems. The Department believed also that some of the even smaller cars would be equipped with air bags.

These factors, together with the greater design problems and absence of experience in installing air bags in smaller cars, led the Department to phase-in the automatic requirements beginning with large cars. Current manufacturer plans contemplate almost no installation of air bags, only about 1 percent of the total fleet of new cars. As a result, the phasing-in of the requirements with large cars first and small cars last requires reexamination.

The phase-in sequence is further called into question by the accelerated switch from large cars to less safe, smaller ones. The Department recognized that a switch would occur as a result of 1973-74 oil shock and the impending implementation of fuel economy standards. It did not, however, anticipate that the switch would occur as rapidly as it has, due in large measure to the subsequent oil cut-off of 1979. In 1977, NHTSA estimated that size mix in the early 1980's would be 24 percent small cars, 53 percent mid-size cars, and 23 percent large cars. Now the expectation is that new car fleet will consist of 1 percent large cars, 58 percent mid-size cars and 41 percent small cars. When the numbers of large and small cars in the early-mid 1980's was expected to be approximately the same, the sequence of implementation had no significance in terms of the cars equipped with automatic restraints. Given the currently expected fleet mix of large and small cars, the sequence has substantial significance, especially since smaller cars are less safe.

In 1977, NHTSA believed that automatic belts would cost only 34 dollars more than manual belts and that air bags would cost approximately 154 dollars more than manual belts. Today, NHTSA's comparable figures are 105 dollars for the incremental cost of automatic belts, and at least 400 dollars for air bags at high production volumes and as much as 1,100 dollars at low volumes.

The Department has now undertaken to review the automatic restraint requirements and their implementation schedule in view of changed circumstances which undermine the reasonableness of the existing implementation schedule, the substantial impact of automatic restraints on manufacturer and consumer costs and the accentuation of those manufacturer impacts by the economic difficulties of the automobile industry.

In the analysis which preceded the February 12 proposal, the Department determined that a number of additional factors are relevant. Among these factors is the unnecessary character of the costs which would be incurred by application of automatic restraint requirements to large cars scheduled to be phased-out in the near future. These costs would arise largely from the loss of sales due to increased costs, and to the loss of the middle front seating position in large cars.

Another factor is the possibility that initial public acceptance of automatic restraints might have been adversely affected by the decision of large car manufacturers not to make air bags available in model year 1982. Still another factor was the effect of current automatic belt designs on public acceptance and usage.

Based on all of these factors, the Department decided to adopt the one year delay for installing those restraints in large cars.

In conjunction with this decision, the Department is preparing to undertake an intensive public education campaign to induce the public to use their safety belts. This campaign would affect not only the 1982 model year cars which now will be equipped almost exclusively with manual belts but also all other belt-equipped vehicles on the road today. The number of seat belt-equipped vehicles is over 150 million. Accordingly, it is expected that a properly conceived and sustained program, aided by manufacturers and other levels of government, would make an important contribution of vehicle safety.

The same factors underlying the one year delay also lead the Department to

issue this notice and propose three principal alternatives.

### Principal Proposals

1. *Reversal of phase-in sequence.* Under this proposal, the automatic restraint requirements would become effective for small cars (wheelbase of 100 inches or less) on September 1, 1982, for mid-size cars (wheelbase greater than 100 inches and less than 114 inches) on September 1, 1983, and for large cars (wheelbase of 114 inches or greater) on September 1, 1984. This proposal would have the advantage of ensuring that automatic restraints are first placed in the car size class which presents the greatest safety risk.

If adopted as proposed, it could produce greater net benefits than implementation of the automatic restraint requirements in accordance with the original phase-in schedule established in 1977. This gain would result from the greater safety risk posed by small cars than by large cars and the increasingly greater number of small cars over large ones.

The Department notes also that requiring small cars instead of large cars to comply first would require a much larger proportion of manufacturers to begin compliance simultaneously than under the original schedule. Thus, the new schedule would be more equitable and reasonable. Still another advantage of this proposal is that it would avoid, to a large extent, the necessity and extra cost of redesigning and equipping large cars with automatic restraints for the few years that these cars will continue to be produced. In view of the substantial experience of several manufacturers with designing and producing small cars with automatic belts, it is believed that there is sufficient leadtime to implement this proposal.

2. *Simultaneous compliance.* Under this proposal, all size classes would be required to begin compliance at the same time, i.e., March 1, 1983. This proposal allows compliance to begin a half year later than under the first proposal, to offset switching from a phase-in compliance schedule to a simultaneous one. Like the first proposal, this proposal could yield benefits greater than the original phase-in schedule by accelerating the date on which all cars must be equipped with automatic restraints. This proposal could be construed as even more equitable than the first in that all manufacturers would have to bring all of their cars into compliance at the same time.

3. *Rescission.* The third principal proposal is to rescind the automatic

restraint requirements. The principal considerations underlying this proposal are the unlikelihood of public acceptability of automatic restraints in the absence of any significant degree of choice between automatic belts and air bags, the public acceptability of the specific automatic belt designs currently planned by the automobile manufacturers, uncertainties about the general public's rate of future usage of both automatic and manual belt systems, and the substantial cost of air bags even if produced in large volumes.

### Additional Proposals

In conjunction with the first and second principal proposals, the Department is also proposing to except the front center seating position of cars from automatic restraint requirements. With that exception, manufacturers could equip that seating position with either a manual belt or with an automatic restraint. This exception is intended to solve a dilemma presented by manufacturers in bringing six seat passenger cars into compliance with the current automatic restraint requirements. Since the only known type of automatic restraint for the center seating position is the air bag, manufacturers are faced with a choice of either equipping all three front seating positions with the relatively expensive air bag, or removing the center position and equipping the remaining two with automatic belts.

The latter choice permits use of the less expensive type of automatic restraint, but has the offsetting disadvantage of reducing the utility of the car. The advantage of such an exception is that it would enable manufacturers to retain the center position and equip the two outer front positions with automatic belts. If the automatic belts were the detachable type, they would permit ready access to the center position. The Department recognizes that usage rate of detachable automatic belts may be less than that for nondetachable types.

The Department also seeks comment on the desirability of and authority for adopting a suggestion made by Volvo in commenting on the February 12 proposal. Out of concern about the perceived marketing need for flexibility in the beginning of new model years and about the relative inflexibility of the normal agency practice of treating September 1 as the beginning of the model year, Volvo suggested that effective dates be specified as "September 1 or the date of production start of the new model year if this date falls between September 1 and December 31."

### Impacts of Proposals

The Department has considered the impacts of these proposals and determined that each of the three principal proposals in the notice is a major rulemaking within the meaning of E.O. 12291. A preliminary regulatory impact analysis is being placed in the docket simultaneously with the publication of this notice. A copy of the analysis may be obtained by contacting the docket at the address given at the beginning of this notice.

As noted above, it is expected that both the reversal proposal and the simultaneous compliance proposal could produce benefits equal or greater than the benefits of the revised schedule. This would result primarily from the earlier compliance by small cars which pose greater safety risks than large or mid-size cars. Rescission of the automatic restraint requirements could, after ten years, cause a loss of 750-7,500 lives annually based on the benefits to be expected from all cars on the road having been equipped with automatic restraints by that time.

The precise safety impacts of these and the other proposals depend largely on the usage rate of automatic belts and the effectiveness of the planned public information campaign. As set forth in more detail in the regulatory impact analysis accompanying the Final Rule published elsewhere in this issue of the Federal Register, NHTSA now anticipates a usage rate in the range of 15-60 percent. The rate will ultimately depend on how the public reacts to the automatic belt designs, especially the detachable ones which now appear likely to become the predominant type.

The cost effects of the reversal and simultaneous compliance proposals would be mixed. For example, the reversal proposal would cause the manufacturing and consumer costs of model year 1983 small cars to increase and of model year 1983 mid-size and large cars to decrease. Some slight loss of sales or deferral of purchases of model year 1983 small cars and model year 1984 mid-size cars could occur, although such effects should be minimized by the market forces pushing consumers toward smaller, more fuel efficient cars.

The cost impacts of the simultaneous compliance proposal would depend on how near the manufacturers come to beginning compliance on March 1, 1983. If they began precisely on that date, then the manufacturer and consumer costs would decrease for the mid-size and large cars produced during the first half of model year 1983 and would

increase for the small cars produced during the latter half of that model year. The effect on individual company sales should be minimized by this proposal, since competitive effects among manufacturers and different car size classes would be eliminated.

The rescission proposal would produce substantial savings in manufacturer capital investments and variable costs and in consumer costs. The savings in capital investments alone would be at least several hundred million dollars. The annual savings in manufacturing and consumer costs would be much greater, based on the costs that would otherwise be incurred in installing automatic restraints in all new cars.

The effects of this notice on small entities have been considered under the Regulatory Flexibility Act. Interested persons should consult both the preliminary regulatory impact analysis prepared for this notice and also the final regulatory impact analysis for the one year delay notice published today.

Although almost none of the direct or indirect suppliers of air bags and automatic belts are considered to be "small businesses," the Department did examine the impact on those suppliers. It is believed that the impact of the reversal and simultaneous compliance proposals should be minimal, because those proposals accelerate the compliance of some cars while delaying the compliance of others and since, in the case of automatic belt manufacturers, these businesses produce both automatic and manual belts.

Rescission of the automatic restraint requirements would adversely affect both automatic belt manufacturers and air bag manufacturers. To the extent that the profit to these manufacturers from automatic belt sales exceeds that from manual belt sales, the revenue of these manufacturers will decrease. Given the decision of the car manufacturers to use automatic belts almost exclusively in complying with the automatic restraint requirements, the impact of a rescission on air bag manufacturers may actually be quite limited. Nevertheless, the Department notes that air bag suppliers responding to its February 12 proposal stated that any further delay or uncertainty regarding the automatic restraint effective dates would adversely affect their prospect.

The only proposal that would more than minimally affect small governments and other small fleet purchasers would appear to be rescission. Its adoption would give them a cost savings similar to the one created for purchasers of

large 1982 model year cars by the one year delay.

In accordance with the National Environmental Policy Act of 1969, the Department has considered the environmental impacts of the proposals in this notice. A Draft Environmental Impact Statement will be placed in the docket for this rulemaking. Interested persons are also urged to consult the Final Environmental Impact Statement for the 1977 rule establishing the automatic restraint requirements.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after

the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407))

Issued on April 6, 1981.

Andrew L. Lewis, Jr.,

Secretary of Transportation.

[FR Doc. 81-10709 Filed 4-6-81; 2:25 pm]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Acceptance of Petition and Status Review; Niangua Darter

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of petition acceptance and status review.

**SUMMARY:** Notice is given that the petition to add the Niangua darter (*Etheostoma nianguae*) to the U.S. list of Endangered and Threatened Wildlife and Plants from the Ozark Endangered Species Task Force is accepted. The Director has determined that substantial evidence has been presented to support the petition received on December 10, 1980. A status review has been conducted and is summarized in this notice. The Service anticipates preparation of a proposed rule to list the Niangua darter as Threatened within the next few months. The Niangua darter is known only from the Osage River basin of west central Missouri. The Service is requesting comments on the status, distribution, and Critical Habitat of the Niangua darter. The Service also is requesting information on environmental and economic impacts and effects on small entities that would result from listing the Niangua darter as a Threatened species, and information on possible alternatives to the listing.

**DATES:** Persons wishing to comment on this notice should submit their data or other relevant information to the Director by April 6, 1981.

**ADDRESSES:** Director (OES) U.S. Fish and Wildlife Service, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235-2771).

**SUPPLEMENTARY INFORMATION:** On December 10, 1980, the Service received a petition from the Ozark Endangered Species Task Force to list the Niangua darter as a Threatened species. This action is allowed under the provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the rules published in the Federal Register of February 27, 1980 (to be codified at 50 CFR Part 424). The petition included the comprehensive report on the Niangua darter prepared by Dr. William L. Pfliger of the Missouri Department of Conservation. This report was the basis for the petition. It includes information on the distribution, status, and life history of the Niangua darter. The report also has a thorough review of the literature on this species.

#### Status Review

The Niangua darter, *Etheostoma nianguae* Gilbert and Meek, is a percid fish with a highly localized distribution in the Osage River basin of west-central Missouri. A study was undertaken by the Missouri Department of Conservation to document the present distribution and abundance of the Niangua darter, to define existing and potential threats to its survival, and to determine if it warranted consideration as an Endangered or Threatened species. Life history information was also obtained for use in developing recommendations for enhancing the status of this species.

During the course of the Niangua darter study, collections and observations were made at 168 stations in the Osage River Basin in Missouri. Eight populations of the Niangua darter were found, occupying 128 miles of stream. This species occurred in clear streams of medium size, draining hilly areas underlain by cherty dolomitic bedrocks. It occurred in shallow pools and "runs" having slight to moderate current and silt-free gravelly or rocky bottoms. The Niangua darter was occasionally observed entering or emerging from spaces beneath stones, which are used for escape or resting cover. This species exhibited a clumped or nonrandom distribution, suggesting

that it was gregarious or had an affinity for certain stream pools. Between 2,300 and 27,000 Niangua darter were estimated to occur in all populations combined.

Nymphs of stoneflies and mayflies gleaned from crevices of the stream bottom comprised most of the diet of the Niangua darter. Some benthic insects (larvae of caddisflies and blackflies, certain stonefly nymphs) were rarely eaten even though they were common components of the biota, indicating selectively in feeding habits.

Four age-groups (0-IV) were found in a sample of 54 Niangua darter. Few individuals had lived more than 2 years. About 50% of the maximum adult length was achieved during the first growth period. The largest specimen examined was a female 111 mm (4.4 inches) total length. Males grew more rapidly than females, at least in early life.

Spawning occurred on swift, gravel riffles in mid-April, as daily maximum temperatures reached 65°F. The female burrowed into gravel substrate and the male took a position above her as the eggs were deposited and fertilized. The number of mature ova produced averaged 189.8 per female for age-group I, 379.8 for age-group II, and 760.5 for age-group IV. Both sexes achieved sexual maturity at 1 year of age.

The Niangua darter is rare, localized in occurrence, and vulnerable to extinction. Reservoir construction, stream channelization, accelerated erosion and sedimentation, nutrient enrichment, and introduction of potential predators are probable threats to this species. These factors, in combination, could lead to eventual extinction of the Niangua darter.

In summary, the report prepared by the Missouri Department of Conservation made the following recommendations:

1. The Niangua darter should be designated a nationally Threatened species.
2. Known populations of the Niangua darter should be sampled periodically to determine trends in distribution and abundance.
3. Populations of the Niangua darter should be sought in streams not presently known to support the species, using the faunal index developed in the Missouri Department of Conservation study as a guide.
4. Additional populations of the Niangua darter should be established to minimize the chances for extinction through incremental extirpation of existing populations. Streams within the historical range of the species should be given priority in establishing populations.

5. Habitat quality in streams of the Osage Basin should be maintained and improved. This can be accomplished through a vigorous program of pollution abatement, the redesign or curtailment of public works projects that affect stream habitat, and the implementation of good land use practices by landowners.

The Service has reviewed the status of the Niangua darter and, based on information presently available, is of the opinion that this species qualifies for Threatened status as defined by the 1973 Endangered Species Act. The Service intends to prepare a proposed rule to list the Niangua darter in the next few months. At this time, the Service is requesting comments on status, distribution, and Critical Habitat of the Niangua darter. Also, the Service is requesting information on environmental and economic impacts and effects on small entities (including small businesses, small organizations, and small governmental jurisdictions) that would result from listing the Niangua darter as a Threatened species, and information on possible alternatives to the listing. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, Executive Order 12991 on Federal Regulation, and the Regulatory Flexibility Act, and in preparing any required analyses of effect. An additional period will be provided when this species is proposed for listing as Threatened.

The primary author of this notice is Dr. James D. Williams, Fish and Wildlife Service, Office of Endangered Species, Washington, D.C. (703/235-1975).

Dated: March 26, 1981.

F. Eugene Hester,  
Acting Deputy Director, Fish and Wildlife Service.

[FR Doc. 81-10678 Filed 4-8-81; 8:45 am]

BILLING CODE 4310-55-M

#### 50 CFR Part 17

#### African Elephant Regulations

April 3, 1981.

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent.

**SUMMARY:** The Service is considering changing its "special rule" on African elephants so as to ease restrictions on domestic activities and bring the rule more into line with the importation and exportation provisions of the Convention on International Trade in Endangered Species of Wild Fauna and

Flora. The Service hereby solicits comments and suggestions on these changes. The Service also requests information on environmental and economic impacts, and effects on small entities, that would result from these changes, as well as similar information on alternatives to the changes.

**DATE:** Comments on this notice must be received on or before May 7, 1981.

**ADDRESS:** The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections concerning this notice. Comments should be addressed to: Director (WPO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Comments received will be available for public inspection and copying between the hours of 8:30 a.m. and 4 p.m. at 1000 N. Glebe Road, Room 621, Arlington, Virginia, both during and after the comment period.

**FOR FURTHER INFORMATION CONTACT:** Richard M. Parsons, Chief, Wildlife Permit Office, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. (Telephone: (703) 235-1937).

**SUPPLEMENTARY INFORMATION:** On May 12, 1978, the Service issued regulations

which listed the African elephant (*Loxodonta africana*) as a threatened species under the Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and which established a "special rule" restricting importation, exportation, and other activities to insure conservation of the elephant. See 50 CFR 17.11, 17.40(e); 43 FR 20504. The African elephant is also listed on Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Mar. 3, 1973, 27 U.S.T. 1087, T.I.A.S. No. 8249. See 50 CFR 23.23. Regulations implementing the Convention also impose restrictions on importation, exportation, and re-exportation which are applicable to African elephants. See 50 CFR Part 23 [hereinafter "Convention regulations"].

Since issuance of the special rule, 50 CFR 17.40(e), in 1978, the African elephant has been the subject of studies, meetings of countries that are parties to the Convention, and proposed legislation. As a result of the information generated by these activities, the Service is considering changing the special rule so that it would rely more on the permit and certificate requirements applicable to importation and exportation under the Convention regulations and less on permit and other restrictions applicable to activities conducted within the United

States. The Service is also considering a marking requirement for "raw" ivory and measures to insure that ivory imported into the United States has been lawfully acquired in the country of origin.

The purpose of this notice is to give interested persons an opportunity to submit comments and suggestions on the changes outlined above, before the issuance of any notice of proposed rulemaking. Also, the Service hereby requests information on environmental and economic impacts, as well as any effects on small entities (including small business, small organizations, and small governmental jurisdictions) that would result from the changes outlined above. Similar information on possible alternatives to the changes is also requested. This information will aid the Service in complying with the requirements of the National Environmental Policy Act, Executive Order 12291 on Federal Regulation, and the Regulatory Flexibility Act. This information will be helpful in preparing any required analysis of effects.

Dated: April 3, 1981.

**Cleo Layton,**

*Acting Deputy Assistant Secretary, FW&P.*

[FR Doc. 81-10811 Filed 4-9-81; 8:45 am]

BILLING CODE 4310-55-M

## Notices

Federal Register

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

##### Farmers Livestock Auction, Russellville, Alabama

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyard as required by said section 302, on the respective date specified below.

Facility No.	Name of location of stockyard	Date of posting
Alabama		
AL-164	Farmers Livestock Auction, Russellville.	Mar. 9, 1981.
Florida		
FL-127	North Florida Farmers Co-operative, Inc., Lake City.	Mar. 11, 1981.
Kansas		
KS-203	Clay Center Livestock Company, Inc., Clay Center.	Mar. 11, 1981.
Minnesota		
MN-176	Minnesota Feeder Pig Markets, Inc., Elysian.	Mar. 23, 1981.
Texas		
TX-321	Cathmans Livestock Auction, Inc., Freer.	Mar. 18, 1981.

Done at Washington, D.C., this 6th day of April, 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch,  
Livestock Marketing Division.

[FR Doc. 81-10983 Filed 4-8-81; 8:45 am]

BILLING CODE 3410-02-M

#### Forest Service

##### San Juan National Forest Grazing Advisory Board; Meeting

The San Juan National Forest Grazing Advisory Board will meet on Friday, May 8, 1981 at 1:00 p.m. at the Centennial Savings and Loan, Hospitality Room, 1011 East 2nd Ave., Durango, Colorado. The board was established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include discussions on: (1) the function of the board; (2) construction maintenance of range improvements; (3) problems and conflicts concerning livestock grazing on the Forest; (4) the development of allotment management plans; (5) the utilization of range betterment funds; (6) establishment of summer field trip date(s) for the Board to observe specific range allotments and range improvements.

The meeting will be open to the public. Persons who wish to attend and participate should notify H. E. Bond, San Juan National Forest (303-247-4874) prior to the meeting. The public may participate in discussions during the meeting or may file a written statement following the meeting.

P. C. Sweetland,

Forest Supervisor.

March 30, 1981.

[FR Doc. 81-10710 Filed 4-8-81; 8:45 am]

BILLING CODE 3410-11-M

##### Sierra National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board will meet May 8, 1981 at 9:00 a.m. at the Sarah McCardle Room, Fresno County Library, 2420 Mariposa St., Fresno, California 93721.

Agenda of the meeting includes:

A. Rationale of grazing stewardship on the Sierra National Forest to date. What has been the emphasis of management and the purpose of past use of Range Betterment Funds (by District).

B. Interrelationship of other resource management with grazing use: recreation use, timber harvest, chaparral management, wildlife habitat improvement, watersheds, roads, etc.

C. Work plans 1981, 1982, 1983. Allotment priorities and anticipated accomplishments, Range Betterment

Fund Projects, other projects (grazing or other resources).

D. Grazing scenario from the Forest Land Management Plan.

E. Public statements, comments, or questions.

The meeting is open to the public. Matters identified by the public will be considered by the Board at the close of the above agenda.

Richard L. Stauber,

Forest Supervisor, Sierra National Forest.

April 1, 1981.

[FR Doc. 81-10711 Filed 4-8-81; 8:45 am]

BILLING CODE 3410-11-M

#### Animal and Plant Health Inspection Service

##### Record of Decision, Final Programmatic Environmental Impact Statement; USDA Cooperative 1981 Gypsy Moth Suppression and Regulatory Program

Based on the environmental analysis, documented in the programmatic environmental impact statement, a thorough review of all comments made at public meetings and those received on the draft programmatic environmental impact statement, it is our decision to adopt Alternative 3 as the program direction. Alternative 3 provides for an Integrated Pest Management (IPM) suppression and regulatory program involving the selective use of biological or chemical insecticides, the gypsy moth mating disruption pheromone, male moth traps, parasite and predator population management, homeowner self-help, sterile male moth release and forest stand manipulation. The selected alternative is environmentally preferable to the others when physical, biological, economic and social factors are weighed on balance.

The other alternatives considered and evaluated were: (1) Chemical insecticide treatment to suppress or regulate gypsy moth populations; (2) Biological insecticide treatment to suppress or regulate gypsy moth infestations; (3) No action by Federal Agencies to suppress or regulate gypsy moth infestations.

The decision to adopt Alternative 3 conforms with the Forest Service mission as defined in the Cooperative Forestry Assistance Act of 1978 (Pub. L. 95-313) to suppress or prevent pest population outbreaks by methods that

will restore, maintain, and enhance the quality of the environment through cooperative efforts with State Foresters or equivalent State Officials.

The decision also conforms with the Animal and Plant Health Inspection Service (APHIS) mission as outlined in the Plant Quarantine Act of 1912 (7 U.S.C. 151-165 and 167) and the Federal Plant Protection Act of 1957 (7 U.S.C. 150aa-150jj). These authorities direct APHIS cooperative State regulatory programs to retard the artificial, long-range spread of the gypsy moth and to eradicate isolated infestations of the pest.

Implementation of an integrated pest management alternative in cooperative gypsy moth suppression projects and regulatory programs provides adequate mitigation and monitoring measures to minimize environmental impacts of the techniques utilized, while maximizing established natural controls in the majority of areas affected by the insect.

Registered biological and chemical insecticides will be applied according to label directions or Section 18 exemption and Agency operating procedures. Appropriate public involvement, notification and utilization of insecticide treatment measures will further reduce human exposure during periods of application.

The selected alternative will be carried out by the USDA Forest Service and the Animal and Plant Health Inspection Service through technical and financial assistance to cooperating State Agencies. Decisions on Federal financial assistance will be made annually on the basis of site specific biological, economic and environmental analyses made in compliance with the National Environmental Policy Act (NEPA) regulations and Agency operating procedures and laws. This decision is not subject to administrative review pursuant to 36 CFR 211.9.

Dated: April 6, 1981.

**J. Lamar Beasley,**

*Acting Chief, USDA Forest Service,  
Washington, DC 20013.*

Dated April 6, 1981.

**Harry C. Mussman,**

*Administrator, USDA Animal and Plant Health Inspection Service, Washington, DC 20250.*

[FR Doc. 81-10753 Filed 4-8-81; 8:45 am]

BILLING CODE 3410-11-M

## CIVIL AERONAUTICS BOARD

[Docket 37165; Order 81-3-184]

### Great Northern Airlines; Service Mail Rates Investigation; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of March, 1981.

By Order 79-11-203, November 28, 1979, the Board instituted an investigation to determine the fair and reasonable final service mail rates to be paid by the Postmaster General to Great Northern Airlines, Inc. for the transportation of mail by aircraft in its certificated services. Temporary service mail rates, subject to retroactive adjustment by an order establishing final rates, were fixed at the same level of rates established for Wien Air Alaska, Inc. Thereafter, the temporary rates for GNA were adjusted to reflect revisions in Wien's rates.<sup>1</sup>

Subsequently, by Order 80-9-107, September 19, 1980, the Board approved the transfer of GNA's certificate for Route 208 to Alaska International Air, Inc. The acquisition of GNA by AIA has been completed and GNA has ceased to exist.

Due to the short period of time that GNA operated, about nine months, the record in this proceeding does not provide sufficient operating data for a detailed costing of the carrier's mail services and clearly none is warranted now that GNA has ceased to be an operating entity. However, we see no reason why the temporary rates established for the carrier should not be made the final rates. GNA served essentially the same routes as operated by Wien. It appears reasonable that GNA's mail services over these routes should be compensated at the same mail rate paid to Wien. Furthermore, the carrier also elected, through its equalization provision, to transport mail at a rate equal to Wien's, if such rate was lower than the final rate determined for it in this proceeding. In these circumstances, we tentatively conclude that the temporary service mail rates established by Orders 79-11-203, 80-4-53 and 80-12-116 are the fair and reasonable final service mail rates for the mail services performed by GNA for the appropriate periods under its certificate of public convenience and necessity.

Based on the foregoing, the Board tentatively finds and concludes that:

(1) The fair and reasonable final rates

of compensation to be paid in their entirety by the Postmaster General in accordance with the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to Great Northern Airlines, Inc. for the transportation of mail by aircraft over Route 208, the facilities used and useful therefor, and the services connected therewith are:

(a) For the period December 1 through December 31, 1979, per great-circle mail ton-mile, \$2.2949 for priority mail and \$0.9512 for nonpriority mail;

(b) For the period January 1 through June 30, 1980, per great-circle mail ton-mile, \$2.5494 for priority mail and \$1.0567 for nonpriority mail;

(c) For the period July 1 through September 30, 1980, per great-circle mail ton-mile, \$2.6148 for priority mail and \$1.0838 for nonpriority mail; and

(2) This investigation is terminated.

Therefore, in accordance with the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, and the Board's Procedural Regulations promulgated in 14 CFR Part 302,

1. We direct all interested persons to show cause why the Board should not adopt the foregoing tentative findings and conclusions, and fix, determine and publish the final rates specified above;

2. We direct all interested persons having objections to the rates or to the tentative findings and conclusions proposed here to file with the Board a notice of objections within ten (10) days after the date of service of this order, and, if notice is filed, to file a written answer and any supporting documents within 30 days after service of this order;

3. If not notice is filed, or, if after notice, no answer is filed within the designated time, or if an answer timely filed raises no material issue of fact, we will deem all further procedural steps waived and we may enter an order incorporating the tentative findings and conclusions set forth here and fixing the final rates set forth above; and

4. We shall serve this order upon all parties to this proceeding.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board:<sup>2</sup>

**Phyllis T. Kaylor,**

*Secretary.*

[FR Doc. 81-10778 Filed 4-8-81; 8:45 am]

BILLING CODE 6320-01-M

<sup>1</sup>See Orders 80-4-53 and 80-12-116.

<sup>2</sup>All members concurred.

[Docket 39412]

**Air Berlin USA Fitness Investigation; Hearing**

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on June 22, 1981, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. before the undersigned administrative law judge.

Dated at Washington, D.C., April 3, 1981.  
Elias C. Rodriguez,  
*Administrative Law Judge.*

[FR Doc. 81-10770 Filed 4-8-81; 8:45 am]  
BILLING CODE 6320-01-M

[Order 81-4-20]

**Proposed Deletion of Condition on the Authority of Air Nauru**

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause: Order 81-4-20.

SUMMARY: The Board proposes to amend the following authority of Air Nauru:

Order Date: April 3, 1981, Docket 35190.

Amendment: The Board proposes to delete a condition that Air Nauru's authority between Guam and Hong Kong, Manila or Taipei is effective only if a U.S. carrier fails to provide regularly scheduled single-plane service over this routing.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this amendment should be granted, as described in the order cited above, shall, no later than April 28, 1981, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to Air Nauru, the Department of Transportation, and the Department of State. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will make final the Board's tentative findings and conclusions.

Addresses for Objections:

Docket 35190, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

Air Nauru, c/o Andrew T.A. Macdonald, Wilmer and Pickering, 1666 K Street, N.W., Washington, D.C. 20006

To Get a Copy the Complete Order, request it from the CAB Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

**FOR FURTHER INFORMATION CONTACT:**

Gerald Caolo, Regulatory Affairs Division, Bureau of International

Aviation, Civil Aeronautics Board; (202) 673-5134.

By the Civil Aeronautics Board: April 3, 1981.

Phyllis T. Kaylor,  
*Secretary.*

[FR Doc. 81-10760 Filed 4-8-81; 8:45 am]  
BILLING CODE 6320-01-M

[Docket 37404; Order 81-4-21]

**Application of Delta Air Lines, Inc., for Compensation for Losses; Order To Show Cause**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of April, 1981.

On February 13, 1979, Delta Air Lines, Inc., filed notice in Docket 34742 of its intent to suspend all service at Presque Isle/Houlton, Maine, effective May 15, 1979. By Order 79-5-22, May 2, 1979, the Board required Delta to continue to provide one daily round trip between Presque Isle and Boston<sup>1</sup> for an additional 30 days, or until a replacement carrier was found to provide essential air service. By Orders 79-6-54 and 79-7-47, we extended Delta's service obligation at Presque Isle by successive, additional 30-day periods.

By Order 79-7-198, July 30, 1979, we defined the interim level of essential air transportation at Presque Isle as two well-timed daily round trips to Boston with aircraft no smaller than CV-600 or FH-227-sized equipment, and permitted Delta to suspend all service to Presque Isle, effective August 13, 1979, but required it to maintain backup capability for 30 days to resume service if essential air service was not being provided by another fit, willing, and able carrier. By Order 79-8-143, August 24, 1979, we required Delta to resume service on weekends only, until Bar Harbor Airlines, a commuter carrier, proved capable of providing the full level of service required by the Board; Delta terminated its weekend service effective September 10, and weekend service was thereafter provided by Bar Harbor. Finally, by Orders 79-9-40 and 79-10-56, we extended Delta's backup responsibility through November 10, 1979.

On January 7, 1980, Delta filed an application for compensation for losses incurred in providing service at Presque Isle for the period May 15-November 10, 1979. The carrier claimed an operating loss of \$186,422 plus a 12 percent return on investment of \$168,705 (including

taxes), for total compensation of \$355,127.

After reviewing Delta's application and Form 41 reports, the Board's staff conducted an informal rate conference with Delta, where a final rate of compensation of \$126,796 was tentatively agreed to. The rate was based on Delta's incremental costs of providing Presque Isle service, less Presque Isle revenue, plus return and taxes. We tentatively conclude that this is the appropriate final rate of compensation for provision of essential air service at Presque Isle/Houlton.

The proposed final rate of compensation includes full cost for those expense items which are directly and inescapably tied to operations<sup>2</sup> and full Presque Isle station costs, plus partial allocation of Boston station and system costs. It also includes a return and tax allowance providing a 12 percent rate of return on used and useful investment involved in providing service to Presque Isle. We believe this rate accurately reflects the net incremental cost to Delta of providing essential air service to that community.

Of the possible alternative approaches to the determination of final force-in rates of compensation, we believe that circumstances such as are presented here present a clear case for the incremental cost approach. The other alternative—fully allocated costs—may be desirable when the EAS requirement forms a significant portion of the carrier's total operations; when, as here however, EAS is but a fragment of total operations, the fully allocated approach could result in significant overcompensation. This arises from the fact that fully allocated costing would allocate a portion of the carrier's fixed system costs that would normally not come into play for such short-term changes in operations as a period of forced EAS. In contrast, an incremental cost approach recognizes that for a carrier like Delta, with a large network of airline service, force-in operations should not incur such costs as reservations and sales (except commissions), advertising and publicity and general overhead; and that the appropriate measure of the carrier's losses is the difference between its actual system profit (or loss), and what its system profit would have been had service not been required. We believe that this approach best effectuates the statutory requirements under section 419 for the payment of force-in compensation to carriers whose EAS

<sup>1</sup> Delta had been providing two daily round trips to Boston.

<sup>2</sup> Flying operations, fuel, aircraft maintenance, passenger servicing, landing fees, and commissions.

requirements constitute a minute portion of a large airline system.

In view of the foregoing, and all other relevant factors, we tentatively find and conclude that the appropriate final rate of compensation for Delta Air Lines, Inc., for the provision of essential air service at Presque Isle/Houlton, Maine, during the period May 15 through November 10, 1979, should be set at \$126,796.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 419,

1. We direct Delta Air Lines, Inc., to show cause why we should not adopt the tentative findings and conclusions set forth above;

2. All further procedures herein shall be in accordance with the Rules of Practice, particularly Rules 302 *et seq.*, and if there is any objection to the rate proposed in this order, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if a timely filed answer raises no material issue of fact, we shall deem all parties to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and we may enter an order fixing the final rate of compensation specified herein; and

4. We shall serve this order on Delta Air Lines, Inc.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board,

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-10777 Filed 4-8-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 33362, 39083, and 39084]

**Former Large Irregular Air Service Investigation; Applications of Michigan Peninsula Airways, Ltd., d.b.a. MPA International Airways; Hearing**

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 11, 1981, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., April 2, 1981.

William A. Pope II,

Administrative Law Judge.

[FR Doc. 81-10779 Filed 4-8-81; 8:45 am]

BILLING CODE 6320-01-M

**CIVIL RIGHTS COMMISSION**

**Connecticut Advisory Committee; Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on April 28, 1981, at the Lord Cromwell Inn, Route 72, Cromwell, Connecticut 06416. The purpose of this meeting is to discuss the results of a meeting held on March 26, 1981, on civil rights issues in Stamford.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. John Rose, Jr., P.O. Box 3216, Hartford, Connecticut 06103, (203) 525-4700; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 6, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-10792 Filed 4-8-81; 8:45 am]

BILLING CODE 6355-01-M

**New Jersey Advisory Committee; Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:30 p.m., on April 23, 1981, at the Ramada Inn, School House Lane, New Brunswick, New Jersey. The purpose of this meeting is to discuss program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde Allen, 620 Sheridan Avenue, Plainfield, New Jersey 07060, (212) 572-7577; or the Eastern Regional Office, 26 Federal Plaza, Room 1639, New York NY 10007, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 6, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-10793 Filed 4-8-81; 8:45 am]

BILLING CODE 6335-01-M

**West Virginia Advisory Committee; Cancelled Meeting**

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the West Virginia Advisory Committee of the Commission, originally scheduled for April 9, 1981, at Charleston, West Virginia (FR Doc. 81-8807 46 FR 18063) has been cancelled.

Dated at Washington, D.C., April 3, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-10794 Filed 4-3-81; 8:45 am]

BILLING CODE 6335-01-M

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Elemental Sulphur From Canada, Preliminary Results of Administrative Review of Antidumping Finding and Tentative Determination To Revoke in Part**

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

**ACTION:** Notice of Preliminary Results of Administrative Review of Antidumping Finding and of Tentative Determination to Revoke in Part.

**SUMMARY:** As a result of an administrative review of the antidumping finding on elemental sulphur from Canada, the Department of Commerce has tentatively determined to revoke such finding with respect to five companies: Shell Canada, Ltd., Hudson's Bay Oil & Gas, Ltd., Gulf Oil Canada, Ltd., Chevron Standard, Ltd., and Canadian Superior Oil, Ltd. All sales to the United States by Canadian Superior Oil, Ltd. were made at not less than fair value from July 1, 1976 through February 8, 1979, all sales by Gulf Oil Canada, Ltd., Houston's Bay Oil & Gas, Ltd., and Chevron Standard, Ltd. were made at not less than fair value from January 1, 1976 through February 8, 1979. In the case of Shell Canada, Ltd. all sales, with the exception of one sale for which the Department found *de minimis* margins, were made at not less than fair value for the period January 1, 1976 through February 8, 1979. There is no indication of sales at less than fair value since that time. Interested parties are invited to comment on this decision.

**EFFECTIVE DATE:** April 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan Seiger, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3986).

**SUPPLEMENTARY INFORMATION:**

**Procedural Background**

On December 17, 1973, a dumping finding with respect to elemental sulphur from Canada was published in the *Federal Register* as Treasury Decision 74-1 (38 FR 34655). A notice of "Tentative Determination to modify or Revoke Dumping Finding" with respect to this merchandise sold by Shell Canada, Ltd., Hudson's Bay Oil & Gas, Ltd., Gulf Oil Canada, Ltd., Chevron Standard, Ltd., and Canadian Superior Oil, Ltd., was published by the Department of the Treasury in the *Federal Register* on February 8, 1979 (44 FR 8057-8). Reasons for the tentative determination were given in the notice and interested parties were given an opportunity to present written or oral views. Treasury received no written submissions or requests for a hearing. However, Treasury took no final action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act").

On January 2, 1980, the authority for administering the antidumping law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on elemental sulphur from Canada, produced and sold by Shell Canada, Ltd., Hudson's Bay Oil & Gas, Ltd., Gulf Oil Canada, Ltd., Chevron Standard, Ltd., and Canadian Superior Oil, Ltd.

The substantive provisions of the 1921 Act apply to all unliquidated entries made prior to January 1, 1980. We shall publish the results of the administrative review for other companies at a later date.

**Scope of the Review**

Merchandise covered by this review is elemental sulphur currently classifiable under item 415.4500 of the Tariff

Schedules of the United States Annotated (TSUSA). The review is limited to Shell Canada, Ltd., Hudson's Bay Oil & Gas, Ltd., Gulf Oil Canada, Ltd., Chevron Standard, Ltd., and Canadian Superior Oil, Ltd. In the case of Canadian Superior Oil, Ltd., Gulf Oil Canada, Ltd., and Chevron Standard, Ltd., the review covers the period May 1, 1977 through February 8, 1979, the date of the "Tentative Determination to Modify or Revoke Dumping Finding." In the case of Hudson's Bay Oil & Gas, Ltd., and Shell Canada, Ltd., the review covers the period January 1, 1977 through February 8, 1979. The Treasury Department reviewed all prior time periods. Such reviews indicated that, in the cases of Gulf Oil Canada, Ltd. and Chevron Standard, Ltd., all sales were made at not less than fair value from January 1, 1976 through April 30, 1977, and that for Canadian Superior Oil, Ltd., all sales were made at not less than fair value from July 1, 1976 through April 30, 1977. The issue of the Department's obligation to conduct administrative review of entries unliquidated as of January 1, 1980 and covered by prior master lists, is under review. Liquidation has been suspended pending disposition of the issue.

**Purchase Price**

The Department used purchase price, as defined in section 203 of the 1921 Act, for Shell Canada, Ltd., Hudson's Bay Oil & Gas, Ltd., Gulf Oil Canada, Ltd., and Canadian Superior Oil, Ltd. All sales by these four firms were made to unrelated purchasers.

In the cases of Canadian Superior Oil, Ltd. and Gulf Oil Canada, Ltd., purchase prices are ex-factory, packed. In the cases of Hudson's Bay Oil & Gas, Ltd., and Shell Canada, Ltd., purchase prices are ex-factory, packed, with the exception of deductions for tank car cost for Hudson's Bay Oil & Gas, Ltd. and commissions to unrelated parties for Shell Canada, Ltd.

**Exporter's Sales Price**

The Department used exporter's sales price, as defined in section 204 of the 1921 Act, for Chevron Standard, Ltd. since all sales by this firm were made to a related U.S. purchaser within the meaning of section 206 of the 1921 Act. Exporter's sales price here was calculated on the basis of the delivered price from the related U.S. party to unrelated U.S. purchasers, with deductions for freight charges, brokerage charges, and commissions to unrelated parties. No other adjustments were claimed or allowed.

**Foreign Market Value**

In calculating the foreign market value, the Department used home market price, as defined in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise (at least 6.8 percent of total sales, and at least 8.4 percent of sales for export to countries other than the U.S.) were sold in the home market to provide a basis for comparison. Foreign market values here are ex-factory packed prices. In the case of Shell Canada, Ltd., a deduction was made for commissions to unrelated parties. In the case of Hudson's Bay Oil & Gas, Ltd. and Chevron Standard, Ltd., a deduction was made for Canadian inland freight. In the case of Hudson's Bay Oil & Gas, Ltd., an additional deduction was allowed for tank car cost. No other adjustments were claimed or allowed.

**Preliminary Results of Review**

As a result of our comparison of purchase price or exporter's sales price to foreign market value, we preliminarily conclude that there were no sales at less than fair value by Hudson's Bay Oil & Gas, Ltd., Gulf Oil Canada, Ltd., and Chevron Standard, Ltd., for the period January 1, 1976 through February 8, 1979. In the case of Canadian Superior Oil, Ltd. we preliminarily conclude that there were no sales at less than fair value for the period July 1, 1976 through February 8, 1979. In the case of Shell Canada, Ltd. all sales, with the exception of one sale on which we found *de minimis* margins, were made at not less than fair value for the period January 1, 1976 through February 8, 1979. There is no indication of any sales at less than fair value by these five firms since that time.

As provided for in section 353.54(e) of the Commerce Regulations, all five companies have agreed in writing to an immediate suspension of liquidation and reinstatement of the finding if circumstances develop which indicate that elemental sulphur produced and/or exported by these firms and imported into the United States is being sold at less than fair value.

**Tentative Determination**

As a result of our review, we tentatively determine to revoke the finding on elemental sulphur from Canada, produced and sold by Shell Canada, Ltd., Hudson's Bay Oil & Gas, Ltd., Gulf Oil Canada, Ltd., Chevron Standard, Ltd., and Canadian Superior Oil, Ltd. If this action is made final it shall apply to unliquidated entries of this merchandise entered, or withdrawn

from warehouse, for consumption on or after February 8, 1979.

Interested parties may submit written comments on or before May 11, 1981 and may request disclosure and/or a hearing on or before April 24, 1981. A request for administrative protective order must be made within five days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing. The Department will issue appraisal instructions separately on each exporter directly to the Customs Service.

This administrative review, tentative determination to revoke and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 353.54(e), Commerce Regulations (19 CFR 353.54(e)).

John D. Greenwald,

*Deputy Assistant Secretary for Import Administration.*

April 6, 1981.

[FR Doc. 81-10714 Filed 4-6-81; 8:43 am]

BILLING CODE 3510-25-M

#### Elemental Sulphur From Mexico; Tentative Determination To Revoke Antidumping Finding in Part

**AGENCY:** U.S. Department of Commerce.

**ACTION:** Notice of Tentative Determination To Revoke Antidumping Finding in Part.

**SUMMARY:** The Department of Commerce has tentatively determined to revoke the antidumping finding on elemental sulphur from Mexico for exports by Compania Exploradora del Istmo, S.A. (CEDI). There have been no sales to the United States of this merchandise at less than fair value by CEDI for a period of more than 7½ years. Interested parties are invited to comment on this decision.

**EFFECTIVE DATE:** April 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106).

**SUPPLEMENTARY INFORMATION:**

#### Procedural Background

On June 28, 1972, a dumping finding with respect to elemental sulphur from Mexico was published in the *Federal Register* as Treasury Decision 72-179 (37 FR 12727). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to CEDI was published by the Department of the Treasury in the *Federal Register* of June 13, 1979 (44 FR 33998-99). Reasons for

the tentative determination were given in the notice and interested parties were afforded an opportunity to present written or oral views. Treasury received no written submissions or requests for a hearing. However, Treasury took no final action on the proposed revocation.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). As required by section 751 of the Tariff Act, the Department published the preliminary results of its administrative review on elemental sulphur from Mexico in the *Federal Register* of February 23, 1981 (46 FR 13533-34). The preliminary results indicated that there have been no sales to the United States at less than fair value by CEDI from November 25, 1971 through June 13, 1979. After publication of the preliminary results, CEDI agreed in writing to an immediate suspension of liquidation and its re-inclusion in the finding if circumstances develop which indicate that the merchandise thereafter imported into the United States is being sold at less than fair value, as provided by § 353.54(e) of the Commerce Regulations.

#### Tentative Determination

As a result, we tentatively determine to revoke the antidumping finding on elemental sulphur from Mexico with regard to CEDI.

Interested parties may submit written comments on or before May 11, 1981 and may request disclosure and/or a hearing on or before April 24, 1981. A request for administrative protective order must be made no later than five days after the publication of this notice. The Department will publish its final determination including the results of its analysis of any such comments or hearing.

This tentative determination to revoke in part is in accordance with sections 751 (a)(1) and (c) of the Tariff Act (19 U.S.C. 1675 (a)(1), (c)) and § 353.54 (b) and (e) of the Commerce Regulations (19 CFR 353.54 (b), (e)).

John D. Greenwald,

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 81-10715 Filed 4-6-81; 8:45 am]

BILLING CODE 3510-25-M

#### Exporters' Textile Advisory Committee; Public Meeting

**AGENCY:** International Trade Administration, Department of Commerce.

**SUMMARY:** The Exporters' Textile Advisory Committee, which is comprised of 30 members involved in textile and apparel exporting, advises Department of Commerce officials concerning ways of increasing U.S. exports of textile and apparel products.

**TIME AND PLACE:** May 12, 1981 at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 6802, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. (Public entrance to the building is on 14th Street, between Constitution Avenue and E Street NW.)

**AGENDA:** (1) Review of export data, (2) Report on conditions in the export market, (3) Recent foreign restrictions affecting textiles, (4) Other Business.

**PUBLIC PARTICIPATION:** A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

**FOR FURTHER INFORMATION CONTACT:** Helen L. LeGrande, Office of the Deputy Assistant Secretary for Textiles and Apparel, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202/377-3737.

Paul T. O'Day,

*Deputy Assistant Secretary for Textiles and Apparel.*

[FR Doc. 81-10712 Filed 4-6-81; 8:45 am]

BILLING CODE 3510-25-M

#### Optic Liquid Level Sensing Systems From Canada; Final Results of Administrative Review of Countervailing Duty Order

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

**ACTION:** Notice of Final Results of Administrative Review of Countervailing Duty Order.

**SUMMARY:** On January 14, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on optic liquid level sensing systems from Canada, manufactured by Honeywell Limited. The review covered the period January 8, 1979 through December 31, 1979. Interested parties

were given an opportunity to submit written or oral comments. No comments were received.

As a result of this review, the Department has determined to assess countervailing duties, equal to the calculated values of the aggregate net subsidy, of 9.1 percent *ad valorem* of the f.o.b. invoice price of the merchandise, even though we published a preliminary rate of 12 percent. This final rate is based upon additional information received from Honeywell.

**EFFECTIVE DATE:** April 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** Paul J. McGarr, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2786).

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 8, 1979, a countervailing duty order with respect to optic liquid level sensing systems from Canada manufactured by Honeywell Limited, was published in the *Federal Register* as Treasury Decision 79-09 (44 FR 1728).

On January 14, 1981, the Department of Commerce ("the Department") published in the *Federal Register* a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" (46 FR 3261). The Department has now completed its administrative review of that countervailing duty order.

**Scope of the Review**

The imports covered by this review are optic liquid level sensing systems (OLLS), including components as well as complete systems, manufactured by Honeywell Limited. They are used primarily to prevent the overfilling of tank trucks and storage tanks in the petroleum industry. Such imports are currently classifiable under item 685.90, Tariff Schedules of the United States.

This review is based upon information for the period January 8, 1979 through December 31, 1979. The Department received no written comments with respect to the publication of the preliminary results.

**Verification**

Subsequent to its completion of the analysis published in the preliminary notice, the Department received new information from Honeywell pertaining to the total value of sales of OLLS for 1979. We had used in our preliminary results total cost of production for 1979 as a surrogate. However, sales data is preferable to cost data since it includes profit.

This new information has been verified by the Department through examination of company documents. Examples of the type of documents examined include sales and credit invoices, individual customer accounts and an audited financial statement.

**Final Results of the Review**

As a result of our review, using the new data on total 1979 sales, we determine that the net subsidy conferred on OLLS from Canada is 9.1 percent *ad valorem* of the f.o.b. invoice price for the period January 8, 1979, through December 31, 1979.

The U.S. Customs Service shall assess countervailing duties at 9.1 percent *ad valorem* of the f.o.b. invoice price on all unliquidated entries of optic liquid level sensing systems from Canada manufactured by Honeywell Limited entered, or withdrawn from warehouse, for consumption on or after January 8, 1979, the date of suspension of liquidation, and exported on or before December 31, 1979.

Further, the Customs Service shall collect a cash deposit of 9.1 percent *ad valorem* of the f.o.b. price on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

This deposit requirement will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review prior to the next anniversary of the date of publication of the order.

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

John D. Greenwald,  
Deputy Assistant Secretary for Import Administration.

April 6, 1981.  
[FR Doc. 81-10716 Filed 4-8-81; 8:45 am]  
BILLING CODE 3510-25-M

**Printed Vinyl Film From Argentina;  
Final Results of Administrative Review  
of Antidumping Finding**

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

**ACTION:** Notice of Final Results of Administrative Review of Antidumping Finding.

**SUMMARY:** On February 9, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on printed vinyl film from Argentina. The review covered the only known exporter

and the time period of July 1, 1978 through July 31, 1980.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

**EFFECTIVE DATE:** April 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** E. Valerie Newkirk, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5345).

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 24, 1973, a dumping finding with respect to printed vinyl film from Argentina was published in the *Federal Register* as Treasury Decision 73-233 (38 FR 22794). On February 9, 1981, the Department of Commerce ("the Department") published in the *Federal Register* the preliminary results of its administrative review of the finding (46 FR 11570-71). The Department has now completed its administrative review of the antidumping finding.

**Scope of the Review**

The imports covered by this review are printed vinyl film, also known as printed polyvinyl chloride sheeting. Printed vinyl film is currently classifiable under item 771.4312 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one Argentinian exporter of printed vinyl film to the United States. This firm is Plavinil Argentina S.A.I.C. The review covered the time period of July 1, 1978 through July 31, 1980.

Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

**Results of the Review**

Since we have received no comments, the final results of our review are the same as those presented in the preliminary results of review. We therefore determine that a margin of 146 percent of the entered value exists. There were no known shipments to the United States during this time period.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin above, that is, 146 percent of the entered value, shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. This requirement shall remain in effect until publication of the final results of the

next administrative review. The Department intends to conduct the next administrative review by the end of August, 1982.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

**John D. Greenwald,**

*Deputy Assistant Secretary, Import Administration.*

April 6, 1981.

[FR Doc. 81-10717 Filed 4-8-81; 8:45 am]

BILLING CODE 3510-25-M

### Steel Reinforcing Bars From Canada; Preliminary Results of Administrative Review of Antidumping Finding

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

**ACTION:** Notice of Preliminary Results of Administrative Review of Antidumping Finding.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping finding on steel reinforcing bars from Canada. The review covers the exports of Western Canada Steel Limited for consecutive periods up to December 31, 1979. This review indicates the existence of dumping margins in particular periods.

As a result of this review the Department has preliminarily determined to assess dumping duties equal to the calculated differences between purchase price and foreign market value on each of Western Canada's shipments during the periods of review.

**EFFECTIVE DATE:** April 9, 1981.

**FOR FURTHER INFORMATION CONTACT:** Al Jemmett, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4794).

#### SUPPLEMENTARY INFORMATION:

##### Procedural Background

On April 24, 1964, a dumping finding with respect to steel reinforcing bars from Canada, manufactured by Western Canada Steel Limited through its subsidiary, Vancouver Rolling Mills Limited of Vancouver, Canada, was published in the *Federal Register* as Treasury Decision 56150 (29 FR 5341-42). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title

VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the *Federal Register* of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on steel reinforcing bars from Canada. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Annex I of the Commerce Regulations lists the Treasury Decision number for this dumping finding as 55150; this is a printer's error. The correct T.D. number is 56150.

##### Scope of the Review

Imports covered by this review are shipments of steel reinforcing bars, currently classifiable under item numbers 606.7900 and 606.8100 of the Tariff Schedules of the United States Annotated (TSUSA).

In October 1966 Western Canada Steel acquired Western Rolling Mills Ltd. of Calgary, Alberta, Canada, a producer of reinforcing bars.

The company claims that the products of this subsidiary, subsequently known as the "Calgary Steel Division" or "Calgary Rolling Mills Ltd.", are not subject to the finding. The Department considers shipments produced at Calgary to be subject to the finding.

We have divided the review into consecutive periods from October 1, 1972 through December 31, 1979.

##### Purchase Price

The Department used purchase price, as defined in section 203 of the 1921 Act, since all sales were made to unrelated purchasers. Purchase price was based on the FOB company plant price less a competitive allowance toward the cost of transporting the merchandise to areas outside of the Vancouver, B.C. or Calgary, Alberta metropolitan areas, where applicable. No other adjustments were claimed or allowed.

##### Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 205 of the 1921 Act, since sufficient quantities of such or similar merchandise were sold in the

home market to provide a basis for comparison. The manufacturer sold more than 80% of its production of steel reinforcing bars in Canada during the review period. Home market price was based on the FOB company plant price less a competitive allowance toward the cost of transporting the merchandise to areas outside of the Vancouver, B.C. or Calgary, Alberta metropolitan areas, where applicable. No other adjustments were claimed or allowed.

##### Preliminary Results of the Review

As a result of our comparison of purchase price to foreign market value, we preliminarily determine that the following margins exist:

Time period	Margins (percent)
10/1/72-9/30/73	0
10/1/73-9/30/74	11.93
10/1/74-9/30/76	11.93
10/1/76-9/30/77	6.15
10/1/77-9/30/78	4.00
10/1/78-12/31/79	4.00

<sup>1</sup> No shipments during the period

Interested parties may submit written comments on these preliminary results on or before May 11, 1981 and may request disclosure and/or a hearing on or before April 24, 1981. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between purchase price and foreign market value may vary from the percentages stated above. The Department will issue appraisal instructions directly to the Customs Service.

Further, as required by section 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins above, that is 4 percent of the entered value, shall be required on all shipments of steel reinforcing bars entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results.

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

and § 353.53 of the Commerce Regulations (19 CFR 353.53).

April 6, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-10718 Filed 4-8-81; 8:45 am]

BILLING CODE 3510-25-M

### National Oceanic and Atmospheric Administration

#### Withdrawal of Engineering and Technical Services Activity From A-76 Review Process

**AGENCY:** National Oceanic and Atmospheric Administration.

**ACTION:** Notice.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) hereby withdraws the Engineering and Technical Services Activity from the A-76 review of government versus private operation of commercial and industrial activities. Pursuant to Office of Management and Budget Circular A-76 and the implementing Department of Commerce Administrative Order 201-41, the NOAA list of activities to be reviewed was published in the *Federal Register* of August 7, 1980 (page 52438).

**FOR FURTHER INFORMATION CONTACT:** Maurice E. Ringenbach, Acting Director, Office of Ocean Technology and Engineering Services.

Dated: April 2, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-10704 Filed 4-8-81; 8:45 am]

BILLING CODE 3510-12-M

### Coastal Zone Management Programs, Guam, Massachusetts and South Carolina

**AGENCY:** Office of Coastal Zone Management, Commerce.

**ACTION:** Notice of availability of evaluation findings.

**SUMMARY:** Notice is hereby given of the availability of the evaluation findings for the Guam, Massachusetts, and South Carolina Coastal Zone Management Programs.

Section 312 of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.) requires the conduct of a continuing review of the performance of each coastal state under its federally approved coastal zone management program. All 3 states evaluated were found to be adhering to their management programs as a result

of which accomplishments are occurring with respect to resource protection, management of coastal development, increased recreational access, and improved government decisionmaking.

A copy of the findings made by the Acting Assistant Administrator for Coastal Zone Management for each of these states may be obtained on request from: Rosella Sussman, Evaluation Officer, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone: 202/634-4245).

Dated: April 3, 1981.

Robert W. Knecht,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-10657 Filed 4-8-81; 8:45 am]

BILLING CODE 3510-8-M

### Intent To Conduct a Review of Government Versus Contract Operation of NOAA Weather Radio (NWR) Console Maintenance

**AGENCY:** National Oceanic and Atmospheric Administration.

**ACTION:** Notice of Intent to Conduct a Review.

**SUMMARY:** Notice is hereby given pursuant to Office of Management and Budget (OMB) Circular A-76 and the Department of Commerce Administrative Order 201-41 implementing OMB Circular A-76, the National Oceanic and Atmospheric Administration (NOAA) intends to conduct a review of Government operation of NWR Console Maintenance versus contract operation of NWR Console Maintenance. A contract may or may not result from the review. Results of the review will be made available to bidders, offerors, and all interested parties.

**DATES:** The review is scheduled to begin March 15, 1981 and end April 30, 1982.

**FOR FURTHER INFORMATION CONTACT:** Roger L. Hill, OA/W514, Chief, Field Engineering Support Branch, National Weather Service, 8060 13th Street, Silver Spring, MD 20910, Telephone: 301-427-7835.

Dated: April 3, 1981.

Francis J. Balint,

Acting Director, Office of Management and Computer Systems.

[FR Doc. 81-10713 Filed 4-8-81; 8:45 am]

BILLING CODE 3510-12-M

### National Technical Information Service

#### Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent Application 6-171, 611—Flow-Closing Bleed Valve Assembly. Filed July 23, 1980.

Patent Application 6-181, 924—Taggants with Explosive Induced Magnetic Susceptibility. Filed August 27, 1980.

Patent Application 6-181, 940—Multi-Tone Jammer. Filed August 24, 1980.

Patent Application 6-185, 469—A Netted Search Radar System. Filed September 9, 1980.

Patent Application 6-185, 472—Automatic Bandwidth Control System. Filed September 9, 1980.

Patent Application 6-185, 473—Improved Film Cooled Annular Combustor. Filed September 9, 1980.

Patent Application 4, 228, 800—Synthesis of Acetylene-Terminated Compounds. Filed June 14, 1979, patented October 7, 1980. Not available NTIS.

Patent Application 4, 228, 435—Radar Sensitivity Time Control Using Range Gated Feedback. Filed January 23, 1979, patented October 14, 1980. Not available NTIS.

U.S. Department of Agriculture, Program Agreements and Pat. Branch, Admin. Ser. Div., Federal Building, Science and Education Admin., Hyattsville, MD 20782

- Patent Application 6-196 707—Methods and Apparatus for Reading Map Coordinates. Filed October 14, 1980.
- Patent Application 6-202, 395—Starch Adduct Encasement of Particulate Elastomers. Filed October 30, 1980.
- Patent Application 6-202, 396—Encapsulation by Entrapment Within Starch Adduct Matrix. Filed October 30, 1980.
- Patent Application 4, 237, 271—Crosslinked Starch Halohydrins and Their Nitrogen-Containing Substitution Products. Filed April 24, 1979, patented December 2, 1980, Not available NTIS.
- Patent Application 4, 237, 984—Rotating Field Plot Row Marker. Filed May 30, 1979, patented December 9, 1980. Not available NTIS.

U.S. Department of Commerce, National Technical Information Service, Office of Gov't Inventions and Patents, Springfield, VA 22161

- Patent Application 6-156, 442—Ultra-Black Coating Due to Surface Morphology. Filed June 4, 1980.
- U.S. Department of Energy, Assistant General Counsel for Patents, Washington, DC 20545
- Patent application 6-080, 727: Photoresist Laminate. Filed October 1, 1979
- Patent application 6-081, 987: High Temperature Lubricating Process. Filed October 4, 1979
- Patent application 6-083, 507: Low Temperature Ion Source for Calutrons. Filed October 10, 1979
- Patent application 6-085, 653: Improved Method of Preparing Composite Superconducting Wire. Filed October 17, 1979
- Patent application 6-088, 301: Sintered Metal Electrodes and Method of Making Same. Filed October 25, 1979
- Patent application 6-089, 345: Method of Making a High-Capacity Sintered Iron Electrode and Product. Filed October 30, 1979
- Patent application 6-089, 348: Method and Means of Passive Detection of Leaks in Buried Pipes. Filed October 30, 1979
- Patent application 6-090, 175: Recovery of Aluminum and Other Metal Values From Fly Ash. Filed November 1, 1979
- Patent application 6-090, 846: RF Feedback Free Electron Laser. Filed November 2, 1979
- Patent application 6-092, 155: Production of the Ammonium Salt of 3,5-Dinitro-1,2,4-Triazole by Solvent Extraction. Filed November 7, 1979
- Patent application 6-096, 859: Method for Etching Thin Films of Niobium and Niobium-Containing Compounds for Preparing Superconductive Circuits. Filed November 23, 1979
- Patent application 6-096, 871: Method Utilizing Laser-Processing for the Growth of Epitaxial p-n Junctions. Filed November 23, 1979

- Patent application 6-101, 370: Apparatus for Installing Condition-Sensing Means in Subterranean Earth Formations. Filed December 7, 1979
- Patent application 6-102, 804: Catalac Free Electron Laser. Filed December 12, 1979
- Patent application 6-106, 132: Method of Altering the Effective Bulk Density of Solid Material and the Resulting Product. Filed December 21, 1979
- Patent application 6-118, 379: Penetrator Positioner for Bore-Side Radiography of Tubes. Filed February 5, 1980
- Patent application 6-119, 709: Dilatometer. Filed February 8, 1980
- Patent application 6-121, 541: Radiant Energy Collector. Filed February 14, 1980
- Patent application 6-121, 566: Overvoltage Protector Using Varistor Initiated Arc. Filed February 14, 1980
- Patent application 6-124, 871: Sensor for Detecting Changes in Magnetic Fields. Filed February 26, 1980
- Patent application 6-125, 406: Preparation of Reactive beta-Dicalcium Silicate. Filed February 23, 1980
- Patent 4,090,012: Electrochemical Heat Engine. Filed May 5, 1977; patented May 16, 1978. Not available at NTIS
- Patent 4,200,846: Efficient Laser Amplifier Using Sequential Pulses of Different Wavelengths. Filed September 29, 1977; patented April 29, 1980. Not available at NTIS
- Patent 4,205,529: LiCl Dehumidifier/LiBr Absorption Chiller Hybrid Air Conditioning System with Energy Recovery. Filed December 4, 1978; patented June 3, 1980. Not available at NTIS
- Patent 4,208,377: Process for Recovering Actinide Values. Filed July 25, 1978; patented June 17, 1980. Not available at NTIS

U.S. Department of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

- Patent 4,239,748: Neisseria gonorrhoeae Vaccine. Filed September 27, 1979; patented December 16, 1980. Not Available at NTIS
- Patent 4,241,187: Method and Apparatus for Cell and Tissue Culture. Filed March 27, 1979; patented December 23, 1980. Not available at NTIS
- Patent 4,242,502: Enhancement of Cholesterol Combining Properties of Saponins. Filed April 20, 1979; patented December 30, 1980. Not available at NTIS
- Patent 4,244,787: Apparatus and Method for Determining Serum Concentrates of Metabolites by Monitoring Dialysate Fluid. Filed June 11, 1979; patented January 13, 1981. Not available at NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

- Patent 4,206,466: Non-Fouling Print Stylus.

- Filed March 12, 1979; patented June 3, 1980. Not available at NTIS
- Patent 4,223,311: Long Range Listening System. Filed February 29, 1956; patented September 16, 1980. Not available at NTIS
- Patent 4,224,520: Room Temperature Two Color Infrared Detector. Filed July 13, 1979; patented September 23, 1980. Not available at NTIS

[FR Doc. 81-10671 Filed 4-8-81; 8:45 am]

BILLING CODE 3510-04-M

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Privacy Act of 1974; New System of Records

AGENCY: Department of the Army.

ACTION: Notice for a new system of records.

**SUMMARY:** The Department of the Army proposes to add a new system of records which is subject to the Privacy Act of 1974, Title 5, U.S.C. Section 552a (Pub. L. 93-579) to its inventory of records. The system notice for this new system of records identified as A0609.02DAAG entitled: Army Nuclear Test Personnel Review Program is set forth below.

**DATES:** The proposed system will become active on May 11, 1981, unless comments are received which would result in a contrary determination.

**ADDRESSES:** Any comments, including written data, views or arguments concerning the addition of this system or its notice should be addressed to the system manager identified in the system notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard S. Christian, The Adjutant General's Office (DAAG-AMR-R), Hoffman Building 1, 2561 Eisenhower Ave., Alexandria, VA 22331; telephone 703/325-6183.

**SUPPLEMENTARY INFORMATION:** The Department of Army system of records notices as prescribed by the Privacy Act have been published in the Federal Register at:

- FR Doc. 81-897 (46 FR 6427) January 21, 1981  
 FR Doc. 81-85 (46 FR 1002) January 5, 1981  
 FR Doc. 81-6021 (46 FR 13544) February 23, 1981  
 FR Doc. 81-7250 (46 FR 15531) March 6, 1981  
 FR Doc. 81-7821 (46 FR 16111) March 11, 1981

The Department of the Army has submitted a new system report dated

March 5, 1981 for this system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act.

April 3, 1981.

M. S. Healy,

*OSD Federal Register Liaison Officer  
Washington, Headquarters Services  
Department of Defense.*

**A0609.02DAAG**

**SYSTEM NAME:**

Army Nuclear Test Personnel Review Program (ANTPR)

**SYSTEM LOCATION:**

Primary system exists at The Adjutant General's Office, Headquarters, Department of the Army, Washington, DC 20310. Automated segments exist at the US Army Management Systems Support Agency, The Pentagon; US Army Reserve Personnel and Administration Center, St. Louis, MO 63132; and at Lexington-Blue Grass Army Depot, KY. Extracts of individualized records reside at Headquarters, Defense Nuclear Agency, Washington, DC 20305.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Army military and civilian personnel and/or contractor personnel in support of the Army who were exposed to radiation as the direct result of government sponsored atmospheric nuclear detonations occurring between 1945 and 1962.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, rank/grade, service number, social security account number, current or last known address, dates of test participation, radiation exposure & dosage data, Army unit/office of assignment at time of exposure, current medical status, and next-of-kin data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

10 U.S.C. 3012; 42 U.S.C. 2013c.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

By the Department of the Army to identify personnel who either were exposed to or participated in the atmospheric nuclear detonation program and to collect radiation exposure information so as to determine appropriate government-provided medical treatment; and to answer inquiries.

By the Veterans Administration to process/adjudicate claims in which service-connected disabilities resulting from radiation exposure are alleged.

By the National Research Council and similar government authorized agencies

to conduct epidemiological studies of effects of ionizing radiation from atmospheric nuclear weapons tests.

By authorized contractors of the Department of Defense/Department of Energy to reconstruct individual dosimetry data based on research and application of mathematical factors and to write historical summaries of atmospheric nuclear testing.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

Paper records in file folders; computer magnetic tapes, disks, and computer printouts.

**RETRIEVABILITY:**

By individual's name and/or service number/SSAN.

**SAFEGUARDS:**

Access is limited to properly cleared personnel having need for the information in the performance of official duties. Paper records are maintained in locked containers. Magnetic tapes and disks are stored in secured computer areas, access to which is controlled by password.

**RETENTION AND DISPOSAL:**

Paper records are retained after data are transferred to magnetic tapes. Paper records will be retired to WNRC after completion of ANTTPR effort. Magnetic tapes and disks are retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

The Adjutant General, Headquarters, Department of the Army (DAAG-AMR-S), Washington, DC 20310.

**NOTIFICATION PROCEDURE:**

Information may be obtained from the SYSMANAGER.

**RECORD ACCESS PROCEDURES:**

Individuals may access records pertaining to them by furnishing full name, SSAN and/or service number, Army unit/office to which assigned at time of radiation exposure, and place and approximate date(s) of exposure.

**RECORD SOURCE CATEGORIES:**

From the individual; Army organizational, personnel, and medical records; the Veterans Administration, Department of Energy, Defense Nuclear Agency & other military departments

**SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT:**

None.

[FR Doc. 81-10724 Filed 4-8-81; 8:45 am]  
BILLING CODE 3710-08-M

**Privacy Act of 1974; Notice of Amendments to Systems of Records**

**AGENCY:** Department of the Army.

**ACTION:** Proposed deletions and amendments of systems of records.

**SUMMARY:** The Department of the Army proposes to amend its inventory of systems notices by deleting 3 and amending 4 systems of records subject to the Privacy Act of 1974. Specific changes to the systems of records being amended are set forth below, followed by the systems printed in their entirety as amended.

**DATE:** Actions shall be effected as proposed on May 11, 1981, unless comments are received which would result in a contrary determination and require republication for further comments.

**ADDRESS:** Written public comments are invited and may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-S, Room 1146, Hoffman Building I, Alexandria, VA 22331, prior to May, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Dorothy Karkanen, Office of The Adjutant General (DAAG-AMR-S), HQDA, Room 1146, Hoffman Building I, Alexandria, VA 22331; telephone: 703/325-6163.

**SUPPLEMENTARY INFORMATION:** Department of the Army systems of records appear in the following editions of the Federal Register:

FR Doc 79-37052 (44 FR 73729), December 17, 1979  
FR Doc 81-85 (46 FR 1002), January 5, 1981  
FR Doc 81-897 (46 FR 6460), January 21, 1981  
FR Doc 81-3374 (46 FR 9692), January 29, 1981  
FR Doc 81-5885 (46 FR 13544), February 23, 1981  
FR Doc 81-7250 (46 FR 15531), March 6, 1981  
FR Doc 81-7621 (46 FR 16111), March 11, 1981

Systems being amended do not fall within the criteria of 5 USC 552a(o), as implemented by Transmittal Memoranda 1 and 3 to OMB Circular A-108.

M. S. Healy,

*OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.*

April 6, 1981.

**Deletions**

**AAFES0403.04**

*System name:*

College Recruitment Files (44 FR 73734), December 17, 1979.

*Reason:*

Records are not retrieved by personal identifier.

**AO221.01aOSA**

*System name:*

Committee Management Files (44 FR 73775), December 17, 1979.

*Reason:*

Records are not retrieved by personal identifier.

**AO225.06cDACs**

*System name:*

Management of Army ADP (44 FR 73779), December 17, 1979.

*Reason:*

System does not contain information subject to the Privacy Act.

**Amendments**

**AO314.08aDAAG**

*System name:*

Check Cashing Privilege Files (44 FR 73796), December 17, 1979.

*Changes:**System ID:*

Delete "AO314.08aDAAG" and substitute therefor: "AO314.08DACA".

**AO704.10aUSAREC**

*System name:*

Recruiter Malpractice Files (44 FR 73862), December 17, 1979.

*Changes:**Categories of individuals covered by the system:*

Delete entry and substitute therefor: "Individuals against whom recruiter malpractice or processing irregularities have been alleged."

*Retrievability:*

Delete " \* \* \* making allegation" and substitute: " \* \* \* against whom allegations have been made."

**AO715.07cUSFK**

*System name:*

Command Unique Personnel Information Data System (CUPIDS) (44 FR 73894), December 17, 1979.

*Changes:**Categories of records in the system:*

In the second paragraph, add the following after "commissaries": "and retail outlets located on US facilities and installations" \* \* \*.

*Record source categories:*

Add to last entry: "and retail outlets located on US facilities and installations in the ROK."

**A1205.16aDAAG**

*System name:*

Passport Files (44 FR 73991), December 17, 1979.

*Changes:**System ID:*

Following "A1205.16" delete "aDAAG" and substitute: "DAPC".

*System name:*

To: "Passport", add: "and Visa".

*System location:*

Delete: "Primary File" and "Auxiliary Files"; place semi-colon after "20310".

*Categories of individuals covered by the system:*

Delete: "Persons who have applied for passports, including".

*Categories of records in the system:*

Delete entry and substitute therefor: "File contains copy of Form DSP-11 (Passport Application), DD Form 1056 (Authorization to Apply for a "No-Fee" Passport and/or Request for Visa), evidence of US citizenship, passports, photographs, and related documents."

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

Change entry to read: "To the State Department and appropriate foreign embassy, as required."

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Retrievability:*

Delete: "Information is filed"; add to "Alphabetically" the phrase "by individual's surname."

*Safeguards:*

Add following sentence: "Official passports are stored in a secure area or container at installation when not in use for official travel."

*System manager(s) and address:*

Delete entry and substitute therefor: "Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332."

*Notification procedure:*

Delete entry and substitute therefor: "Information may be obtained from the System Manager."

*Record access procedures:*

Change entry to read: "Requests from individuals should be addressed to the office that processed the request for passport/visa."

*Contesting record procedures:*

Delete entry and substitute therefor: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505)."

**AO314.08DACA**

*System name:*

Check Cashing Privilege Files

*System location:*

Files are located at all installations/activities with facilities to cash checks.

*Categories of individuals covered by the system:*

Persons whose checks, written at these facilities, have been dishonored and/or whose check cashing privileges have been suspended or revoked.

*Categories of records in the system:*

Documents related to advancing, revoking, or suspending, restoring and general supervision of check cashing privileges. Included are letters to individuals about bad checks, warnings that a recurrence in issuing a bad check may result in withdrawing check cashing privileges, notices from banks that the bank was in error, notices to activities that check cashing privileges have been suspended or restored for certain individuals, returned checks, lists of persons whose privileges have been suspended or withdrawn, and related papers.

*Authority for maintenance of the system:*

Title 10 U.S.C., Section 3012.

*Routine uses of records maintained in the system, including categories of users and the purposes of such uses:*

To determine which individuals will be denied check cashing privileges at installation check cashing facilities.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:*

Manual card files, paper records in file folders, and computer tape.

*Retrievability:*

Alphabetically, by individual's name or social security number.

**Safeguards:**

Files are located in areas accessible only to authorized persons having an official need-to-know.

**Retention and disposal:**

Files are destroyed 3 years after individual has made restitution for dishonored check.

**System manager(s) and address:**

Comptroller of the Army, US Army Finance and Accounting Center, Ft. Benjamin Harrison, IN 46246.

**Notification procedure:**

Information may be obtained from the installation commander where check was cashed.

**Record access procedures:**

Requests from individuals should be addressed to the installation commander. Written requests should contain individual's full name and social security number.

**Contesting record procedures:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**Record source categories:**

Dishonored check.

**Systems exempted from certain provisions of the act:**

None.

**AO704.10aUSAREC****System name:**

Recruiter Malpractice Files

**System location:**

Commander, United States Army Recruiting Command, (USAREC), Ft Sheridan, IL 60037.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals against whom recruiter malpractice or processing irregularities have been alleged.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports of investigation pertaining to allegations of recruiter malpractice/processing irregularities. such reports contain full identifying data of all persons involved, findings of the investigation and disciplinary action taken, if any.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Property and Administrative Services Act of 1949 (64 Stat. 578, as amended by Act of 22 Oct 68); Title 44 U.S.C., Sections 3101-3103.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Reports used for trend analysis in order to formulate recommendations for modifications of recruiting policies and practices.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

In file cabinets.

**RETRIEVABILITY:**

Alphabetically by surname of person against whom allegations have been made.

**SAFEGUARDS:**

File cabinets and building are secured. Reports are maintained in an area accessible only to properly screened and trained personnel; information is released only to persons having a valid need-to-know.

**RETENTION AND DISPOSAL:**

Files remain active for 1 year, inactive for 1 year, and are destroyed at the beginning of the third year.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commander, US Army Recruiting Command, Ft Sheridan, IL 60037.

**RECORD ACCESS PROCEDURES:**

Requests for information should be addressed to Commander, US Army Recruiting Command, Ft Sheridan, IL 60037. Written requests should contain full name, address, telephone number, and military status of requester. For personal visits, the requester must be able to provide acceptable identification such as a valid driver's license or military identification.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

From US Army Criminal Investigation Command reports of investigation and similar reports generated within USAREC.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**AO715.07cUSFK****SYSTEM NAME:**

Command Unique Personnel Information Data System (CUPIDS).

**SYSTEM LOCATION:**

Primary system: Office of the Assistant Chief of Staff, Personnel Directorate (J1), Headquarters, United Nations Command (UNC)/United States (US) Forces, Korea (USFK)/Eighth US Army (EUSA), ATTN: AJ-PER-DM, APO San Francisco 96301.

Decentralized Segments: US Army Yongsan Data Processing Center Korea, APO San Francisco 96301; HQ UNC/USFK/EUSA, ATTN: PMJ-O, APO San Francisco 96301; HQ UNC/USFK/EUSA, ATTN: DJ-SP, APO San Francisco 96301; and HQ UNC/USFK/EUSA, ATTN: GCT, APO San Francisco 96301.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All members of UNC/USFK/EUSA who are authorized duty-free privileges in the Republic of Korea (ROK) as well as US Embassy personnel, contract personnel, technical representatives, and authorized potential noncombatant evacuees living in ROK.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual's name, social security number, date and place of birth, sex, rotation date, citizenship, passport number, date arrived in ROK, previous tours in ROK, service component, pay grade/position title, marital status, dependent status, and religion. The following dependent information is maintained: spouse's name, date and place of birth, date arrived in ROK, passport number, citizenship, sex, date and place of marriage, local address, and religion. Applicable information is extracted from this central data base to provide a noncombatant report, contractor and technical representative listing, religious preference listing, and dependent information roster.

An individual purchase record is maintained for those personnel authorized duty-free privileges. It consists of a record of exchange catalog sales and purchases made by authorized shoppers in the exchange system, Class VI stores, commissaries, and retail outlets located on US facilities and installations in ROK.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C., Section 301; Status of Forces Agreement, United States of America and the Republic of Korea.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To record the number and location of contractor and technical representatives in the ROK for reporting to the Korean

Government in accordance with the USA-ROK Status of Forces Agreement.

To identify and locate noncombatant evacuees in case of emergency.

To provide Department of Defense information pertaining to the number of dependents in ROK.

To obtain a religious profile to determine a realistic distribution of Chaplain assets throughout the command.

To produce lists of (1) suspected violators of the ration control authorization set for retail facilities in ROK and (2) exchange catalog sales shipped into ROK. Information is provided the Provot Marshal, US Army Criminal Investigation Command, US Department of State, Office of Special Investigation, Customs Officials, law enforcement authorities of the ROK, and commanders for investigative action where appropriate and/or administrative or judicial disposition.

To provide listing of dependents living in Korea for verification of housing dollar authorizations.

To maintain file of selected controlled item purchases made in retail facilities.

To provide management data pertaining to expenditures by grade and family size for use in determining if authorizations are sufficient.

To provide a dependent profile throughout the command for management purposes.

To produce ration control plates for authorized individuals for use in recording purchases in retail facilities.

To produce medical cards used for identification in medical facilities.

To provide retail sales information to the USA-ROK Status of Forces Ad Hoc Committee on black marketing activities.

To provide list by date eligible for return from overseas for transportation forecasting requirements.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORD IN THE SYSTEM.**

**STORAGE:**

Magnetic tapes; microfiche, and paper printouts.

**RETRIEVABILITY:**

Alphabetically by surname of noncombatants listed by area and geographical sub-area; all other records by SSN.

**SAFEGUARDS:**

Records are accessible only to authorized personnel. During off-duty hours, the facility is locked and secured by sound activated alarm.

**RETENTION AND DISPOSAL:**

The command profile, sales profile, and individual sales file are retained for 1 year. Individual violations are retained until the end of the tour of the individual concerned.

Regular card sales are destroyed monthly unless retained for evidence.

Controlled item sales records are maintained for duration of individual's tour.

The data base account is retained for the duration of the individual's tour, plus one month.

All other information is destroyed at termination of tour of employment.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Chief of Staff, J1, HQ UNC/USFK/EUSA, APO San Francisco 96301.

**NOTIFICATION PROCEDURE:**

Information may be obtained from: HQ UNC/USFK/EUSA (AJ-PER-DM), Yongsan/Seoul, Korea.

**RECORD ACCESS PROCEDURES:**

Requests from individuals should be addressed to: HQ, UNC/USFK/EUSA (AJ-PER-DM), APO San Francisco 96301. Written requests should contain full name of the individual, current address, and telephone number, and SSN. For personal visits, the individual should provide a military identification card and ration control plate, if issued, or other acceptable identification such as a valid vehicle operator's license.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

Application for ration control; recorded sales made with ration control plate at retail US military facilities throughout ROK; orders made through exchange catalog sales.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**A1205.16DAPC**

**SYSTEM NAME:**

Passport and Visa Files.

**SYSTEM LOCATION:**

US Army Service Center for the Armed Forces (USASCAF), ATTN: ANRDP-P, Washington, DC 20310; Installation passport offices, usually located in the installation transportation office, or activity passport agent office.

**CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:**

DOD military and civilian personnel and their dependents.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

File contains copy of Form DSP-11 (Passport Application), DD Form 1056 (Authorization to Apply for a "No-Fee" Passport and/or Request for Visa), evidence of US citizenship, passports, photographs, and related documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 10 U.S.C., section 3012.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To the State Department and appropriate foreign embassy, as required.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORD IN THE SYSTEM.**

**STORAGE:**

Card files; paper records in file folders.

**RETRIEVABILITY:**

Alphabetically by individual's surname.

**SAFEGUARDS:**

Only authorized persons have access to file areas.

**RETENTION AND DISPOSAL:**

DD Form 1056 and DSP Form 11 are retained for 1 year after which they are destroyed; other documents are destroyed after 3 months.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

**NOTIFICATION PROCEDURE:**

Information may be obtained from the System Manager.

**RECORD ACCESS PROCEDURES:**

Requests from individuals should be addressed to the office that processed the request for passport/visa.

**CONTESTING RECORD PROCEDURES:**

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

**RECORD SOURCE CATEGORIES:**

From the individual, official orders, and personnel records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 81-10791 Filed 4-9-81; 9:45 am]

BILLING CODE 3710-08-M

**Corps of Engineers, Department of the Army****Intent To Prepare Draft Environmental Impact Statement for Proposed Local Flood Protection Project at Walnut Branch in Seguin, Tex.**

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

**SUMMARY:** The primary purpose of this project is to reduce flood damages caused by Walnut Branch in Seguin, Texas. This study is being conducted under the authority of a House resolution, adopted on May 9, 1979, by the Committee on Public Works and Transportation.

2. In order to meet the primary purpose of the proposed action, several alternative plans will be considered in detail. Reasonable alternatives include nonstructural, channels, and combination structural and nonstructural plans.

## 3. Scoping Process.

a. Public Involvement. A comprehensive public involvement program is being conducted locally by the Fort Worth Army Engineer District as a means of disseminating information and soliciting public views. The techniques being used are formal public meetings, informal public information sessions as needed, and continuing dialogue with Federal, State, and local agencies, organizations, and the interested public.

b. Significant Issues Requiring In-Depth Studies. Vegetative resources, water quality, wetlands, and socio-economic effects on area residents are considered to be significant issues to be addressed in-depth in the DEIS.

## c. Assignments. None.

d. Environmental Review and Coordination Requirements. The draft statement will be circulated for review, and all comments will be incorporated into the final environmental impact statement.

4. A scoping meeting will be held in Seguin, Texas. A public notice will be issued when the time and place have been set.

5. The draft environmental impact statement is expected to be available to the public by July 1982.

**ADDRESS:** Person to contact for additional information is Mr. William Fickel, Jr., Acting Chief, Environmental Resources Section, U.S. Army Corps of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, Texas 76102. Telephone (817) 334-2095.

Dated: April 2, 1981.

Donald J. Palladino,

Colonel, CE, District Engineer.

[FR Doc. 81-10790 Filed 4-9-81; 9:45 am]

BILLING CODE 3710-FR-M

**Defense Nuclear Agency****Privacy Act of 1974; New System of Records**

AGENCY: Defense Nuclear Agency (DNA).

ACTION: Notice of new record system.

**SUMMARY:** The Defense Nuclear Agency is adding one new system of records identified as HDNA004, Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records. These records will document, if any, the degree of exposure to radiation experienced by individuals participating in planned Department of Defense/Department of Energy exercises designed to test the response of various government agencies to nuclear weapon accidents. It is anticipated that three exercises will be conducted.

**DATES:** This system shall be effective as proposed on May 11, 1981, unless comments are received on or before that date which would result in a contrary determination and require republication for further comments.

**ADDRESS:** Any public comments, including written data, views or arguments concerning the proposed action should be addressed to the System Manager identified in the record system.

**FOR FURTHER INFORMATION CONTACT:**

Robert L. Brittigan, General Counsel, Defense Nuclear Agency, Washington, D.C. 20305; Telephone: 202 325-7681.

**SUPPLEMENTARY INFORMATION:** The Defense Nuclear Agency record system notices as prescribed by the Privacy Act of 1974, Pub. L. No. 93-579 (5 U.S.C. 552a) have been published in the Federal Register as follows:

FR Doc. 81-897 (46 FR 8621), January 21, 1981

The Defense Nuclear Agency has submitted a new system report on March 3, 1981 on this system or records

under the provisions of 5 U.S.C. 552a(o) of the Privacy Act.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

April 3, 1981.

HDNA004

**SYSTEM NAME:**

Nuclear Weapons Accident Exercise Personnel Radiation Exposure Records System.

**SYSTEM LOCATION:**

Field Command, Defense Nuclear Agency (FCDNA), Kirtland AFB, NM 87115.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Military and civilian employees of the Department of Defense, Department of Energy, other government agencies, including state and local, contractor personnel, and visitors from foreign countries, who participate in planned exercises.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

System contains following information on individuals (not all information is appropriate to all categories of individuals covered by the system and the system also contains data of a nonpersonal nature):

Name; Social Security Account Number; Date of Birth; Service; Grade/Rank; speciality code, job series or profession; experience with radioactive materials such as classification as "radiation worker", use of film badge or other dosimetric device, respiratory protection equipment training and actual work in anticontamination clothing and respirators; awareness of radiation risks associated with exercise; previous radiation exposure; role in exercise; employer/organization mailing address and telephone; unit responsible for individual's radiation exposure records; time in exercise radiological control area; and external and internal radiation monitoring and/or dosimetry results.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

42 U.S.C. 2013 and 2201 (Atomic Energy Act of 1954) and 10 C.F.R. Parts 10 and 20; 5 U.S.C. 7902 and 84 Stat. 1590 (Occupational Safety and Health Act of 1970) and 29 C.F.R. Subparts 1910.20 and 1910.96; Executive Order 12196, Feb. 26, 1980, (Occupational Safety and Health Programs for Federal Employees).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

**Internal Users, Uses, and Purposes:** Officials and employees of the Defense Nuclear Agency in the performance of their official duties related to determining and evaluating individual and exercise collective radiation doses and in reporting dosimetry results to individuals.

**External Users, Uses and Purposes:** Officials and employees of other Department of Defense components, government contractors, other national, state, and local government organizations, and foreign governments, in the performance of their official duties related to evaluating and/or reporting and documenting radiation dosimetry data. Officials of government investigatory agencies in the performance of their official duties relating to enforcement of Federal rules and regulations.

**POLICIES AND PRACTICES FOR STARING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**

**STORAGE:**

Automated records are stored on magnetic tapes, discs, computer printouts and/or punched cards. Manual records are stored in paper file folders, card files and/or paper rosters.

**RETRIEVABILITY:**

Records are normally retrieved by individual's last name or social security account number; records may also be retrieved by Service, organization/ employer, dose results or other input data.

**SAFEGUARDS:**

The computer facility and terminals are located in restricted areas accessible only to authorized personnel and computer access is password protected. Manual records and computer printouts are available only to authorized persons with an official need to know. Buildings employ security guards and/or intrusion detection systems.

**RETENTION AND DISPOSAL:**

Computer memory is cleared at the end of each work day. Manual records will be retained permanently.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commander, Field Command, Defense Nuclear Agency, Kirtland AFB, NM 87115, ATTN: Radiological Safety Officer.

**NOTIFICATION PROCEDURE:**

Information may be obtained from Commander, Field Command, Defense

Nuclear Agency, Kirtland AFB, NM 87115, Telephone: area code (505) 844-6487.

**RECORD ACCESS PROCEDURES:**

Requests for information should be addressed to Commander, Field Command, Defense Nuclear Agency, ATTN: Radiological Safety Officer, Kirtland AFB, NM 87115. Written requests for information should contain the full name, home address, social security account number, and date of birth. For personal visits, the individual must be able to provide identification showing full name, date of birth and social security account number. Current employers may be furnished dosimetry data on their employees. Upon request, future employers may be provided dosimetry data; however, the request must include signed authorization from the employee to release the information.

**CONTESTING RECORD PROCEDURES:**

Rules for contesting contents and appealing initial determinations are contained in DNA Instruction 5400.11 (32 CFR Part 291a). Additional information may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Information in this system of records is (1) supplied directly by the individual, or (2) derived from information supplied by the individual, or (3) supplied by a contractor or government dosimetry service, or (4) developed by radiation measurements at the exercise site.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISION OF THE ACT:**

None.

[FR Doc. 81-10723 Filed 4-8-81; 8:45 am]

BILLING CODE 3810-70-M

**Department of the Navy**

**Privacy Act of 1974; Addition of Three New Systems of Records**

**AGENCY:** Department of the Navy.

**ACTION:** Addition of three new systems of records.

**SUMMARY:** The Department of the Navy proposes to add three new systems of records to its inventory of systems of records subject to the Privacy Act of 1974, Title 5 U.S. Code Section 552a (Pub. L. 93-579). The system notices for these three systems of records are set forth below.

**DATES:** The proposed actions will be effective without further notice on May 11, 1981, unless comments are received which would result in a contrary determination.

**ADDRESSES:** Any comments, to include written data, views or arguments concerning these proposed actions should be addressed to the system manager identified in the particular system notice.

**FOR FURTHER INFORMATION CONTACT:**

Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone 202/694-2004.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act have been published in the Federal Register at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981  
FR Doc. 81-3277 (46 FR 9693) January 29, 1981

The Navy submitted new system reports for these systems under the provisions of 5 U.S.C. 552a(o) as follows:

System No.	Date of report
N00011	Mar. 3, 1981.
N00018-11	Mar. 3, 1981.
N00367	Mar. 3, 1981.

**M. S. Healy,**

*OSD Federal Register Liaison Officer,  
Washington, Headquarters Services,  
Department of Defense.*

April 9, 1981.

**N00367**

**SYSTEM NAME:**

Resource Accounting and Project Tracking System (RAPTS)

**SYSTEM LOCATION:**

Navy Fleet Material Support Office,  
P.O. Box 2010, Mechanicsburg,  
Pennsylvania 17055.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All currently employed civilian and military personnel of the Navy Fleet Material Support Office. May include private contractors who work on Navy Fleet Material Support Office projects.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual's name, social security number, pay number, grade, step, job title, job series, military or civilian designator, organizational code, leave schedule, hourly rate of pay, civilian position description number, pay plan, veteran preference, service computation date, supervisory designator, tenure group, exemption code, target grade.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The officials and employees of the Department of the Navy in the performance of their official duties related to monitoring the current status of projects under development at the Navy Fleet Material Support Office. The system will be used to report project status and labor charges against functional cost accounts.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Records are maintained on magnetic disk, magnetic tape and hard copy forms.

**RETRIEVABILITY:**

RAPTS users obtain information by means of query or standard batch reports. Data may be indexed by any data item with entry keys using employee organization, sort key and employee initials.

**SAFEGUARDS:**

Access to computer room after hours is controlled by card key and pass number locking device. The system is protected by the following software feature: password sign-on.

**RETENTION AND DISPOSAL:**

All active records are stored on random access files. Once a project is complete, all data for that project is moved to a history file which is maintained on magnetic tape. Project record data is maintained for three years in the history file. After three years the project record will be erased.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commanding Officer, Navy Fleet Material Support Office, P.O. Box 2010, Mechanicsburg, Pennsylvania 17055.

**NOTIFICATION PROCEDURE:**

Information should be obtained from the System Manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

**RECORD ACCESS PROCEDURES:**

The agency's rules for access to records may be obtained from the System Manager.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for contesting contents and appealing initial determinations by the individual

concerned may be obtained from the System Manager.

**RECORD SOURCE CATEGORIES:**

Information in this system comes from the civilian personnel files of the Consolidated Civilian Personnel Office, Mechanicsburg, Pennsylvania and from the individual to whom it applies.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

N00018-11

**SYSTEM NAME:**

BUMED Risk Management.

**SYSTEM LOCATION:**

Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372; health care treatment facilities. (Mailing addresses are listed in the DOD directory in the Appendix to the Component System Notice.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Patients, staff, visitors, contractors, and other personnel who may have suffered injury or mishap in a naval medical treatment facility.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Incident reports; follow-up reports; letters, memos, and other correspondence or supportive statements; statistical reports; and committee minutes.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Department Regulations; 10 U.S.C. 5132.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Military and civilian employees of BUMED command activities, and Headquarters, BUMED in the performance of their official duties related to the Navy Medical Department risk management program. Records in the system will be used to investigate, analyze, and report accidents, injuries, and other incidents that occur in Navy health care treatment facilities in order to improve patient care.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Records are maintained on hard copy forms in filing cabinets.

**RETRIEVABILITY:**

Records are retrieved by full name of patient, SSN of sponsor, date of

incident, or other alpha/numeric identifier.

**SAFEGUARDS:**

Files are monitored during normal working hours by authorized personnel and the room or the files are locked at all other times.

**RETENTION AND DISPOSAL:**

Records are retained for 3 years after the year in which created and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372. Commanding Officers or officers in charge of Navy Medical Department health care treatment facilities. (Mailing addresses are listed in the DOD directory in the appendix to the Component System Notice.)

**NOTIFICATION PROCEDURE:**

Requests should be addressed to Chief, Bureau of Medicine and Surgery or commanding officers or officers in charge at the addresses indicated, above. Requests should contain the full name, SSN, and signature of the individual. The individual may also visit BUMED or the health care treatment facility. Visitors must possess proof of identification such as ID card, drivers license, or other identification showing name and recent a photograph of the individual.

**RECORD ACCESS PROCEDURES:**

The agency's rules for access to records may be obtained from the System Manager.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

**RECORD SOURCE CATEGORIES:**

Incident reports relating to patients, staff, and other personnel documenting accidents, injuries, and other incidents, together with supportive correspondence and statements including statistical displays and summaries.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

N00011

**SYSTEM NAME:**

Naval Environmental Training System (NETS).

**SYSTEM LOCATION:**

Naval Energy and Environmental Support Activity/Facilities Support Office (NEESA/FACSO), Naval Construction Battalion Center, Port Hueneme, California 93043.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Navy sewage treatment operators, and water treatment operators.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The *NETS* contains both data on treatment plants and treatment plant operations. Data includes social security number, name, treatment plant number and location, operators grade/rank, certification level, level of education, job experience (past and present), job title and number of years in direct responsible charge for the treatment plant(s). Additional data covers operator training, such as course number, title, content, location, total course hours, and date completed.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 12088 of 13 October 1978.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Officials and employees of the Department of the Navy in that performance of their official duties related to monitoring the current status of Navy water/wastewater treatment plants and its operators. The system will only be used within the Department of the Navy.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.****STORAGE:**

Records are maintained on magnetic disks, tapes and hard copy forms.

**RETRIEVABILITY:**

Users obtain information by means of a request via the NEESA Office, Port Hueneme, California.

**SAFEGUARDS:**

Access to the Construction Battalion Center is restricted at all times. The system is protected by the following software features: password sign-on, set and item authority for list, add, delete and update.

**RETENTION AND DISPOSAL:**

All data on a particular individual is maintained until he/she retires, dies or changes career. Data is updated every

year. Records are retained on magnetic tapes. Records are erased from the tape during system updates if applicable.

**SYSTEM MANAGERS(S) AND ADDRESS:**

Commander, Naval Facilities Engineering Command. (Code 112), 200 Stovall Street, Alexandria, Virginia 22332.

**NOTIFICATION PROCEDURE:**

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

**RECORD ACCESS PROCEDURES:**

The agency's rules for access to records may be obtained from the System Manager.

**CONTESTING RECORD PROCEDURES:**

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the System Manager.

**RECORD SOURCE CATEGORIES:**

Data collected from each individual.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 81-10725 Filed 4-8-81; 8:45 am]

BILLING CODE 3810-71-M

**Office of the Secretary****Defense Intelligence School Panel of the National Defense University and the Defense Intelligence School**

Pursuant to the provisions of Sub-Section (d) Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a partially closed meeting of the Defense Intelligence School Panel of the Board of Visitors of the National Defense University and the Defense Intelligence School will be held on-site at the School in Washington, D.C. on 11, 12 and 13 May 1981.

Morning sessions on 11, 12 and 13 May 1981 will be devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and will therefore be

closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content.

M. S. Healy,

*OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.*

April 3, 1981.

[FR Doc. 81-10693 Filed 4-8-81; 8:45 am]

BILLING CODE 3810-70-M

**Privacy Act of 1974; Deletion of a System Notice**

**AGENCY:** Office of the Secretary of Defense (OSD).

**ACTION:** Deletion of a system notice.

**SUMMARY:** The Office of the Secretary of Defense (OSD) is deleting the system notice for system DWHS P29, entitled: Employee Assistance Program Case Record Systems. This action is being taken as this system is no longer being maintained.

**DATES:** This deletion shall be effective May 11, 1981.

**ADDRESS:** Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

**SUPPLEMENTARY INFORMATION:** The Office of the Secretary of Defense (OSD), systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), Pub. L. 93-579 were published in the Federal Register.

FR Doc. 81-897 (46 FR 6407) January 21, 1981  
FR Doc. 81-5568 (46 FR 12772) February 16, 1981

FR Doc. 81-6246 (46 FR 14031) February 25, 1981

FR Doc. 81-6491 (46 FR 14154) February 26, 1981

FR Doc. 81-7597 (46 FR 16114) March 11, 1981

FR Doc. 81-8041 (46 FR 16926) March 16, 1981

FR Doc. 81-8127 (46 FR 17074) March 17, 1981

FR Doc. 81-8281 (46 FR 17243) March 18, 1981

FR Doc. 81-8282 (46 FR 17243) March 18, 1981

M. S. Healy,

*OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.*

April 3, 1981.

[FR Doc. 81-10722 Filed 4-8-81; 8:45 am]

BILLING CODE 3810-70-M

## DEPARTMENT OF ENERGY

## Office of Conservation and Solar Energy

## Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions

AGENCY: Department of Energy.

ACTION: Notice concerning grant program cycle III.

**SUMMARY:** The Department of Energy (DOE) announces the dates and other information for grant program Cycle III for the grant programs for schools and hospitals and buildings owned by units of local government and public care institutions.

The third grant program cycle will begin March 30, 1981. Applications recommended by the State for funding must be submitted to the appropriate DOE Regional office no later than July 10, 1981. Notices of grant award will be issued for approved applications on or before September 1, 1981, the ending date of the grant program cycle.

Fund allocations by State for schools and hospitals are shown below. Up to fifteen percent of the funds may be used to support technical assistance analyses. This allocation is based on President Reagan's proposed fiscal year 1981 budget, and may be subject to change at a later date. It has not yet been determined whether there will be funds available for technical assistance in buildings owned by units of local government and public care institutions. A subsequent notice will be issued if an allocation is to be made.

Applicable regulations governing these programs are found at 10 CFR Part 455. While DOE proposed revisions to these regulations on December 29, 1980 (FR 45 p. 85610), a substantial majority of States and other interested parties have commented that implementation of the changes should be deferred until grant program cycle three is complete. DOE intends to provide in the final issuance that the rule revisions shall not require applications in process or State plans be changed until grant program Cycle III has been completed.

**DATES:** March 30, 1981: beginning of grant program cycle; July 10, 1981: State recommended application to regional office; and September 1, 1981: end of grant program cycle.

**FOR FURTHER INFORMATION CONTACT:** Ronald Milner or Harry Lane, Office of Institutional Conservation Programs, Office of Conservation and Solar Energy, Room 2H043, 1000 Independence

Avenue, S.W., Washington, D.C. 20585; Telephone Number (202) 252-2330.

**SUPPLEMENTARY INFORMATION:** The Grant Program for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions is established under Title III of the National Energy Conservation Policy Act, 42 U.S.C. 6371-6372i (1978).

Issued in Washington, D.C. March 30, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Solar Energy.

## Grant Program Cycle III TA/ECM Grant Allocations

DOE Region, State	Schools and hospitals
<b>Region I:</b>	
Connecticut	\$1,240,275
Maine	663,399
Massachusetts	2,124,767
New Hampshire	548,790
Rhode Island	522,884
Vermont	425,004
Total Region I	5,525,119
<b>Region II:</b>	
New Jersey	2,508,467
New York	6,019,791
Puerto Rico	951,685
Virgin Island	270,851
Total Region II	9,750,794
<b>Region III:</b>	
Delaware	396,021
District of Columbia	444,202
Maryland	1,399,929
Pennsylvania	3,963,067
Virginia	1,552,545
West Virginia	760,588
Total Region III	8,516,352
<b>Region IV:</b>	
Alabama	1,087,859
Florida	1,916,823
Georgia	1,348,499
Kentucky	1,195,696
Mississippi	782,180
North Carolina	1,538,928
South Carolina	886,081
Tennessee	1,328,249
Total Region IV	10,084,109
<b>Region V:</b>	
Illinois	4,041,638
Indiana	1,937,789
Michigan	3,462,119
Minnesota	1,993,482
Ohio	3,634,239
Wisconsin	2,028,320
Total Region V	17,097,587
<b>Region VI:</b>	
Arkansas	722,475
Louisiana	1,008,289
New Mexico	525,138
Oklahoma	939,625
Texas	3,038,189
Total Region VI	6,233,716
<b>Region VII:</b>	
Iowa	1,306,049
Kansas	954,504
Missouri	1,705,969
Nebraska	793,411
Total Region VII	4,759,933
<b>Region VIII:</b>	
Colorado	1,135,568
Montana	527,269
North Dakota	524,604

## Grant Program Cycle III TA/ECM Grant Allocations—Continued

DOE Region, State	Schools and hospitals
South Dakota	497,901
Utah	645,191
Wyoming	371,128
Total Region VIII	3,701,661
<b>Region IX:</b>	
Arizona	777,194
California	3,782,468
Hawaii	386,865
Nevada	408,768
American Samoa	242,245
Guam	259,326
Total Region IX	5,856,866
<b>Region X:</b>	
Alaska	438,907
Idaho	511,758
Oregon	831,702
Washington	1,254,262
Total Region X	3,036,629
Total, all regions	74,564,746

[FR Doc. 81-10822 Filed 4-8-81; 8:45 am]

BILLING CODE 6450-01-M

## Economic Regulatory Administration

## Cross Oil &amp; Refining Co., of Arkansas; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comment.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in escrow pursuant to the Consent Order.

DATE COMMENTS BY: May 11, 1981

**ADDRESS:** Send comments to: Stanley Mills, Program Manager for Entitlements, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 2000 M Street, Washington, D.C. 20461.

**SUPPLEMENTARY INFORMATION:** On March 27, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Cross Oil and Refining Company of Arkansas ("Cross"), of Smackover, Arkansas. Under 10 CFR 205.199(b), a proposed Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding interest and civil penalties, becomes effective no sooner than 30 days after publication in the Federal Register requesting comments concerning the proposed Consent Order.

Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

### I. The Consent Order

Cross, with its home office located in Smackover, Arkansas, is a firm engaged in the refining of crude oil and was subject to the Mandatory Petroleum Price and Allocation Regulations, at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Cross, the Office of Enforcement, ERA and Cross entered into a Consent Order, the significant terms of which are as follows:

1. DOE alleges that Cross improperly reported crude oil purchases, exchanges and processing agreements in their crude oil receipts and runs to stills on the Refiners Monthly Reports for the period July 1976 through May 1977 in violation of 10 CFR 211.66(b) and (h).

2. DOE alleges that Cross failed to file corrections for their Refiners Monthly Reports as required by 10 CFR 211.67(a)(e) and (j).

3. DOE alleges that Cross, through their acts and practices, modified their normal business practices so as to result in the circumvention or contravention of the DOE's regulations in violation of 10 CFR 210.62(a) and 205.202.

4. Without admitting that it has violated any DOE regulation, Cross agreed to enter into this Consent Order to avoid further interruption of its business and the expense of protracted litigation.

5. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

### II. Refunds and Civil Penalty

#### A. Disposition of Refunded Overcharges

In this proposed Consent Order, Cross agrees to refund, in full settlement of all civil liability, excluding civil penalties, with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in Part I.1 above during the settlement period, the sum of \$800,000, including interest, on or before fourteen days after the effective date of the Consent Order. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator

for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers for offset through devices such as the Domestic Crude Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

#### B. Civil Penalty

Cross agrees to refund the sum of \$2,500 as a civil penalty in regard to the transactions described in Section I above.

### III. Submission of Written Comments and Notices of Claim

#### A. Potential Claimants

Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is no longer being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or in the general public interest.

#### B. Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Stanley S. Mills, Program Manager for

Entitlements, Office of Enforcement, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Department of Energy, Washington, D.C. 20461. You may obtain a free copy of this Consent Order by writing to the same address or by calling 202-653-3548.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Notice of Claim to Cross Consent Order" or "Comments on Cross Consent Order." We will consider all comments and notices of claim we receive by 4:30 p.m., local time on May 11, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C. on the 3rd day of April, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-10803 Filed 4-8-81; 8:45 am]

BILLING CODE 6450-01-M

### H. C. Lewis Oil Co.; Action Taken on Consent Order

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of action taken and opportunity for comment on consent order.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of a Consent Order.

**EFFECTIVE DATES:** March 19, 1981.

#### FOR FURTHER INFORMATION CONTACT:

Joseph B. Connolly, Audit Director, Office of Enforcement, Suite 260, 7 Parkway Center, Pittsburgh, Pennsylvania 15220.

**SUPPLEMENTARY INFORMATION:** On March 19, 1981, the Office of Enforcement of the ERA executed a Consent Order with H. C. Lewis Oil Company of Welch, West Virginia. Under 10 CFR 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

### I. The Consent Order

H. C. Lewis Oil Company, with its home office located in Welch, West Virginia, is a firm engaged in the sale and allocation of motor gasoline and is subject to the Mandatory Petroleum

Price and Allocation Regulations at 10 CFR Part 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of H. C. Lewis, the Office of Enforcement of the ERA, and H. C. Lewis have entered into a Consent Order, the significant terms of which are as follows:

1. H. C. Lewis has agreed to refund a total of \$40,000 in principal and interest to date by certified check within 30 days from the execution of this Consent Order in full settlement of overcharges alleged by the DOE for the period April 1, 1979 through December 20, 1979.

2. H. C. Lewis has agreed to pay a civil penalty of \$2,500.

3. The provisions of 10 CFR 205.199] are applicable to this Consent Order.

## II. Disposition of Refunded Overcharges

In this Consent Order, H. C. Lewis agreed to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$40,000, together with interest.

Refund of those overcharges will be in the form of certified check(s) made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper distribution.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

## III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount specified in I.1 above, should

provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of the Consent Order. Such comments will be considered solely in connection with DOE's right to rescind or modify the Consent Order upon the discovery of new evidence or upon petition by H. C. Lewis. You should send your comments or written notification of a claim to Edward F. Momorella, District Manager of enforcement, Northeast District, Department of energy, 1421 Cherry Street, Philadelphia, Pennsylvania 19102. You may obtain a free copy of this Consent Order by writing to the same address or by calling (215) 597-2633. You should identify your comments on the outside of the envelope and on the documents you submit with the designation, "Comments on H. C. Lewis Oil Company Order." We will consider all comments which are pertinent as described above and which we receive by 4:30 p.m., Eastern Standard Time, on May 11, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Philadelphia, Pennsylvania on the 23d day of March 1981.

Edward F. Momorella,  
District Manager, Northeast District  
Enforcement.

[FR Doc. 81-10804 Filed 4-8-81; 8:45 am]  
BILLING CODE 6450-01-M

## Placid Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Placid Oil Company. This Proposed Remedial Order charges Placid with pricing violations in the amount of \$1,988,919.06 connected with the sale of crude oil and condensate of prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time

period September 1973 through May 1977 plus applicable interest through March 31, 1981 of \$986,131.27 for a total of \$2,975,050.33.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling 214/767-7745. On or before April 24, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 30th day of March, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic  
Regulatory Administration.

[FR Doc. 81-10805 Filed 4-8-81; 8:45 am]

BILLING CODE 6450-01-M

## Office of Energy Research

### High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel.  
Date and Time:

Tuesday, April 28, 1981—9:00 a.m.—6:00 p.m.

Wednesday, April 29, 1981—9:00 a.m.—4:00 p.m.

Place: Orange Room, Central Lab Building, Stanford Linear Accelerator Center, 2575 Sand Hill Road, Palo Alto, California  
Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, Department of Energy, Mail Stop J-309, Washington, D.C. 20545; Telephone: 301-353-3367

Purpose of Committee: They provide advice and guidance on a continuing basis with respect to the high energy physics research program.

#### Tentative Agenda:

Discussions toward the formulation of a planning report on the near term program in high energy physics. Representatives from the Laboratories and Universities are expected to provide input for these discussions.

Public Comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the

public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202-252-5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

**Minutes:** Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 6, 1981.

**Georgia Hildreth,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 81-10806 Filed 4-8-81; 8:45 am]

BILLING CODE 6450-01-M

### Office of Hearings and Appeals

#### Objection To Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Period of March 16 through March 27, 1981

During the period of March 16 through March 27, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 on or before April 29, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

April 3, 1981.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

*Dalco Petroleum Inc., Tulsa, Oklahoma, BRO-1427, Propane.*

On March 23, 1981, Louis Porter, Dalco Petroleum, Inc.; Hydrocarbons, Inc. and Porter Investment Company filed a Notice of Objection to a Proposed Remedial Order which the DOE Oklahoma City District Office of Enforcement issued to the firm on February 19, 1981. In the PRO the Oklahoma City District found that during the period

November 1, 1973 to March 31, 1974, Dalco had violated 10 C.F.R. 210.92 and 210.93 in its sales of propane.

According to the PRO the Dalco Petroleum violation resulted in \$592,476.84 of overcharges.

*Christian's 66 Service, Norman, Oklahoma, BRO-1428, Motor Gasoline.*

On March 24, 1981, Christian's 66 Service, 2101 South Classen, Norman, OK 73071 filed a Notice of Objection to a Proposed Remedial Order which the DOE Oklahoma City District Office of Enforcement issued to the firm on March 2, 1981. In the PRO the Oklahoma City District found that during the period August 1, 1979 to September 24, 1980, Christian's 66 Service committed pricing violations in the sale of motor gasoline in the state of Oklahoma.

According to the PRO the Christian's 66 Service violation resulted in \$5,503.75 of overcharges. This Notice of Objection has been transferred to the Southwest Regional Center of the Office of Hearings and Appeals for analysis.

*Simon Oil Co., Niagara Falls, New York, BRO-1429.*

On March 24, 1981, Simon Oil Company of Niagara Falls, New York filed a Notice of Objection to a Proposed Remedial Order which the DOE Pittsburgh District Office of Enforcement issued to the firm on March 4, 1981. In the PRO the Pittsburgh District found that during the period February 17, 1979 to October 5, 1979, Simon Oil Co. sold various grades of motor gasoline at prices in excess of those specified in 10 C.F.R. § 212.93(a).

According to the PRO the Simon Oil Company violation resulted in \$114,255.85 of overcharges.

[FR Doc. 81-10808 Filed 4-8-81; 8:45 am]

BILLING CODE 6450-01-M

### Economic Regulatory Administration

[ERA Docket No. 81-23-NG]

#### Natural Gas Import Application to Amend Authorization; Border Gas, Inc.

##### Correction

In FR Doc. 81-10514, in the issue of Monday, April 6, 1981, on page 20587, the first column, first paragraph designated as the "SUMMARY", the sixth line from the end of the paragraph, Correct "Potroleos" to read "Petroleos" and in the middle column under the "SUPPLEMENTARY INFORMATION", the second paragraph, second line from the end of the paragraph, correct "\$.826" to read "\$4.826".

BILLING CODE 1505-01-M

### ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/7D; PH FRL 1801-1]

#### Strychnine; Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration of Pesticide Products; Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of extension of comment period.

**SUMMARY:** EPA has extended the period for submission of comments in regard to the preliminary determination concluding the rebuttable presumption against the registration (RPAR) of pesticide products containing strychnine.

**DATE:** The comment period now closes on September 30, 1981.

**ADDRESS COMMENTS TO:** Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St., SW., Washington, D.C. 20460.

Three copies of the comments should be submitted bearing the identifying notation [OPP 30000/7B].

**FOR FURTHER INFORMATION CONTACT:** Timothy A. Gardner, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 711, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7400).

**SUPPLEMENTARY INFORMATION:** On October 20, 1980, EPA issued a preliminary determination concluding the RPAR on strychnine. Notice of this action was published in the Federal Register on November 5, 1980 (45 FR 73602). The determination was not final, pending external review by the U.S. Department of Agriculture and the Scientific Advisory Panel. Registrants and other interested persons were given the same 30-day period in which to submit comments that the Federal Insecticide, Fungicide, and Rodenticide Act provides for comments from the Secretary of Agriculture and the Scientific Advisory Panel. That comment period ended on December 5, 1980.

EPA has received a request from the Department of Agriculture and other parties for additional time in which to submit comments on the preliminary determination. The agency has determined that the additional time would be beneficial to ensure the

submission of complete and accurate responses to this preliminary notice of determination. Therefore, all registrants, applicants for registration and other interested persons shall have until September 30, 1981, to submit rebuttal evidence and other comments or information. These submissions should be sent to the Document Control Officer at the address given above. All comments should bear the identifying notation [30000/7B]. All written comments filed will be available for public inspection in the office of the Document Control Officer at the above address from 8:00 a.m. to 4:00 p.m. daily, except legal holidays.

Dated: March 30, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-10698 Filed 4-8-81; 8:45 am]

BILLING CODE 6560-32-M

## FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 81-150; File No. BMP-800703AE]

### Home Service Broadcasting Corp., WGTR, Natick, Massachusetts; Modification of Construction Permit; Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

Adopted: February 24, 1981.

Released: April 7, 1981.

By the Chief, Broadcast Bureau.

1. Home Service Broadcasting Corporation's original unlimited-time proposal for WGTR was designated for hearing to determine whether the nighttime operation proposed would cause prohibited interference to co-channel class I-B station KYW, Philadelphia, Pennsylvania. *Home Service Broadcasting Corp.*, 68 FCC 2d 1135 (1978). Thereafter, the parties to the hearing (including the licensee of KYW, Westinghouse Broadcasting Company, Inc.) agreed to a revised proposal reducing the nominal power from 5 to 2.5 kilowatts (with a corresponding reduction of the theoretical RMS<sup>1</sup> from 605.10 to 346.08 mV/m), and a construction permit was issued. *Home Service Broadcasting Corp.*, FCC 79D-11 (released April 2, 1979).

2. By the above-captioned application, Home Service sought to modify its permit by changing the theoretical directional-antenna parameters for the nighttime WGTR

operation and increasing the theoretical RMS to 420.54 mV/m. This application was granted by the Chief, Broadcast Bureau, on October 23, 1980 (Public Notice released November 26, 1980, Report No. 17787, Mimeo No. 04235).

3. Now before the Commission are (a) a petition for reconsideration of the action granting this application, filed by Westinghouse, (b) Home Service's opposition, and (c) Westinghouse's reply.

4. Petitioner submits a computerized stability study and argues that with minor parameter variations, this proposal would radiate in excess of the standard radiation values specified in the direction of KYW, thereby causing prohibited interference to KYW's nighttime service area. Home Service disputes Westinghouse's conclusion; maintains that conditions on its modified construction permit adequately protect KYW; and argues that since the best proof of stability or instability is an actual test operation of the challenged antenna system, it should be permitted to construct and test the 420.54-mV/m array. However, it offers no technical basis to support its contention that objectionable interference will not occur. Home Service also notes Westinghouse's failure to file a pre-grant objection to this proposal.

5. As we noted in *Home Service Broadcasting Corp.*, 68 FCC 2d 1135 (1978), while we do not rely exclusively on computerized stability studies, they are useful tools in determining the stability of directional antenna arrays. Using our computerized stability study and the one adopted in *Home Service*, we find that this proposal exhibits a condition of inherent instability. For example, we find that with parameter variations as small as 0.5 percent current ratio deviation and 0.5 degree phase deviation, radiation in the direction of KYW would exceed the specified standard radiation values. It has been our policy to consider directional antenna arrays which do not exceed their radiation limits with 1.0 percent current ratio and 1.0 degree phase deviation as being generally stable. On the other hand, we consider those arrays which exceed their radiation limits with parameter variations of 0.1 percent and 0.1 degree highly unstable. We consider arrays which exceed their radiation limits with parameter variations between these extremes on a case-by-case basis, taking into consideration other factors which bear on the stability of an array.

6. A determination of array stability involves consideration of factors both internal and external to an array. Since computerized studies indicate that the

proposed directional antenna array is inherently sensitive to minor parameter variations, and there is at least one other indication of instability (proximity—about one kilometer—of the array to high-voltage transmission lines north and east of the transmitter site), we are unable to determine that the proposed array can be adjusted and maintained within the proposed standard pattern. Further, we take into account the circumstances leading to grant of Home Service's original unlimited-time construction permit. For all these reasons, exploration of the proposed operation at hearing is required.<sup>2</sup>

7. In light of our view of the stability question, Home Service's other arguments are insubstantial. We do not even reach the question of the adequacy of permit conditions so long as there are unresolved questions of array stability. Further, while it is correct that Westinghouse could have raised the stability question earlier and thus does not meet the test of § 1.106(c)(1) of our Rules,<sup>3</sup> we have determined that consideration of the facts now pleaded is required in the public interest, to protect the integrity of the AM allocation system. Therefore, reconsideration pursuant to § 1.106(c)(2) properly lies.

8. Except as indicated by the issue specified below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to conclude that grant of the captioned application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing.

9. Accordingly, it is ordered, That the action of the Chief, Broadcast Bureau, on October 23, 1980 granting the captioned application is set aside.

10. It is further ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposed nighttime antenna system can be adjusted and maintained within the proposed limits of radiation.

<sup>2</sup> On February 19, 1981 Home Service filed an application to modify the subject construction permit. In light of our actions here, that application will be treated as an amendment to the application being set for hearing.

<sup>3</sup> Section 1.106(c)(1) essentially requires that new facts raised in a petition for reconsideration be shown to have been not reasonably known to petitioner until after his last opportunity to present them to the decision-maker whose decision he seeks reconsideration of.

<sup>1</sup> RMS is a mathematical representation of the strength of a radiated signal.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, whether a grant of the application would serve the public interest, convenience, and necessity.

11. It is further ordered, That the petition for reconsideration filed by Westinghouse Broadcasting Company, Inc. IS GRANTED to the extent indicated.

12. It is further ordered, That Westinghouse Broadcasting Company, Inc. IS MADE PARTY to the proceeding.

13. It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following conditions:

1. An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample current deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample currents of each element in the array to insure maintenance of the radiated fields within the authorized values of radiation.

2. Upon receipt of operating specifications and before issuance of a license, permittee shall submit the results of observations made daily of the base currents and their ratios, relative phases, sample currents and their ratios, and sample current ratio deviations for each element of the array, along with the final amplifier plate voltage and current, the common point current, and field strengths of each monitoring point for both nondirectional and directional operations for a period of at least 30 days to demonstrate that the array will be maintained within the specified tolerances.

14. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the parties herein shall within 20 days of the mailing of this Order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, Home Service shall give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

(FR Doc. 81-10687 Filed 4-8-81; 8:45 am)

BILLING CODE 6712-01-M

[BC Docket No. 81-204, File No. BPH-781121AD, etc.]

### KMMJ-FM, Inc., et al.; Construction Permit Applications

In re Applications of KMMJ-FM, INC. Grand Island, Nebraska Req: 107.7 MHz, Channel 299 100 kW (H&V), 890 feet (H&V) (BC DOCKET NO. 81-204, File No. BPH-781121AD);

Farvel Properties, Incorporated Grand Island, Nebraska Req: 107.7 MHz, Channel 299 100 kW (H&V), 800 feet (H&V) (BC DOCKET NO. 81-205, File No. BPH-781228AA); and

Manchik Broadcasting, Inc. Grand Island, Nebraska Req: 107.7 kHz, Channel 299 100 kW (H&V), 896 feet (H&V) (BC DOCKET NO. 81-206, File No. BPH-790327AE); for construction permit for a new FM station; hearing designation order designating applications for consolidated hearing on stated issues.

Adopted: March 20, 1981.

Released: April 6, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by KMMJ-FM, Inc. (KMMJ), Farvel Properties, Inc. (Farvel) and Manchik Broadcasting, Inc. (Manchik).

2. *KMMJ*. Analysis of the financial data submitted by KMMJ reveals that \$327,400 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	\$282,400
Building	14,000
Miscellaneous	17,500
Operating costs (3 months)	13,500
Total	327,400

KMMJ plans to finance construction and operation with the following funds: New capital in the amount of \$5,000 and a loan commitment of up to \$350,000 from its parent corporation, WDAY, Inc. In this regard, WDAY, Inc. has not itemized "temporary cash investments" totaling \$712,000 (as required by Item 4(b), page 3, Section III, Form 301) in order for the Commission to determine if these assets are in fact current and liquid. Otherwise, the WDAY, Inc. Statement of Financial Position shows that current liabilities far exceed current and liquid assets. Based on the data

before us, KMMJ has shown the availability of only \$5,000 to meet the required costs of construction and operation. A limited financial issue will therefore be specified.

3. *Farvel*. Analysis of the financial data submitted by Farvel Properties, Inc. reveals that \$88,806 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment down payment	\$6,374
Equipment payments with interest	12,748
Land	800
Building	800
Miscellaneous	49,500
Interest on bank loan (3 months)	2,049
Operating costs (3 months)	16,635
Total	88,806

Farvel plans to finance construction and operation with the following funds: \$17,000 in cash and a bank loan of \$80,000. However, the applicant's balance sheet shows that current liabilities far exceed current and liquid assets. Since the original bank commitment by its terms did not extend for a minimum of 1 year and the commitment does not meet the requirements of *Contemporary Television Broadcasting, Inc.*, Mimeo No. 05812, released January 16, 1981, a limited financial issue will therefore be specified.

4. *Other Matters*. On March 28, 1979, the original applicant, KMMJ, Inc., sought to substitute a new corporation, KMMJ-FM, Inc., as the applicant.<sup>1</sup> Although the original applicant, KMMJ, Inc., would obtain 100 percent beneficial ownership of KMMJ-FM, Inc. pursuant to an irrevocable 10-year voting trust agreement, Willard C. Morton, a director and 5 percent shareholder of KMMJ, Inc. would vote the entire interest of KMMJ, Inc. in KMMJ-FM, Inc. as voting trustee. Since the amendment was filed on the cut-off date of the first-filed KMMJ, Inc. application, amendment is sought as a matter of right. However, Manchik contends that because of the failure of KMMJ, Inc. to include (i) the voting trust agreement (or even the prospective terms and conditions executed by KMMJ, Inc. and Mr. Morton), (ii) the Articles and Bylaws, and (iii) other information for the new corporation, in

<sup>1</sup> The amendment precipitated the following pleadings: Manchik's Petition to Reject Amendment/Application; KMMJ's Opposition; Manchik's Reply; a Petition to Expediently Dismiss KMMJ's application, filed by Manchik; KMMJ's Concurrence With Request for Expedited Consideration; Manchik's Reply; KMMJ's Motion to Strike Manchik's Reply; Manchik's Opposition; KMMJ's Reply; Manchik's Supplement and Further Supplement to the Petition to Dismiss; and KMMJ's Opposition thereto.

response to Sections II, III, IV and VI of the application form, our rules require that the application be returned as unacceptable for filing. The Commission has examined voting trust agreements on an ad hoc basis, and generally attributed ownership interests to the trustee, rather than the beneficial owner, where sufficient insulation exists to assure that the trustee can independently exercise full voting rights free from the influence of the owner. See *Notice of Inquiry and Notice of Proposed Rulemaking in BC Docket No. 78-239, FCC 78-555, Mimeo No. 95571, released August 16, 1978.* Since the parent corporation, KMMJ, Inc., retains beneficial ownership of the applicant, and control will be exercised through Mr. Morton, a director of the parent corporation and general manager of its Grand Island AM station KMMJ, the necessary insulation is entirely lacking. Therefore, the amendment did not effectively transfer ownership and control of the applicant from KMMJ, Inc. in a manner that would constitute a "major change" requiring assignment of a new file number. Accordingly, while the applicant will be permitted to prosecute its application in the name of KMMJ-FM, Inc., for comparative purposes ownership and control of the applicant will be attributed to the parent corporation, KMMJ, Inc.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to KMMJ-FM, Inc.:

(a) The source and availability of additional funds over and above the \$5,000 indicated;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Farvel Properties, Inc.:

(a) The source and availability of additional funds over and above the \$36,200 indicated;

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. It is further ordered, That Manchik's Petition to Reject Amendment/ Application and Petition to Expediently Dismiss KMMJ's application, and Supplements thereto, are denied, and KMMJ's Motion to Strike is denied.

8. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing, within the time and manner prescribed in that Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-10088 Filed 4-8-81; 8:45 am]

BILLING CODE 6712-01-M

#### [Report No. 1278]

#### Petitions for Reconsideration of Actions in Rule Making Proceedings

April 3, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 C.F.R. § 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the *Federal Register*. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Deregulation of Radio. (BC Docket No. 79-219, RM's 3099 & 3273.)

Filed by: Henry Geller on 3-24-81. Amit Pandya, Wilhelmina Reuben Cooke & Jeffrey Olson, Attorneys for Citizens Communications Center, National Association for the Advancement of Colored People, National Organization for Women, Media Reform Committee, National Council of La Raza, Chinese for

Affirmative Action & Committee for Community Access on 3-26-81. Erwin G. Krasnow & Barry D. Umansky, attorneys for National Association of Broadcasters on 3-26-81. Pluria W. Marshall, Chairman for National Black Media Coalition on 3-26-81.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Falmouth, Massachusetts) (BC Docket No. 80-159, RM-3326.)

Filed by: Ronald A. Siegel & Martin I. Levy, Attorneys for GCC Communications of Boston, Inc. on 3-31-81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-10088 Filed 4-8-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-225, File No. BPCT-800129 KE; BC Docket No. 81-226, File No. BPTC-800721 KK]

#### Superior Broadcasting Co. of Texas, Inc., and Paso Del Norte Broadcasting Corp.

In re applications of Superior Broadcasting Company of Texas Inc., El Paso, Texas (BC Docket No. 81-225, File No. BPCT-800129KE), and Paso Del Norte Broadcasting Corporation, El Paso, Texas (BC Docket No. 81-226, File No. BPCT-800721KK) designating applications for consolidated hearing on stated issues. For Construction Permit; hearing designation order.

Adopted: March 13, 1981.

Released: April 6, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 26, El Paso, Texas.<sup>1</sup>

2. Melvin J. Querio, President and 7 percent stockholder of Superior Broadcasting Company of Texas, Inc. (Superior), is Station Manager of KCIK-TV, El Paso, Texas. Both Jose Valdez and Barbara J. Bentley are Directors and 7 percent stockholders of Superior<sup>2</sup> and both are account executives for KCIK-

<sup>1</sup> Paso del Norte Broadcasting Corporation filed a "Petition for Leave to Amend" on January 5, 1981, accompanied by an amendment updating information as to one of its principal's other business interests. Inasmuch as the information is required by Section 1.65 of the Commission's Rules, that petition is hereby granted and the amendment is accepted.

<sup>2</sup> In its application, Superior also states that Valdez will serve as Co-Station Manager of its proposed station with responsibility for regional-national "sales programming"; Barbara J. Bentley will serve as a manager with responsibility for local sales; and Querio will be available to the proposed station "as needed."

TV. The Commission has a long-standing policy of proscribing cross-interests in two stations in the same service in the same area when such interests would raise the potential for impairment of arms-length competition and diversity of viewpoints. This cross-interest policy is not predicated upon a proprietary interest in an existing facility, but extends to principals of an applicant who have some meaningful relationship with an existing facility of the same type serving the same area. See *United Enterprises, Inc.* 37 FCC 2d 953, 955-60 (Rev. Bd. 1972); *Martin Lake Broadcasting Co.*, 21 FCC 2d 180, 181-2 (1970). Querio, Valdez and Bentley's relationship with KCIK-TV and Superior contravenes the Commission's cross-interest policy. Accordingly, any grant of a construction permit will be conditioned to require them to sever their relationship with KCIK-TV. *Carolina Broadcasting Service*, 25 RR 515 (1963); *Minnesota Broadcasting Corp.*, 4RR 1376 (1949).

3. Superior estimates that it will require approximately \$138,254<sup>3</sup> to construct and operate its proposed station for three months, itemized as follows:

Equipment .....	(1)
Remodeling leased building .....	\$9,600
Legal costs .....	500
Engineering costs .....	750
Installation costs .....	7,500
Miscellaneous .....	1,000
Operating costs .....	118,904
Total .....	138,254

<sup>1</sup> To be leased.

Superior relies upon a twelve month moratorium on equipment lease payments for \$700,000 of equipment. However, the letter it submitted from ABCO Equipment Leasing Company, Inc. merely provides that ABCO would be "willing to negotiate" such an arrangement. Moreover, ABCO's letter does not set forth any specific details as to the equipment lease payment terms. Also, we note that applicant intends to lease a building for its studio and offices, but applicant has not stated the terms of the building lease. Further, since it will be involved in a hearing, applicant's legal and engineering cost estimates appear to be unreasonably low.

4. Superior intends to finance construction and operation of its proposed station through a net bank loan of \$260,064 (\$300,000 less five monthly payments totalling \$39,936) and new capital totalling \$50,000. Of the \$50,000 of new capital, L. Phillip Linn

<sup>3</sup> Superior actually shows total costs of \$128,654. A review of the cost estimates it has provided indicates that Superior has made an error in addition. Based on Superior's cost estimates, total costs are \$138,254.

has agreed to provide \$30,000 but analysis of his balance sheet reveals that he does not have sufficient net liquid assets to meet his commitment. Thus, applicant has shown the availability of \$280,064 to construct and operate as proposed. Since clarification of the applicant's equipment and building leasing costs, as well as its legal and engineering costs, could cause its total cost to exceed \$280,064, financial issues will be specified.

5. Question and Answer 15 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 650, 1687 (1971) states that consultations with community leaders and members of the general public should be held within six months prior to the filing of the application. Since Superior does not state when its community leader survey was conducted, we are unable to determine whether it has complied with this requirement. With respect to its general public survey, the cover letter from Dr. Charles Connolly<sup>4</sup> which accompanied the survey report is dated February 14, 1979. Since Superior filed its application on January 29, 1980, it appears that its general public survey does not meet the six month requirement of the *Primer*. Appropriate issues will be specified.

6. Paso del Norte Broadcasting Corporation does not state when its community leader survey was conducted. Consequently, we are unable to determine whether it has complied with Question and Answer 15 of the *Primer*. Accordingly, appropriate issues will be specified.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Superior:

- The specific terms under which it will lease \$700,000 of equipment;
- The specific terms under which it will lease a building for its studio and offices;

<sup>4</sup> Dr. Connolly is the head of the professional research group that Superior commissioned to conduct its general public survey.

(c) Whether its estimates of \$500 for legal costs and \$750 for engineering costs are adequate;

(d) Whether it has sufficient funds available to construct its proposed station and operate it for three months;

(e) Whether, in light of the evidence adduced pursuant to (a) through (d) above, the applicant is financially qualified to construct and operate as proposed;

(f) Whether applicant has complied with the provisions of Question and Answer 15 of the *Primer*;

(g) Whether, in light of the evidence adduced pursuant to (f) above, applicant is qualified.

2. To determine with respect to Paso del Norte Broadcasting Corporation:

(a) Whether, applicant has complied with Question and Answer 15 of the *Primer* as it relates to the community leader survey;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications if either, should be granted.

9. It is further ordered, That, any grant of a construction permit to Superior is hereby conditioned upon the severance by Messrs. Querio and Valdez and Ms. Bentley of their relationship with Station KCIK-TV prior to commencing operation.

10. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division,  
Broadcast Bureau.

[FR Doc. 81-10089 Filed 4-8-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket No. 81-227, File No. 4160-CM-P-80; CC Docket No. 81-228, File No. 6772-CM-P-80]

**Western Arizona Radio Corp. and Gary L. Kellogg; Construction Permit Applications**

In reapplications of Western Arizona Radio Corporation (CC Docket No. 81-227, File No. 4160-CM-P-80), and Gary L. Kellogg (CC Docket No. 81-228, File No. 6772-CM-P-80), for construction permits in the multipoint distribution service for a new station at lake Havasu City, Arizona; memorandum opinion and order designating applications for consolidated hearing on stated issues.

Adopted: March 20, 1981.

Released: April 3, 1981.

By the Chief, Common Carrier Bureau.

1. The Commission has before it the above-referenced application of Western Arizona Radio Corporation filed on February 19, 1980 (accepted on Public Notice of April 22, 1980) and the application of Gary L. Kellogg filed on June 23, 1980 (accepted on Public Notice of July 15, 1980). These applications are for a construction permit in the Multipoint Distribution Service and they propose operations on Channel 1 in Lake Havasu City, Arizona. The applications are therefore mutually exclusive under present procedures and require comparative consideration. Both applications have been amended as a result of informal requests by the Commission staff for additional information, and no petitions to deny or other objections to either of the applications have been filed.

2. Upon review of the captioned applications, we find that both applicants are legally, technically, financially, and otherwise qualified to provide the services which they propose, and that a hearing will be required to determine, on a comparative basis, which of these applications should be granted.

3. Accordingly, it is hereby ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, 47 CFR 309(e) and § 0.291 of the Commission's Rules, 47 CFR 0.291, the above-captioned applications are designated for hearing, in a consolidated proceeding, at a time and place to be specified in the subsequent order, to determine, on a comparative basis,

which of the above-captioned applications should be granted in order to best serve the public interest, convenience and necessity. In making such a determination, the following factors shall be considered:<sup>1</sup>

(a) The relative merits of each proposal with respect to efficient frequency use, particularly with regard to compatibility with co-channel use in nearby cities and adjacent channel use in the same city;

(b) The anticipated quality and reliability of the service proposed, including installation and maintenance programs; and

(c) The comparative cost of each proposal considered in context with the benefits of efficient spectrum utilization and quality and reliability of service as set forth in issues (a) and (b).

4. It is further ordered, That Western Arizona Radio Corporation, Gary L. Kellogg and the Chief, Common Carrier Bureau, ARE MADE PARTIES to this proceeding.

5. It is further ordered, That parties desiring to participate herein shall file their notices of appearance in accordance with the provisions of § 1.221 of the Commission's Rules.

James R. Keegan,

Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 81-10090 Filed 4-8-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket 81-188, File No. 23154-CD-R-79; CC Docket 81-189, File No. 21501-CD-P-79; FCC 81-112]

**A, F & L Telephone and Rivers Associates, Inc.; Designating Applications for Consolidated Hearing on Stated Issues**

In re applications of A, F & L Telephone for renewal of license of Station KCC480, operating on frequencies 454.025 and 152.210 MHz in the Domestic Public Land Mobile Radio Service at Leominster, Massachusetts; Rivers Associates, Inc., for construction permit for a new station to operate on frequency 454.025 MHz in the Domestic Public Land Mobile Radio Service at Fitchburg, Massachusetts.

**Memorandum Opinion and Order**

Adopted: March 12, 1981.

Released: March 12, 1981.

By the Commission: Chairman Ferris not participating.

1. The Commission has before it for consideration the above-captioned

<sup>1</sup> Consideration of these factors shall be in light of the Commission's discussion in *Applications of Frank K. Spain*, 77 FCC 2d 20 (1980).

applications and various petitions and pleadings related to them. For the reasons stated herein, we have decided to designate both applications for hearing.

**Background**

2. A, F & L Telephone (A, F & L), the licensee of Station KCC480 in the Domestic Public Land Mobile Radio Service (DPLMRS) timely filed its renewal application, which appeared on the Common Carrier Public Notice of March 5, 1979, Report No. 952, as being accepted for filing. The renewal was granted on April 24, 1979. Notice of the grant appeared on the Common Carrier Public Notice of April 30, 1979, Report No. 960-A.

3. On May 2, 1979, Rivers Associates, Inc. (Rivers) filed an "informal objection" to the A, F & L renewal application. On May 4, the 60th day after public notice announcing the A, F & L application for renewal of its license had been accepted for filing, Rivers filed its application for frequency 454.025 MHz and requested that it be considered as being electrically mutually exclusive with the A, F & L renewal application. In a Public Notice of May 7, 1979, Report No. 961-A, the Bureau announced its rescission of A, F & L's renewal grant without setting forth its reasons. On the May 14, 1979, Public Notice, Report No. 962, the Rivers application was listed as having been accepted for filing. The Chief, Mobile Services Division (MSD), by letter of May 17, 1979, vacated the rescission of the grant of the A, F & L renewal. Public Notice of the vacated rescission appeared on May 21, 1979 in Public Notice Report No. 963-A. On June 13, 1979 A, F & L filed a petition to dismiss or deny the Rivers application.

**Discussion**

4. The parties seek reconsideration of virtually every step taken thus far. For clarity, we will begin with the decision to rescind the grant and the subsequent letter vacating that rescission. We will then look at the propriety of a renewal grant under these circumstances. Finally, we will consider the procedural issues related to the Rivers application.

5. We find that the staff's action rescinding its earlier grant of the A, F & L renewal application was consistent with our rules and entirely appropriate because it appeared that the grant might not promote the public interest. See, 47 U.S.C. 309. We note that the staff has authority to set aside any action it takes within 30 days of the public notice announcing the action pursuant to Section 1.113 of the Commission's

Rules.<sup>1</sup> The staff's action here was consistent with this rule even though the Public Notice did not set forth a reason for the rescission and the licensee did not receive an explanation until later when the MSD vacated its action setting aside the grant.<sup>2</sup>

6. The Commission has broad discretion to set aside its own actions pursuant to Section 1.113 of the Rules. The power of the Commission to reconsider its actions has been held to be inherent in its power to decide. See *Albertson v. FCC*, 182 F. 2d 397, 399 (D.C. Cir. 1950). The setting aside of a grant under Section 1.113 of the Rules is different from the revocation of a license under Section 312 of the Communications Act of 1934, as amended.<sup>3</sup> During the 30-day period after a grant is made, the Commission may, on its own motion, restore the grantee of a license to "applicant" status.<sup>4</sup> While the Commission may not act arbitrarily or capriciously in rescinding a grant, it is clear that the staff's action in this proceeding was reasonable. Rivers alleged that A, F & L's license renewal should be denied for non-use of a frequency. This allegation, supported with specific, documented information, was a serious charge related directly to our primary function of promoting efficient use of radio communications facilities. See 47 U.S.C. § 151. Regardless of the form or source of the information, the staff correctly took action to preserve the Commission's ability to alter the earlier decision to grant if the facts so warranted.<sup>5</sup>

7. The fact that A, F & L's renewal grant was rescinded without a statement

of reasons was not unfair. The renewal application was merely returned to a "pending" status. The fact that the rescission made is possible for Rivers to file a mutually exclusive application, see discussion below, does not alter this conclusion. See *WPIX, Inc.*, 18 FCC 2d 1057 (1969). See also footnote 9, *infra*.

8. As the discussion above makes clear, we believe that rescission was appropriate in this case. The staff's May 17, 1979 letter vacating the rescission either because the form of the information was not technically correct, or because A, F & L had not yet responded, or because there was some question concerning the admissibility of the River's evidence, was in error. The staff action vacating the rescission was premature. It was necessary to fully evaluate the charges, decide whether an independent investigation was warranted and, if so, await the outcome of that investigation before acting further on the license renewal application. Accordingly, our decision here will reinstate the rescission and, for the reasons discussed below, we will designate the mutually exclusive applications for an evidentiary hearing.

9. Next, we consider River's objections to renewal of the A, F & L license. Rivers charged A, F & L with nonuse of frequency 454.025 MHz and with lack of candor in reporting usage on that frequency. Specifically, Rivers alleged that monitoring of frequency 454.025 MHz between October 1978 and April 1979 showed a lack of regular usage of that channel. In fact, for a period of four months prior to the filing of the A, F & L application (October 1978 through February 1979) no transmissions, other than periodic and sporadic station identification and time announcements totalling 27 minutes of air time, were made on that frequency. In addition, Rivers charged that frequency 454.025 MHz was completely out of operation for at least the period of October 29, 1978 through November 30, 1978 in contravention of § 22.303 of our Rules which governs discontinuance, reduction or impairment of service.

10. In response, A, F & L did not dispute the accuracy of the Rivers charges. Instead, A, F & L argued that the charges included in the Rivers informal objection were based on information obtained in violation of two federal statutes: 18 U.S.C. 2511 and 47 U.S.C. 605. Thus, A, F & L argued, the communications monitored and any "fruits" thereof, must be excluded from evidence in the present licensing proceeding. We will address these arguments below.

11. Section 605 of the Communications Act, as amended, 47 U.S.C. 605,

prohibits interception of a "radio communication," which is defined in Section 3(b) (insofar as is relevant here) as the "transmission by radio of . . . signals . . . and sounds of all kinds." 47 U.S.C. 153(b). If there is no transmission of a signal or sound, then the mere listening in vain for such a signal or sound does not violate Section 605. The last sentence of Section 605 states that communications "for use of the general public" are excluded from the section's privacy protection. See, *In the Matter of James Reston, Jr.* 72 FCC 2d 662, 666-668 (1979). All that Rivers intercepted was 27 minutes of time announcements and station identification transmissions. These interceptions by Rivers were not personal or private point-to-point transmissions between individuals parties which are protected by Section 605, but instead they were transmissions commonly understood to be intended to be received and used by the general public. Accordingly, there was no Section 605 violation of Rivers.<sup>6</sup>

12. A, F & L also alleges that Rivers' monitoring was a violation of the Federal wiretap laws, specifically, Section 2511, 18 U.S.C. 2511, and that under Section 2515, 18 U.S.C. 2515, any information gained through that monitoring may not be used in an administrative proceeding. We need not decide whether the Rivers' monitoring violated Section 2511 since we do not base our conclusion regarding A, F & L's need for frequency 454.025 on that information. Rather, we arranged for the Commission's Field Operations Bureau to conduct two field inspections of Station KCC480 in order to obtain additional facts. The first inspection, conducted on April 3, 1980, indicated that station records showed that only six calls were made on frequency 454.025 MHz from January 23, 1980 to April 3, 1980. A second field inspection, conducted on August 5, 1980, revealed that Station KCC480 had no subscribers on frequency 454.025 between June 13, 1975 and July 27, 1976, and between October 15, 1976 and April 1, 1979. The inspection report indicated further that, as of the date of the second inspection, there were only two subscribers to that frequency and both of them indicated very low usage. These investigations provide independent evidence of nonuse and are the sole basis for our conclusion

<sup>6</sup> Because of the foregoing conclusion, it is not necessary to reach other issues under Section 605, including whether Rivers divulged any communications for "his own benefit" and whether its divulgence to FCC law enforcement officials qualifies Rivers for the "law enforcement exemption" in *United States v. Hall*, 485 F. 2d 193 (9th Cir. 1973).

<sup>1</sup> 47 CFR 1.113(a) provides:

Within 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion.

<sup>2</sup> The present § 1.113 replaced the former § 1.87, which specifically provided that when the Commission modified an order it was required to give reasons for its action and direct the licensee to show cause why the modification was improper. 28 FR 12386. The fact that the present version of § 1.113 does not require such formalities indicates the Commission's intention to retain its discretion to modify or set aside a grant order without a need to state its reasons when such action occurs within thirty days of the grant.

<sup>3</sup> 47 U.S.C. 312.

<sup>4</sup> After 30 days, the Commission would have to proceed through revocation and would have the burden of proof if it decided that a construction permit should be revoked. See *Daryl A. Myse, Esq.*, 57 FCC 2d 803 (1975), and *Texas Two-Way Communications*, 28 FCC 2d (1959).

<sup>5</sup> See *Hubbard Broadcasting, Inc.* 41 RR 979 (1977). This is not to say that any spurious claim made after grant of an application would require rescission. The staff must evaluate any information presented and decide on a case by case basis. Today, we find only that the staff did not err in this case.

today that there is a material and substantial question regarding usage of frequency 454.025 MHz.

13. Apparently, A, F & L would have us conclude that if Rivers' monitoring was in violation of the wiretap law, then not only is Rivers' information inadmissible but so is the evidence gleaned from our independent investigation inadmissible pursuant to Section 2515.<sup>7</sup> We disagree. First, the field investigations were conducted lawfully and may be disassociated from the former monitoring. In other words, even if the Rivers' evidence were inadmissible, its inadmissibility would not affect the lawfulness of the Commission's own investigation or taint the evidence obtained from that investigation. Cf. *United States v. Hall*, 488 F. 2d 193 (9th Cir. 1973). Second, even if Rivers' monitoring were contrary to Section 2511, Section 2515 does not preclude use of Rivers' information or our separate investigations because § 2515 only applies where "wire or oral communications" have been intercepted. "Oral Communications" within the meaning of the statute are limited to utterances "by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation." 18 U.S.C. 2510(2). The 27 minutes of station identification and time announcements which Rivers intercepted were radio-to-radio communications and did not involve landline telephone reception. The Ninth Circuit has held that, as a matter of law, such radio-to-radio communications are not communications as to which the parties have a reasonable expectation of privacy in the sense required by § 2510(2) and the Fourth Amendment. *United States v. Hall*, 488 F. 2d 193, 196-97 (9th Cir. 1973). Consequently, no "oral communications" were intercepted. Similarly, because no landline communications were involved with the Rivers monitoring, no "wire communications" were intercepted. Thus, there is no basis to hold that the Rivers' information, or our field investigation evidence, is inadmissible in this proceeding.

14. In addition to the above, Rivers argues that A, F & L should not obtain a

<sup>7</sup> Section 2515 reads:

Whenever any wire or oral communication has been intercepted, no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

grant of renewal because of its lack of candor in disclosing the level of usage of its facilities. As we understand it, Rivers' charge is based on the fact that the A, F & L renewal application states that as of December 31, 1978, 52 two-way units and 80 one-way units were being served by Station KCC480, of which only three two-way and one one-way units were not for public service. In contrast to this statement by A, F & L, the Rivers monitoring showed that no units were being operated on frequency 454.025 MHz at that time. However, the A, F & L renewal application does not state which of the KCC480 frequencies these units were operating on. Section 22.511(a) of our Rules, which requires information on the number of units being served by renewal applicants, is not clear on whether an applicant must provide a separate showing for the number of units being served on each channel. In addition, applicants seeking renewal of multiple frequency licenses often provide this information in the same format as A, F & L and our practice has not been to pursue a candor issue against such applicants. Our review indicates that the apparent inconsistency can be explained by the fact that the usage reported with the A, F & L renewal application includes both of the authorized frequencies while the Rivers monitoring involved only frequency 454.025 MHz. Accordingly, we will not designate a candor issue against A, F & L.

15. After considering all of the arguments, we find that the A, F & L application leaves a material and substantial question of fact as to whether A, F & L has justified a need for frequency 454.025.

16. A, F & L argues that the Rivers application was cutoff from consideration because it was filed after the original grant of the A, F & L renewal of license. In response, Rivers argues that the grant of the A, F & L renewal of license was made void by our rescission and that its application was timely filed on the 60th day following the public notice of the acceptance for filing of the A, F & L application.<sup>8</sup> We believe the

<sup>8</sup> Our "cut-off" rule for determining the timeliness of subsequently filed mutually exclusive applications, 47 CFR § 22.31(b), provides:

An application will be entitled to comparative consideration with one or more conflicting applications only if:

(1) The application is mutually exclusive with the other application; and

(2) The application is received by the Commission in a condition acceptable for filing by whichever "cutoff" date is earlier:

(i) Sixty (60) days after the date of the public notice listing the first of the conflicting applications as accepted for filing; or

timeliness of the Rivers filing is dependent on the validity of our rescission of the initial grant of the A, F & L renewal license. To rescind is to void; thus our reinstatement of the earlier rescission renders the original grant without effect. As a result of this rescission, the full 60 day filing period, permitted by § 22.31(b), became operative. The Rivers application is thereby entitled to comparative consideration with the A, F & L application because it was filed by the sixtieth day after the A, F & L was put on Public Notice as being acceptable for filing. As noted above, we have determined that our rescission was proper and the letter vacating that rescission was incorrect. Accordingly, we find that Rivers application was timely filed and is electrically mutually exclusive with the A, F & L renewal application.<sup>9</sup>

17. A, F & L also charges that Rivers lacks the character to be a Commission licensee because of its monitoring of A, F & L's transmissions and that the need showing included in Rivers' application is inadequate.<sup>10</sup> First, as discussed above, we have concluded that Rivers' monitoring did not violate § 605 of the Communications Act, the statute by which we primarily measure our licensee's conduct to determine their fitness to remain licensees. Second, we do not believe that Rivers' monitoring should give rise to the addition of a character issue because of a possible violation of 18 U.S.C. 2511. It appears that the main intent of § 2511 is to protect against invasions of privacy and as we discussed above, no protected communications as defined by § 2510 were intercepted by Rivers.

(ii) One (1) business day preceding the day on which the Commission takes final action on the previously filed application (should the Commission act upon such application in the interval between thirty (30) and sixty (60) days after the date of its public notice).

<sup>9</sup> We emphasize that there may be occasions where a rescission is properly made but upon further consideration the Commission determines that the original grant was correct and that the rescission of that grant should be vacated. In such situations, a mutually exclusive application filed after the original grant would be cut off from comparative consideration.

<sup>10</sup> A, F & L also charges that the Rivers financial showing is inadequate and that Section 310(d) of the act prohibits further consideration of the Rivers application because of the pending status of an A, F & L application for consent to assignment of license of Station KCC480. However, we need not consider the A, F & L financial charges because applicants in the DPLMRS are no longer required to demonstrate their financial qualifications. *Elimination of Financial Qualifications*, 82 FCC 2d 152 (1980). In addition, we need not consider the A, F & L charges regarding Section 310(d) because the A, F & L application for consent to assignment of license has been dismissed.

18. In view of the foregoing, we find Rivers to be legally, technically, and otherwise qualified to construct and operate the proposed facilities. We further find A, F & L to be legally, technically and otherwise qualified to remain a Commission licensee, except as noted above. We further find our grant of the A, F & L application for facilities to operate on frequency 152.210 MHz to be in the public interest. Accordingly, it is ordered, That the A, F & L petition for reconsideration with respect to our rescission of the renewal grant to A, F & L Telephone, File NO. 23154-CD-R-79, is denied, that the A, F & L petition for reconsideration with respect to our acceptance for filing of the Rivers application, File No. 21501-CD-P-79, is denied, and that the Rivers petition for reconsideration of the grant and reinstatement of the grant of the A, F & L renewal application, File No. 23154-CD-R-79, is granted in part and denied in part, to the extent that the grant of the A, F & L request for renewal of authority to operate on frequency 152.21 MHz is affirmed, and that the grant of the A, F & L application authorizing service on frequency 454.025 MHz is set aside. It is further ordered, That the portion of the A, F & L Telephone application, File No. 23154-CD-R-79, involving frequency 454.025 MHz, and the application of Rivers Associates, Inc., File No. 21501-CD-P-79, are designated for hearing in a consolidated proceeding, pursuant to Section 309 of the Communications Act of 1934, as amended, upon the following issues:

(a) to determine the facts and circumstances surrounding the lack of usage of frequency 454.025 MHz by Station KCC480, including any discontinuance of service;

(b) to determine on a comparative basis, the nature and extent of service proposed by each applicant<sup>11</sup> including the dates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(c) to determine on a comparative basis, the areas and populations that each applicant will serve within the prospective 39 dBu contours, based upon the standards set forth in Section 22.504(a) of the Commission's Rules,<sup>12</sup>

<sup>11</sup> Section 22.504(a) of the Commission's Rules and Regulations describes a field strength contour of 39 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 450 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours P(50,50) for the facilities involved in this proceeding.

<sup>12</sup> The comparative analyses may include past performance of the applicants.

proposed services in said areas; and (d) to determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

19. It is further ordered, That with respect to issue (a), the burden of proof and the burden of proceeding with the introduction of evidence is placed on A, F & L.

20. It is further ordered, That with respect to issues (b) and (c) the burden of proof and the burden of introduction of evidence is placed on each of the applicants as the issues affect them, and that the ultimate burden of proof with respect to issue (d) is similarly placed on each of the applicants.

21. It is further ordered, That the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

22. It is further ordered, That the Chief, Common Carrier Bureau, is made a party to the proceeding.

23. It is further ordered, That the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the Rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Memorandum Opinion and Order.

24. The Secretary shall cause a copy of this Order to be published in the Federal Register.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-10754 Filed 4-8-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-194, File No. BPH-790718AA, et al.]

#### Robert T. Mindte, et al.; Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Robert T. Mindte, Solvang, California, Req: 96.7 MHz, Channel 244, 3kW (H&V)—187 feet, BC Docket No. 81-194, File No. BPH-790718AA; William R. Varecha, Debbie Varecha, James Pace, Rosa Pace, Robert Marcoe, Beatrice Marcoe, and Robert Varecha d/b/a Sunshine Broadcasting Company, Solvang, California, Req: 96.7 MHz, Channel 244, .058 kW (H&V)—1973 feet, BC Docket No. 81-195, File No. BPH-790911AC; Pacific Coast Broadcasting Co., Solvang, California, Req: 96.7 MHz, Channel 244, 3 kW (H&V)—51 feet, BC Docket No. 81-196,

File No. BPH-791213AC; Joan E. Williams, James J. Williams and Armando Ramos d/b/a Williams-Ramos Broadcasting Co., Solvang, California, Req: 96.7 MHz, Channel 244, 3 kW (H&V)—140 feet, for construction permit for a new FM station, BC Docket No. 81-197, File No. BPH-791214AB; James M. Williams and Joan E. Williams tr/as Santa Ynez Valley Broadcasting Co., Solvang, California, Req: 1550 kHz, 500 W, Day, BC Docket No. 81-198, File No. BP-780829DZ; and R. Gary Talbott, Sally D. Talbott, and Robert T. Mindte d/b/a Newport Broadcasting Company, Solvang, California, Req: 1550 kHz, 500 W, DA, Day, for construction permit for a new AM station, BC Docket No. 81-199, File No. BP-790815AG.

#### Hearing Designation Order

Adopted: March 20, 1981.

Released: April 9, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration (i) the above-captioned mutually exclusive FM applications of Robert T. Mindte (Mindte), Sunshine Broadcasting Company (Sunshine), Pacific Coast Broadcasting Company, and Williams-Ramos Broadcasting Co.; (ii) a petition to deny Sunshine's application filed by Southern Illinois Broadcasting Corporation (SIBC); (iii) Sunshine's opposition; and (iv) pleadings related thereto. The Commission also has before it for consideration the above-captioned mutually exclusive AM applications of Santa Ynez Valley Broadcasting Company (Santa Ynez) and Newport Broadcasting Company (Newport). There is no mutual exclusivity between the FM and AM applications. However, because there AM principals are also FM principals and because common questions of their basic or comparative qualifications will arise, consolidation of the FM and AM proceedings is appropriate.

#### The AM Applications

2. Mindte. Analysis of the financial portion of Mindte's application reveals that \$67,976 will be required to construct the proposed facility and operate for three months, itemized as follows:

Equipment	539,146
Building	7,500
Other Costs	7,350
Operating expenses	13,980
Total	67,976

To meet this requirement Mindte intends to rely on existing capital in the amount

of \$3,500 and a loan in the amount of \$150,000. However, although the loan will require the guarantee of the Small Business Administration, Mindte has not demonstrated the Administration's willingness to do so. Accordingly, a limited financial issue will be specified.

3. *Sunshine*. (a) Analysis of the financial data submitted by Sunshine reveals that \$61,250 will be required to construct the proposed facility and operate for three months, itemized as follows:

Equipment	\$31,700
Building	1,000
Miscellaneous Expenses	8,500
Operating Expenses	20,050
Total	61,250

Sunshine plans to finance construction and operation with capital contributions of \$58,000 and a loan by William and Debbie Varecha in the amount of \$50,000. The capital contributions of the partners are itemized as follows:

William and Debbie Varecha (55%)	\$31,900
James and Rosa Pace (15%)	8,700
Robert and Beatrice Marcoe (15%)	8,700
Robert Varecha (15%)	8,700
Total	58,000

(b) The total commitment of William and Debbie Varecha (loan and capital contribution) is \$81,900. In addition, the Varechas have agreed to lend any other partner the necessary funds should any partner be unable to make the expected contribution. However, the balance sheet submitted by the Varechas shows current liquid assets of only \$15,000, an amount insufficient to meet their commitment. Moreover, the balance sheet shows total liabilities of \$121,000.

(b)(1) William Varecha relies upon a bank commitment letter in support of a direct loan of \$130,000. However, the bank letter fails to comply with Paragraph 4(e) of Section III of Form 301 in that it does not specify the terms of repayment or the collateral or security required.

(b)(2) William Varecha also relies upon expected proceeds from the sale of radio station WTAO(FM), Murphysboro, Illinois to meet his commitment with respect to the instant application. However, the only documentation submitted in support of the sale is a "Memorandum of Agreement" the validity of which has expired.

(c) The capital contribution of James and Rosa Pace is to be \$8,700. However, the balance sheet submitted by the Paces shows current liquid assets of only \$2,500, an amount insufficient to meet this commitment. Moreover, the balance sheet shows total liabilities of \$7,900.

(d) The capital contribution of Robert and Beatrice Marcoe is to be \$8,700. However, the balance sheet submitted by the Marcoes shows current liquid assets of only \$3,000, an amount insufficient to meet this commitment. Moreover, the balance sheet shows total liabilities of \$10,100.

(e) The capital contribution of Robert Varecha is to be \$8,700. However, the balance sheet submitted by Robert Varecha does not segregate current liabilities (i.e. amounts payable within one year) from long-term liabilities. Accordingly, it must be assumed that all liabilities are current. Since these liabilities exceed current liquid assets, no funds appear to be available from this source.

(f) Paragraph 4(a) of Section III of Form 301 requires that each person who has agreed to furnish funds must submit a copy of the agreement by which each person is so obligated. None of the Sunshine partners have submitted the required statements of commitment to furnish their respective capital contributions. Accordingly, a limited financial issue will be specified.

4. *Other matters*. SIBC filed a petition to deny Sunshine's application on the ground that Pyramid Broadcasting Corporation (Pyramid) (wholly owned by William and Debbie Varecha, majority partners of Sunshine) has not returned to SIBC amounts received as reimbursement pursuant to Broadcast Bureau approval of a drop-out agreement which was subsequently set aside.<sup>1</sup> SIBC bases its claim of standing on the ground that it will suffer economic injury since, should Sunshine's application be granted, Varecha will have considerable additional financial obligations, making

<sup>1</sup> Pyramid and a predecessor of SIBC were applicants for a construction permit for a new television station to operate on Channel 13 in Mt. Vernon, Illinois. On December 18, 1978 the applicants reached an agreement whereby Pyramid agreed to withdraw its application and SIBC agreed to reimburse Pyramid for expenses in the amount of \$43,117. A Joint Request was submitted on December 29, 1978 and was approved by the Chief, Broadcast Bureau on June 12, 1979 (Memorandum Opinion and Order, BC 18261). SIBC issued a check to Pyramid which was subsequently cashed by William Varecha. By Memorandum Opinion and Order released September 19, 1979 (Mimeo No. 21433), the Chief Broadcast Bureau set aside the previous order granting the Joint Request. The reason for the Bureau action was that it had acted beyond its delegated authority under Section 0.281(a)(1)(i) of the Commission Rules which provides that applications presenting duopoly situations involving TV satellite stations are to be referred to the Commission *en banc* for disposition. The Order set aside the grant of a construction permit to SIBC and reinstated Pyramid's application. SIBC subsequently requested dismissal of its application, leaving Pyramid as the only remaining applicant for the Mt. Vernon, Illinois station.

recovery of the reimbursement payment more difficult. Sunshine, in its opposition to SIBC's petition, contests the standing of SIBC to file its petition to deny.

5. The Commission has consistently held that standing claims based on economic injury must show injury that is direct, tangible, substantial and immediate and not merely speculative. *Far East Broadcasting Co., Inc.*, 58 FCC 2d 60 (1976). A petitioner must also show a causal relationship between the application being contested and the alleged economic injury. *Harriman Broadcasting Co.*, 2 FCC 2d 320, 321 (1966), *rev. on other grounds sub. nom. Folkways Broadcasting Co. v. FCC*, 375 F.2d 299 (1967). SIBC's allegations of economic injury are too remote and speculative and hence do not bring SIBC into sufficiently close relationship to the application to permit them to file a formal petition to deny against the application. Therefore, SIBC's petition, when considered as a petition to deny, will not lie against the application. However, we have elected to treat the petition as an informal objection filed pursuant to § 1.587 of the Commission's rules.<sup>2</sup>

6. Generally, SIBC alleges that Pyramid's nonpayment is unauthorized use of the funds constituting "fraudulent conduct." Specifically, SIBC alleges that Varecha failed to record the debt on his personal balance sheet and has thereby misrepresented his financial qualifications to the Commission. SIBC requests that an issue be designated to determine whether Varecha, majority partner of Sunshine, possesses the requisite character qualifications to be a Commission licensee.<sup>3</sup>

7. In Sunshine's opposition Varecha acknowledges the debt to SIBC and expresses his intention to return the funds. Varecha explains that the entire \$43,117 was used by Pyramid to pay expenses incurred in prosecuting its Mt. Vernon application and has therefore been unavailable to repay SIBC. Sunshine also denies SIBC's allegation that Varecha misrepresented his financial qualifications. In the Sunshine opposition Varecha explains that his personal balance sheet does not reflect the debt to SIBC because that obligation belongs to Pyramid Broadcasting

<sup>2</sup> See *Avco Broadcasting Corporation*, 39 FCC 2d 4 (1972), *aff'd sub. nom. Bilingual Bicultural Coalition of Mass Media, Inc. v. FCC*, 492 F.2d 656 (1974).

<sup>3</sup> On May 5, 1980 SIBC filed a Motion to Hold in Abeyance grant of the Pyramid application for a new television station on Channel 13 in Mt. Vernon, Illinois until Pyramid repaid the \$43,117. As of this time no action has been taken on SIBC's Motion.

Corporation and not to Varecha individually.

8. We are persuaded by Sunshine's opposition that the nonreturn of the money to SIBC does not present the kind of willful misconduct that warrants further inquiry at hearing. Pyramid appropriately used the funds received from SIBC to pay expenses incurred in prosecuting its Mt. Vernon application. Varecha has acknowledged the debt and expressed willingness and intent to pay SIBC.<sup>4</sup> We also accept the explanation of Sunshine and Varecha made in response to SIBC's allegations that Varecha misrepresented his financial qualifications to the Commission by not reporting the debt to SIBC on his personal balance sheet. The liability to SIBC was properly reported on the balance sheet of Pyramid Broadcasting Corporation and consequently is not reflected on Varecha's personal statement except insofar as it reduces the value of his stock in Pyramid. For these reasons we believe that addition of a character qualification issue is not warranted. Accordingly, SIBC's petition to deny Sunshine's application will be denied.

#### The AM Applications

9. *Santa Ynez*. Santa Ynez has not established that the 25 mV/m contour of its proposed station would cover the Solvang business district, as required by § 73.24(j) of the Commission's Rules, and has not requested a waiver of the rule in the event that it does not. Accordingly, an appropriate issue will be specified.

10. Applicants for new broadcast stations are required by § 73.3580 of the Commission's Rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Santa Ynez published the required notice. To remedy this deficiency, Santa Ynez will be required to demonstrate its compliance with § 73.3580 by filing a statement of publication with the presiding Administrative Law Judge.

11. *Newport*. Analysis of the financial data submitted by Newport reveals that \$107,375 will be required to construct the proposed facility and operate for three months, itemized as follows:

Equipment	558,334
Building	2,500
Other construction costs	15,695
Operating costs	30,846
Total	107,375

Newport plans to finance construction and operation with existing capital in

<sup>4</sup> See Harold A. Jahnke (KQHF-FM), 79 FCC 2d 109, 112-13 (1980).

the amount of \$3,500 and a bank loan in the amount of \$150,000. However, no partnership balance sheet has been submitted to show the availability of the existing capital. In addition, although the bank loan requires the guarantee of the Small Business Administration, Newport has not submitted evidence that it has agreed to do so. Accordingly, a limited financial issue will be specified.

12. In response to Question 19a, Section II of Form 301, Newport stated that its principals were unrelated. However, other information submitted reveals that two principals are husband and wife. Accordingly, Newport will be required to file a clarifying amendment.

13. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from both the FM and AM proposals. Consequently, for the purpose of comparison, the areas and populations which would receive primary service (in the case of the FM applicants, service of 1 mV/m or greater intensity) together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the FM applicants and either of the AM applicants.

14. Except as indicated by the issues specified below, the applicants are qualified to construct and operate the FM and AM facilities as proposed. However, since the FM proposals are mutually exclusive, as are the AM proposals, they must be designated for hearing in a consolidated proceeding on the issues specified below. There is no mutual exclusivity between the FM and AM applications, but for the reasons stated above, consolidation of the FM and AM proceedings has been deemed appropriate.<sup>5</sup>

15. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Robert T. Mindte:

(a) the source and availability of additional funds above the \$3,500 indicated; and

<sup>5</sup> Both AM proposals involve slight contour overlap prohibited by § 73.37 of the Commission's Rules. However, because the overlaps are attributable to long salt-water paths, Section 73.37 has been waived with respect to them. See: *Teche Broadcasting Corp.*, FCC 74-468, 30 R.R. 2d 201 (1974).

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to Sunshine Broadcasting Company:

(a) the source and availability of funds to meet anticipated costs; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified to construct and operate the proposed FM facility.

3. To determine whether the AM proposal of Santa Ynez Valley Broadcasting Company would provide the requisite coverage of the Solvang business district, and, if not whether circumstances exist which would warrant waiver of the requirement.

4. To determine with respect to Newport Broadcasting Company:

(a) the source and availability of funds to meet anticipated costs; and

(b) whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified to construct and operate the proposed AM facility.

5. To determine which of the FM proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the FM applications, if any, should be granted.

7. To determine which of the AM proposals would, on a comparative basis, better serve the public interest.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the AM applications, if either, should be granted.

16. It is further ordered, That SIBC's petition to deny is denied.

17. It is further ordered, That Santa Ynez Valley Broadcasting Company file a statement of publication with the presiding Administrative Law Judge as described in § 73.3580(h) of the Rules, on or before May 21, 1981.

18. It is further ordered, That Newport Broadcasting Company shall file the amendment specified in paragraph 12 above on or before May 11, 1981.

19. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

20. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594(g) of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in

such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission,  
Larry D. Eads,  
Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-10735 Filed 4-8-81; 8:45 am]  
BILLING CODE 6712-01-M

**American Telephone & Telegraph Co.;  
Petition for Waiver of Commission's  
Rules; Order Extending Time for  
Comments and Reply Comments**

**AGENCY:** Federal Communications Commission.

**ACTION:** Public notice regarding petition for waiver; order extending time for filing comments.

**SUMMARY:** The Commission, through the Acting Chief, Common Carrier Bureau, has enlarged the time period for filing comments and reply comments in the Matter of American Telephone and Telegraph Company Petition for Waiver of § 64.702 of the Commission's Rules and Regulations. This action is taken because of the complexity and novelty of the issues raised in the ATT petition and their overall importance.

**DATES:** Comments should be submitted to The Secretary, Federal Communications Commission, Washington, DC 20554.

**ADDRESS:** comments on the AT&T petition for waiver must be filed on or before May 15, 1981; reply comments must be filed on or before June 12, 1981.

**FOR FURTHER INFORMATION CONTACT:** Kathleen B. Levitz, Common Carrier Bureau, Federal Communications Commission, Washington, DC, Telephone No. (202) 653-8187.

**SUPPLEMENTARY INFORMATION:** In the matter of American Telephone & Telegraph Co.; petition for waiver of § 64.702 of the Commission's rules and regulations; order (See also 46 FR 19852, April 1, 1981).

Adopted April 2, 1981.

Released April 2, 1981.

By the Acting Chief, Common Carrier Bureau.

1. Delphi Communications Corporation (Delphi) has filed with this Commission motions to enlarge the time for filing comments on the Petition for Waiver filed by the American Telephone and Telegraph Company (AT&T) on March 20, 1981. In that petition AT&T had requested a waiver of the structural separation requirements imposed by § 64.702 of the Commission's Rules and Regulations, 47 CFR 64.702, to the extent required to

permit the offering by Bell System operating companies of Custom Calling Services II (CCS-II), an enhanced service. Delphi requests that the time by which comments must be filed, now set as April 15, 1981, be extended to May 28, 1981.

2. Because of the complexity and the novelty of the issues raised in this proceeding and their overall importance, some extension of time appears reasonable and in the public interest. In order to allow interested parties ample time to file comments which adequately address these issues, the time by which comments in this proceeding must be filed shall be extended until May 15, 1981. The time for filing reply comments shall be extended to June 12, 1981.

3. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's rules, 47 CFR 0.291. That the motions for extension of time for all interested parties to file comments on the Petition for Waiver is granted to the extent set forth and otherwise denied. Comments shall be filed on or before May 15, 1981, and reply comments shall be filed on or before June 12, 1981.

Joseph A. Marino,  
Acting Chief, Common Carrier Bureau.

[FR Doc. 81-10812 Filed 4-8-81; 8:45 am]  
BILLING CODE 6712-01-M

**FEDERAL MARITIME COMMISSION**

[Amdt. No. 7 to Commission Order No. 201.1 (Rev.)]

**Redelegation of Authorities by the  
Managing Director**

Commission Order 201.1 (Revised) was amended by amendment 7 on January 28, 1981, by the revision of section 4.07 to read as follows:

"4.07 Authority to approve, pursuant to Section 15, Shipping Act, 1916, as amended, unopposed modifications to terminal conference agreements and unopposed terminal leases, licenses, assignments, or other agreements of a similar character for the use of terminal property or facilities between persons subject to the Shipping Act, 1916, as amended. In instances where an agreement for the use of terminal property or facilities of the character defined herein grants renewal options without providing that the Commission be notified in the event that such options are exercised, this authority extends to the issuance of conditional approval, the condition of approval being that the agreement be modified to provide for notification to the Commission in the event that such options are exercised and refiled with the Commission."

Dated: April 2, 1981.

By Order of the Federal Maritime Commission

Francis C. Hurney,  
Acting Managing Director.

[FR Doc. 81-10662 Filed 4-8-81; 8:45 am]  
BILLING CODE 6730-01-M

[Docket No. 81-25]

**Union Carbide Corp. v. Nippon Yusen  
Kaisha (N.Y.K. Lines); Filing of  
Complaint and Assignment**

Notice is given that a complaint filed by Union Carbide Corporation against Nippon Yusen Kaisha (N.Y.K. Lines) was served April 2, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1936 (sic).

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,  
Acting Secretary.

[FR Doc. 81-10651 Filed 4-8-81; 8:45 am]  
BILLING CODE 6730-01-M

**C. P. Lambos; Filing and Approval of  
Agreements**

The Federal Maritime Commission hereby gives notice that on October 20, 1980, the following agreements were filed with the Commission pursuant to section 15 of the Shipping Act, 1916, as amended by section 4 of the Maritime Labor Agreements Act of 1980, Pub. L. 96-325, 94 Stat. 1021.

Agreements Nos.: LM-71, LM-72, LM-73 and LM-74.

Filing Party: C. P. Lambos, Lorenz, Finn, Giardino & Lambos, The Cunard Building, 25 Broadway, New York, New York 10004.

Summary: Agreement No. LM-71 is the collectively-bargained Master Contract Agreement, including containerization, LASH-SEABEE, and Job Security Program agreements, between the New York Shipping Association, Inc., and the International

Longshoremen's Association, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

Agreement No. LM-72 is the collectively-bargained Container Rules Agreement between the New York Shipping Association, Inc., and the International Longshoremen's Association, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

Agreement No. LM-73 is the collectively-bargained Port of New York Agreement between the New York Shipping Association, Inc., and the International Longshoremen's Association, AFL-CIO, covering the period October 1, 1980, through September 30, 1983.

Agreement No. LM-74 is the collectively-bargained General Cargo Agreement between the New York Shipping Association, Inc., and the International Longshoremen's Association, AFL-CIO, for the period October 1, 1977, through September 30, 1980. The provisions thereof remain in effect, except as modified by Agreements Nos. LM-71, LM-72, and LM-73, until September 30, 1983.

Dated: April 2, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,  
*Acting Secretary.*

[FR Doc. 81-10757 Filed 4-8-81; 8:45 am]

BILLING CODE 6730-01-M

#### [Agreement No. T-3962]

#### Lease Agreement Between the Port of Seattle and Sea-Land Service, Inc.; Availability of Finding of No Significant Impact

Upon completion of an assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3962 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Agreement No. T-3962 is a lease agreement between the Port of Seattle and Sea-Land Service, Inc. (Sea-Land) involving the use of Terminal 107 (i.e., approximately four acres of unpaved land). Sea-Land would use Terminal 107 to park empty containers.

This Finding of No Significant Impact (FONSI) will become final within 20 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

*Acting Secretary.*

[FR Doc. 81-10809 Filed 4-8-81; 8:45 am]

BILLING CODE 6730-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Community Planning and Development

[Docket No. D-81-643]

#### Redelegation of Authority With Respect to Section 312 Rehabilitation Loan Program

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Redelegation of authority.

**SUMMARY:** This Notice redelegates to each Regional Administrator, Deputy Regional Administrator, Area Manager, Deputy Area Manager, Director, Community Planning and Development, Area Office, and Community Planning and Development Rehabilitation Management Specialist, Area Office, authority with respect to the property rehabilitation loan program authorized by Section 312 of the Housing Act of 1964, as amended (Section 312). The principal effect of this redelegation is to transfer responsibility for servicing Section 312 loans from the Housing Division to the Community Planning and Development Division in each Area Office. The Housing Division retains responsibility for management and disposition of properties held by the department as mortgagee-in-possession and properties acquired by the department through foreclosure or deed in lieu of foreclosure. In addition this redelegation amends, consolidates, and supersedes prior redelegations of authority pertaining to loan origination as well as loan servicing under Section 312 loan program.

**EFFECTIVE DATE:** April 9, 1981.

**SUPPLEMENTARY INFORMATION:** When the Secretary formally transferred certain authority with respect to the Section 312 rehabilitation loan program to the Assistant Secretary for Community Planning and Development from the Assistant secretary for Housing, 45 FR 54143 (August 14, 1980), previously issued redelegations were expressly retained. The most significant of those redelegations were published at

41 FR 29011 (July 14, 1976), 37 FR 15948 (August 8, 1972), 35 FR 16104 (October 14, 1970), 35 FR 16106 (October 14, 1970). The redelegation of authority published at 35 FR 16106 (October 14, 1970), which redelegates to the field authority with respect to property disposition (including authority in connection with all properties held by the secretary as mortgagee-in-possession, and all properties conveyed to the Secretary), remains unaffected by this redelegation. All other redelegations of authority with respect to the Section 312 rehabilitation loan program, including those related to loan origination and servicing, are amended, consolidated and superseded by this redelegation.

The principal substantive change made by this document in the pattern of redelegated authority with respect to the Section 312 loan program is to transfer authority for servicing (i.e., collecting) Section 312 loans from the Housing Division to the Community Planning and Development Division in each Area Office. The Housing Division's authority to act for the Secretary after mortgagee-in-possession status has been obtained and with respect to the management and disposition of acquired property is unaffected.

Accordingly, the Assistant secretary for Community Planning and Development redelegates as follows:

**Section A. Authority Redelegated.** Each Regional Administrator, Deputy Regional Administrator, Area Manager, Deputy Area Manager, Director, Community Planning and Development, Area Office, and Committee Planning and Development Rehabilitation Management Specialist, Area Office, is authorized to exercise the power and authority of the Secretary of Housing and Urban Development with respect to the rehabilitation Loan Program under section 312 of the Housing Act of 1964 (42 U.S.C. 1452b), including the power to service loans, except the power and authority to:

1. Manage, repair, lease, or otherwise take any action regarding properties as to which the Secretary is mortgagee-in-possession.

2. Manage, repair, complete, remodel or convert, administer, dispose of, lease, sell or exchange at public or private sale, or otherwise deal with properties to which the Secretary has acquired title under the Section 312 rehabilitation loan program.

3. Issue notes or other obligations for purchase by the Secretary of the Treasury.

4. Issue rules or regulations, or waive any rule or regulation of the Secretary.

5. Exercise the powers under Section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)).

Section B. *Continuation in Effect of Redlegation.* Existing redelegations of authority by the Assistant Secretary for Housing or his predecessors, published at 35 FR 16106 (October 14, 1970), with respect to the powers detailed under Sections A.1. and A.2. which are in effect as of the date of this redelegation of authority are not affected by this document and will continue in effect until expressly modified or revoked by a delegation or redelegation of authority issued hereafter.

Section C. *Supersedeure.* Except as provided under Section B., this redelegation of authority supersedes preceding redelegations of authority to the Regional Administrator, deputy regional Administrator, Area Director, Deputy Area Director, Director, Housing Management Division, Area Office, and Title I Representative, Area Office, of the Department of Housing and Urban Development, or their predecessors, with respect to the Section 312 rehabilitation loan program.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); and Sec. 312(g) of the Housing Act of 1964, as amended (42 U.S.C. 1452B(g)). Secretary's delegation of authority to redelegate is published at 45 FR 54143 (August 14, 1980)

(The Sec. 312 Loan Program Number is 14.220 in the Catalog of Federal Domestic Assistance)

Issued at Washington D.C., April 2, 1981.  
Donald G. Dodge,

Acting General Deputy Assistant Secretary,  
Community Planning and Development.

[FR Doc. 81-10681 Filed 4-8-81; 8:45 am]

BILLING CODE 4210-01-M

## Office of Environmental Quality

[Docket No. NI-46]

### Intended Environmental Impact Statements

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for each of the following projects under HUD programs as described in the appendices of the Notice: San Jacinto Heights Subdivision, Montgomery County, Texas; the Trophy Club Subdivision, Denton County, Texas; Morning View Planned Development, Apple Valley, Minnesota; and the Capitol Gateway Project, Washington, D.C. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning a particular project to the specific person or address indicated in the appropriate part of the appendices.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the *Federal Register* a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the *Federal Register*, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., March 31, 1981.  
Francis G. Haas,  
Deputy Director, Office of Environmental Quality.

### Appendix—EIS on the San Jacinto Heights Subdivision, Montgomery County, Tex.

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement on a proposed subdivision and land development which will be known as San Jacinto Heights, located in Montgomery County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and federal agencies regarding the issues to be addressed in the Environmental Impact Statement.

*Description:* The firm of Caltex Limited, 12620 Interstate Highway 45 North, Suite 317, Houston, Texas 77060, has filed an application with the Houston Multifamily Service Office for Title X Mortgage Insurance for Land Development under the Housing and Urban Development Act of 1965, Public Law 89-117, as amended. The proposed 1,774 acre site is located immediately to the south of an existing subdivision known as Porter Heights. The tract runs for approximately two miles on the southwest side of Farm to Market Road 1314. When fully developed in a eight year period, the subdivision will consist

of approximately 5,300 single family residences which will accommodate approximately 13,700 persons.

*Need:* Due to the size and scope of the proposed development, the Dallas Area Office has determined that an Environmental Impact Statement will be prepared pursuant to Public Law 91-190, the National Environmental Policy Act of 1969.

*Alternatives:* The alternatives available to the Department are (1) accept the project as submitted, (2) accept the project with modifications or conditions, or (3) reject the project.

*Scoping:* No formal scoping meeting is anticipated for this project. It is the intent of this Notice to be considered a part of the process used for scoping the Environmental Impact Statement. Any responses to this Notice will be used to help (1) determine significant environmental issues, and (2) identify data which the EIS should address.

*Comments:* Comments should be forwarded on or before April 30, 1981, to L. J. Ramsbottom, Environmental Clearance Officer, Dallas Area Office, Department of Housing and Urban Development, 2001 Bryan Tower, Dallas, Texas 75201. The commercial telephone number of this office is (214) 767-8347 and the FTS number is 729-8347.

### Appendix—EIS on the Trophy Club Subdivision, Denton County, Tex.

The Dallas Area Office of the Department of Housing and Urban Development intends to prepare an Environmental Impact Statement for a proposed subdivision to be known as The Trophy Club, located in Denton County, Texas. The purpose of this Notice is to solicit comments and recommendations from all interested persons, local, state and federal agencies regarding the issues to be addressed in depth in the Environmental Impact Statement.

*Description:* The Trophy Club, Incorporated, P.O. Box 443, Roanoke, Texas 76262, proposed to develop a 2,600 acre tract into a planned recreational-residential development located south of Lake Grapevine, immediately east of the City of Roanoke on the north side of State Highway 114. Of the 2,600 acres comprising the Trophy Club, approximately 900 acres are already developed. When fully developed over the next decade, the total subdivision will consist of 5,820 lots which will accommodate approximately 16,800 persons.

*Need:* Due to the size and scope of the total proposed project the Dallas Area Office had determined that an Environmental Impact Statement will be

prepared pursuant to Public Law 91-190, the National Environmental Policy Act of 1969.

**Alternatives:** The alternatives available to the Department are (1) accept the project as submitted, (2) accept the project with modifications, or (3) reject the project.

**Scoping:** No formal scoping meeting is anticipated for this project. It is the intent of this Notice to be considered a part of the process used for scoping the Environmental Impact Statement. Any responses to this Notice will be used to help (1) determine significant environmental issues, and (2) identify data which the EIS should address.

**Comments:** Comments should be forwarded on or before April 30, 1981, to: I. J. Ramsbottom, Environmental Officer, Dallas Area Office, Department of Housing and Urban Development, 2001 Bryan Tower, Dallas, Texas 75201. The commercial telephone number of this office is 214-767-8347 and the FTS number is 729-8347.

#### Appendix—EIS on the Morning View Planned Development, Apple Valley, Minn.

The HUD Area Office in Minneapolis, Minnesota intends to prepare an EIS on the project described below and solicits information and comments for consideration in the EIS.

**Description:** The proposal calls for the development of 142 acres and the phased construction of approximately 714 residential units in Apple Valley (Dakota County) Minnesota by Westwood Development Company and Orrin Thompson Construction Corporation (a division of U.S. Homes). The project is expected to begin in June, 1981 and be completed in October, 1984. Construction will include all necessary streets, water, and sewage facilities and provide appropriate open space and recreation areas. The site is located north of 160th Street West, south of Newell Drive, west of Cedar Avenue, and east of Harmony Court.

**Need:** An EIS is proposed because of HUD threshold requirements in accordance with housing program environmental regulations and probable impact on energy use, transportation systems, and community services. The possibility of issuing FHA mortgage insurance under Section 203(B) of the National Housing Act to qualified homeowners while the EIS is in process will be considered in accordance with HUD Early Start regulations. If granted, mortgage insurance would be made available for not more than 200 units in contiguous additions.

**Alternatives:** At this time the HUD alternatives include: accept the project as

proposed, accept project with conditions, modify the project, or no FHA/HUD participation beyond the Early Start phase of the project.

**Scoping:** A scoping meeting to determine significant issues to be addressed in the EIS will be held. For further information on this meeting, please contact Mr. Middleton.

**Comments:** Comments regarding this proposal should be sent on or before April 30, 1981, to: Thomas T. Feeney, Area Manager, Attention: William Middleton, Environmental Clearance Officer, HUD Area Office, 220 Second Street South, Minneapolis, Minnesota 55401. (or call (612) 349-3180).

#### Appendix—EIS on the Capitol Gateway Project, Washington, D.C.

The District of Columbia intends to prepare an Environmental Impact Statement for the Capitol Gateway Project, and solicits comments and information for consideration in the Environmental Impact Statement.

**Description:** The proposed project will be an urban redevelopment effort intended to: (1) convert an underutilized, blighted water-front area into a highly-developed, water-oriented mixed-use community; (2) provide substantial new housing opportunities, including opportunities for low-and moderate-income housing; (3) significantly increase job opportunities and tax rateables in the area; (4) provide significant affirmative action opportunities in the development and operations of the project, (5) enhance public access to and appreciation of the Anacostia River; and (6) enhance the utilization of the Metro subway system by intensively developing a 52-acre site adjacent to the station entrance. The major Federal programs proposed to be utilized for funding include, but are not limited to: (a) Urban Development Action Grants, (b) Community Development Block Grants, (c) Economic Development Administration Grants, (d) Urban Mass Transportation Joint Development Project Grants. In addition, the District of Columbia has authorized the use of \$11.3 million in Capital Improvement Program funds for project.

The proposed project is bounded by: M Street, S.E.; South Capitol Street; the Anacostia River; and the proposed Southeast Federal Center.

The project is proposed to begin implementation during 1982 and be completed over a ten-year period. The preliminary Development Concept Plan includes: (1) 1,842 housing units (with 20 percent reserved for assisted housing) expected to result in a resident population of 4,000; (2) 985,000 square

feet of office and retail space; (3) two hotels, with a total of 750 rooms; (4) two riverfront marinas and a boat landing. The project is expected to generate 4,200 permanent jobs. The project's public amenities include a pedestrian walkway connecting the Metro subway entrance to the waterfront, a riverfront walkway/bulkhead, three parks, and a community facility. The project contains approximately 51.9 acres and is located one mile south of the U.S. Capitol along the Anacostia River.

**Need:** Pursuant to 24 CFR 58.25 the project, which calls for the construction of 1,842 new housing units, will require an Environmental Impact Statement. Among the probable environmental impacts are: (1) the removal of all existing structures (excluding two existing pumping stations) many of which are blighted, vacant, or deteriorated; (2) the construction of new hotel, office, retail, residential, and recreational facilities; (3) relocation of an estimated 40 households and 30 businesses which presently occupy the site; (4) an increase of automobile traffic, local air pollution, public transit utilization, (which may contribute to reducing total VMT in the region), energy demand, and utility services associated with higher levels of urbanization; (5) removal of a railroad spur located along First Street, S.E. which serves businesses outside of the project area; (6) the provision of 3,750 covered or above-ground parking spaces; and (7) new construction in a floodplain and modification of the Anacostia River shoreline.

**Alternatives:** Several alternatives have been preliminarily identified for examination: the current development concept plan, the no action alternative, modification of elements of the current development plan (such as retention of selected existing structures), mixed-use alternatives of higher or lower development density, an all-industrial development alternative and all-office alternative. Additional alternatives will be considered based on comments received during the scoping process.

**Floodplain Notification:** Based on the notification requirements in HUD regulation 24 CFR 58.23, notice is also given that a portion of the proposed Capitol Gateway Project is located within a floodplain as determined by the U.S. Army Corps of Engineers and the HUD Federal Insurance Administration. This Notice is designed to afford an opportunity for early public review of the proposed development. The preliminary development concept plan calls for the construction of the following facilities which may lie,

entirely or in part, within the floodplain; a pedestrian walkway/bulkhead; boat landing; marina facilities; housing; and a mixed-use waterfront motor inn-retail-office complex. The facts and reasons for this project are stated within the Notice of Intent to file the EIS. The District of Columbia has additional information on this project and such information may be obtained from the person identified at the end of the Appendix. Comments may be and will be accepted 15 days following publication and dissemination of this notification. The name and address of the certifying officer for the District of Columbia is Mr. Robert L. Moore, Director, Department of Housing and Community Development, 1325 G Street, NW., Washington, D.C. 20005. This notification is being filed by the District of Columbia in anticipation of utilizing or applying for federal grant assistance authorized under Title I, Housing and Community Development Act of 1974.

**Scoping:** Due to the relatively large size of the area to be covered and the complexity of environmental concerns to be addressed, recipients of this Notice are invited to submit a list of significant issues which they believe should be analyzed in depth by this EIS. Should the recipients of this Notice have or be aware of any pertinent documents concerning any of these issues they have listed, the District of Columbia requests a copy of each of them on a permanent or loan basis for use in preparing an EIS. In addition, the District of Columbia would appreciate a list (with addresses and phone numbers) of any individuals or agencies who might be able to provide information concerning any of these issues.

**Comments:** Comments and/or information regarding this proposed action should be submitted on or before April 30, 1981, to: Mr. Kenneth Colburn, Administrator, Office of Policy, Planning and Evaluation, D.C. Department of Housing and Community Development, at 1133 North Capitol Street, NE., Washington, D.C. 20002, telephone number (202) 535-1260.

[FR Doc. 81-10660 Filed 4-8-81; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Geological Survey

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4109, Block 99, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 31, 1981.

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-10665 Filed 4-8-81; 8:45 am]

BILLING CODE 4310-31-M

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Mobil Oil Exploration and Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3580, Block 86, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is

considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 1, 1981.

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-10660 Filed 4-8-81; 8:45 am]

BILLING CODE 4310-31-M

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Monsanto Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3755, Block A-507, High Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 2, 1981.

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-10667 Filed 4-8-81; 8:45 am]

**BILLING CODE 4310-31-M**

#### **Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** This Notice announces that Tenneco Oil Exploration and Production, Unit Operator of the Vermilion Block 218 Federal Unit Agreement No. 14-08-0001-8816, submitted on March 26, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Vermilion Block 218 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised

§ 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 1, 1981.

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-10668 Filed 4-8-81; 8:45 am]

**BILLING CODE 4310-31-M**

#### **Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Tomlinson Offshore, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3092, Block 633, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 1, 1981.

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-10669 Filed 4-8-81; 8:45 am]

**BILLING CODE 4310-31-M**

#### **Oil and Gas and Sulphur Operations in the Outer Continental Shelf**

**AGENCY:** Geological Survey, Department of the Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3068, Block A-111, Mustang Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

**SUPPLEMENTARY INFORMATION:** Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 1, 1981.

**Lowell G. Hammons,**  
*Conservation Manager, Gulf of Mexico OCS Region.*

[FR Doc. 81-10670 Filed 4-8-81; 8:45 am]

**BILLING CODE 4310-31-M**

#### **Bureau of Land Management**

##### **Advisory Council Meeting**

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Prineville District Advisory Council will be held on June 4, 1981.

The Council will meet in the District conference room at 9:30 a.m. at 185 E. 4th Street, Prineville, OR 97754.

The agenda includes:

1. Discussion of Draft Program Priority Guides for Oregon and Washington 1982-1989.

2. Summary on progress of land use planning for Brothers Area.

The public and news media is welcome to attend any segment of the Council meeting.

Persons wishing to address the Council either orally or in writing are requested to contact the District Manager at the above address by June 1, 1981.

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 thirty days following the meeting.

Reinard B. Okeson,  
Acting District Manager.  
March 30, 1981.

[FR Doc. 81-10664 Filed 4-8-81; 8:45 am]  
BILLING CODE 4310-84-M

[Serial No. I-15323]

### Idaho; Proposed Withdrawal Continuation

April 3, 1981.

The Bureau of Land Management has filed a statement of justification for continuation of an existing Public Water Reserve Withdrawal. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204(L) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Boise Meridian, Idaho

(I-15323)

Public Water Reserve No. 87

T. 12 S., R. 4 E.,

Sec. 20: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The area described aggregates 80 acres in Owyhee County, Idaho

The land is segregated from operation of the public land laws, including location for non-metalliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawal or use of the lands is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before May 11, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a

notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before May 11, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-10661 Filed 4-8-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-4733]

### Idaho; Proposed Withdrawal Continuation; Correction

April 1, 1981.

In FR Document 81-8859, filed March 23, 1981, and appearing on page 18365 of the issue for March 24, 1981, the following correction should be made:

T. 10 S., R. 23 E. should read T. 10 S., R. 22 E.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-10660 Filed 4-8-81; 8:45 am]

BILLING CODE 4310-84-M

[M 065304]

### Montana; Proposed Withdrawal Continuation

March 31, 1981.

The Bureau of Land Management has filed a statement of justification for continuation of an existing land withdrawal made by Public Land Order No. 3550 on February 15, 1965. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204(1) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Principal Meridian

T. 2 N., R. 5 W.,

Sec. 9: NW $\frac{1}{4}$ .

The area described contains 160 acres in Jefferson County, Montana.

The lands have been withdrawn for use as a recreation site. Specifically, the land is being used for a recreation site to protect a rare phenomenon locally known as "Ringed Rocks." This unique geological feature consists of an outcrop of irregularly rounded igneous boulders which emit clear ringing tones when struck with a hammer or similar object. The land is segregated from operation of the public land laws, including the mining but not the mineral leasing laws. No change in the segregative effect of the withdrawal is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before May 7, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before May 7, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory

objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

Dated: March 31, 1981.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-10662 Filed 4-9-81; 8:45 am]

BILLING CODE 4310-84-M

### Realty Action, Utah

Notice is hereby given that the following described land has been identified as suitable for disposal by sale under Section 203 of the Federal Land Policy & Management Act of 1976, 43 U.S.C. 1716, of no less than the fair market value shown:

#### Salt Lake Base Meridan, Grand County, Utah

Legal description	Acreage	Value
T. 24 S., R. 23 E., Sec. 27: SW¼NE¼...	37.5	\$37,500

The sale will be made on approximately the 1st day of June, 1981. The lands are being sold to Bates Wilson because the location, land use, and physical characteristics of the tract make it uneconomical to manage as part of the public lands, and it is not suitable for management by another federal department.

The land is adjoining land deeded to Mr. Wilson. The subject land contains an alfalfa field, grave, multiple roads, and an irrigation ditch currently under a right-of-way to Mr. Wilson.

The sale is consistent with the Bureau's planning for the lands involved and has been discussed with county, state, and city officials of Moab, and various other interested agencies and

associations. The public interest would be served by offering these lands for sale. A noncompetitive sale of this parcel is justified under 43 CFR 2711.3-2(2)(b)(3) "there is a need to recognize authorized use, for example, when an existing business would be threatened if the tract were purchased by other than the authorized user". Sale of the parcel to a third party would place undue physical and legal hardships on Mr. Wilson.

The terms and conditions applicable to the sale are:

1. The land will be subject to a reservation to the United States for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral rights in the land to be patented will be reserved to the United States.

3. The existing access roads (some of which may be county) will be subject to a reservation to the United States for access to public land beyond the subject land parcel.

4. The purchaser shall undertake all such reasonable and necessary steps to protect and preserve the existing historic grave located within the subject parcel of land. Should the situation ever occur where this grave must be moved, it shall require authorization of the United States and be moved at the expense of the current surface landholder.

Detailed information concerning the sale, including the planning documents, environmental assessment, and the record of public discussions, is available for review at the Moab District Office.

Dated: March 31, 1981.

Lee C. Chamberlain,

Acting District Manager.

[FR Doc. 81-10663 Filed 4-9-81; 8:45 am]

BILLING CODE 4310-84-M

### California; Proposed Public Land and Resource Planning Amendment

This notice is to advise the public of a proposed change in the Trinity Management Framework Plan, Four-Rivers Resource Area, Redding District Office. The Four Rivers Resource Area Manager has proposed a change in the land use classification of Lots 15, 22, and 23, Section 1, T. 32 N., R. 10 W., Mount Diablo Meridian, California (approximately 5 acres), from not allowing R&PP and disposal to allowing an R&PP disposal action. Specifically, the site would be used for expansion of the Douglas City School facilities. No environmental or public issues are anticipated. However, an environmental

assessment will be prepared by an interdisciplinary team to analyze identified affects. The team will be composed of:

Lyle Jonas—Forester  
Maureen Hales—Botanist  
Clark Brott—Archaeologist  
Steve Uhles—Wilderness Specialist  
Carl Zulick—Landscape Architect  
Joe Williams—Recreation Planner  
Gary Shellhorn—Hydrologist  
Ted Klaseen—Soil Scientist  
Paul McClain—Wildlife Biologist

Comments concerning the proposed amendment will be accepted until April 30, 1981.

Comments or suggestions should be sent to Four Rivers Resource Area Manager, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

Interested parties should be aware that, according to the Regulations, any person who participated in the planning amendment process may protest the plan. However, a protest may raise only those issues which were submitted to the District Manager during the planning amendment process.

For further information, contact Dwain Davis, (916) 246-5245.

Stanley D. Butzer,

District Manager.

[FR Doc. 81-10706 Filed 4-9-81; 8:45 am]

BILLING CODE 4310-84-M

### California Desert District; Mecca Hills Recreation Management Area

AGENCY: Bureau of Land Management.

ACTION: Proposed recreation vehicle designations and facilities improvements.

SUMMARY: The proposed vehicle designations have been developed to reduce user conflicts in the Mecca Hills Area. The authority for the management plan's facilities, vehicle designations, and rules are 43 CFR Section 8000.0-6, 8340, 8341, 8342, and 8364. The area affected by these designations is known as the Mecca Hills Recreation Area which is located in central Riverside County. The area contains approximately 41,000 acres, approximately 20,000 are managed by BLM. These designations are a result of two draft plans developed with extensive public involvement over a period of two years.

DATE: Effective April 30, 1981.

ADDRESS: Send inquiries to Area Manager, Indio Resource Area, 3623 H101 Canyon Crest, Riverside, California 92507. Public comments received and copies of the Mecca Hills

Recreation Management Plan containing maps which show vehicle designations will be available for public review at the above address from 7:45 a.m.—4:15 p.m. on regular work days.

**FOR FURTHER INFORMATION CONTACT:**  
Pamela M. Elliott, (714) 787-1630.

Under the authority provided in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), EO 11644 (Use of Off Road Vehicles on the Public Lands), and 3 CFR 74.332 as amended by EO 11989 42 FR 26959 (May 25, 1977).

**Visitor Management**

1. Vehicles may be used only in the area designated "Existing Roads and Ways" and only on routes within this area in existence prior to November 1, 1973. The designated area will be defined on a map provided on informational structures (kiosks) located in four sites in the recreational area.

2. Hidden Springs Oasis will be closed to vehicles year round.

3. The area designated as "Seasonal Closure" will be closed to vehicles from June 1 through September 30. Signs will be erected to notify users of the boundary of this closure. A map defining the area will be posted on informational structures (kiosks).

4. A corridor into Painted Canyon will provide access to the campground and beyond to a barricade closure in the canyon approximately 1 mile above the campground. No vehicle access will be allowed above the barricade or outside of the corridor.

**Facilities Proposed**

1. A primitive campground in T. 6 S., R. 9 E., Section 36 is proposed in Painted Canyon. The facility will include five ramadas and picnic tables, renovation of an existing pit-toilet bathroom and placement of an informational kiosk. Implementation of this action is dependent upon acquisition of this land by BLM.

2. A primitive campground area in Box Canyon at T. 7 S., R. 10 E., Section 6 will be constructed and will provide a pit-toilet bathroom and informational kiosk.

3. Informational kiosks will be placed at two other locations in Box Canyon (T. 7 S., R. 10 E., Section 7 and T. 6 S., R. 9 E., Section 26).

4. Signs will be erected to designate the seasonal closure.

The purpose of these vehicle designations and improvements are to minimize conflicts between recreational uses in the Mecca Hills, to increase user enjoyment by providing facilities and interpretive information and to protect sensitive resources.

The public lands in the seasonal vehicle closure will remain open to other resource and recreation use.

Administrative access by vehicle into areas closed to vehicular recreation is allowed for BLM and BLM contractors, licensees, permittees, lessees, and all other Federal, State, and County employees when on official duty. Permission to enter areas closed to vehicular recreation by other people is subject to approval by the authorized officer.

*Effective date:* April 30, 1981.

Signed at Riverside, California on April 2, 1981.

**Wes Chambers,**

*Acting District Manager, California Desert District, Bureau of Land Management.*

[FR Doc. 81-10705 Filed 4-8-81; 8:45 am]

**BILLING CODE 4310-84-M**

**Rock Springs Advisory Council; Meeting**

**AGENCY:** Department of the Interior, Bureau of Land Management.

**ACTION:** Notice of meeting of the Rock Springs Advisory Council.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Advisory Council. Notice of this meeting is required under Pub. L. 94-579 and 43 CFR, Part 1780.

**DATE:** May 14, 1981, 9:30 a.m., until 4:00 p.m.

**ADDRESS:** Sublette County Library, Conference Room, Pinedale, Wyoming.

**FOR FURTHER INFORMATION CONTACT:** Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901 (307-382-5350).

**SUPPLEMENTARY INFORMATION:** The agenda for the meeting will include:

1. Review of minutes from March 12, 1981, meeting.

2. Discussion on items of interest for future Council meetings.

3. Discussion of the wilderness studies (Raymond Mountain and Lake Mountain).

4. Public comment period.

5. Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 2:30-3:30 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901, by May 11, 1981. Depending on the number of persons

wishing to make oral statements, a per person time limit may be established by the District Manager.

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.

**Donald H. Sweep,**

*District Manager.*

[FR Doc. 81-10707 Filed 4-8-81; 8:45 am]

**BILLING CODE 4310-84-M**

**Vernal District, Utah; Amendment to Bonanza Management Framework Plan**

In accordance with Pub. L. 94-579, the Vernal District Office is requesting public comments regarding its proposal to amend the Management Framework Plan (MFP) for the Bonanza Planning Unit in northeastern Utah. The Bonanza MFP would be amended to allow the establishment of sand and gravel sale sites along the Green River and also within the area north of U.S. Highway 40. Containing 337,518 acres of public land, the Bonanza Planning Unit is bounded by the Utah/Colorado state line on the east, Dinosaur National Monument on the north, the Green River on the northwest and the White River on the south.

There is a shortage of sand and gravel sites in the area, and the best deposits are in terraces along the Green River.

The issues which have been tentatively identified at this time and will be addressed in the plans are: Wilderness, Endangered Species, Range and Woodlands, Wildlife Habitat, Archeological and Historical Resources, Water Resources, Rights of Way, Access, Recreation, Socio-economics, Air Quality and Transportation.

The disciplines to be represented on the interdisciplinary team are: Wilderness, Sociology, Economics, Land Use, Air Quality, Geology, Soils, Hydrology, Cultural Resources, Vegetation, Wildlife, Recreation, and Transportation.

Public participation activities will consist of requests for comments in this notice, news releases, and a public review period of the Draft Environmental Assessment to be prepared as part of the amended process. Full consideration will be given to all comments received from these or any other sources.

Site selection should be subject to all visual and other environmental regulations and assessments, including those required by the Federal Land

Policy and Management Act, Pub. L. 94-579.

Comments should be received by May 15, 1981, c/o Dean Evans, Bureau of Land Management, Bookcliffs Area Manager, 170 South 500 East, Vernal, Utah 84078, telephone (801) 789-1362. Documents relevant to amending the Bonanza MFP can be examined at the above address during regular hours, 8:00 a.m. to 5:00 p.m.

Ronald S. Trostad,

Acting District Manager.

[FR Doc. 81-10703 Filed 4-8-81; 8:45 am]

BILLING CODE 4310-84-M

[Coal Exploration License Application M 50282]

**Montana; Invitation to Participate in Coal Exploration**

March 30, 1981.

Members of the public are hereby invited to participate with Western Energy Company, 107 East Granite, Butte, Montana 59701, in a program for the exploration of coal deposits owned by the United States of America in the following-described lands located in Rosebud County, Montana:

- T. 1 N., R. 39 E., P.M.M.,  
Sec. 2, S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ .
- T. 2N., R. 39 E., P.M.M.,  
Sec. 32, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ .
- T. 1 N., R. 40 E., P.M.M.,  
Sec. 12, lot 1, N $\frac{1}{2}$  of lot 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ .
- T. 2 N., R. 40 E., P.M.M.,  
Sec. 32, all.
- T. 2 N., R. 41 E., P.M.M.;  
Sec. 14, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 24, all;  
Sec. 32, all.
- T. 2 N., R. 42 E., P.M.M.,  
Sec. 30, lots 1, 2, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 32, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Rosebud County, 3,957.31 Acres.

Any party electing to participate in this exploration program shall notify, *in writing*, Both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107; and Western Energy Company, 404 North 31st Street, Billings, Montana 59101. Such written notice must refer to serial number M 50282 and be received no later than May 11, 1981, or 10 calendar days after the last publication of this Notice in this newspaper, whichever is later. This Notice will be published for two consecutive weeks.

The proposed exploration plan is fully described and will be conducted pursuant to an exploration plan to be approved by U.S. Geological Survey and the Bureau of Land Management. Copies

of the exploration plan as submitted by Western Energy Company may be examined during normal business hours at the Bureau of Land Management State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana. Roland F. Lee,  
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-10742 Filed 4-8-81; 8:45 am]

BILLING CODE 4310-84-M

**Eastern States; Transfer of Submarginal Lands; Bad River Indian Reservation**

*Correction*

In FR Doc. 81-8426 appearing at page 17660 in the issue for Thursday, March 19, 1981, make the following correction:

On page 17660, in the third column, under "T. 47 N., R. 2 W.," for "Sec. 18", in the second line, "SW $\frac{1}{4}$ NE $\frac{1}{4}$ " should have read "SE $\frac{1}{4}$ NE $\frac{1}{4}$ ".

BILLING CODE 1505-01-M

**Water and Power Resources Service**

**East and Quincy Columbia Basin Irrigation Districts; Availability of 1-Year "Peaking" Water Service Contracts**

The Department of the Interior, through the Water and Power Resources Service, intends to offer water service contracts to the East Columbia Basin Irrigation District at Othello, Washington, and to the Quincy-Columbia Basin Irrigation District at Quincy, Washington, for a supply of "peaking" water during the 1981 irrigation season. The water will become available as a result to the completed construction of the Second Bacon Siphon and Tunnel, Columbia Basin Project, Washington.

Terms and conditions of water use will be consistent with the Master Water Service Contract that was executed between the United States and each district on August 27, 1976. These include a charge of \$3 for each acre-foot of water. The maximum quantity to be made available to each district will permit use of supplemental water to meet peak demands on presently irrigated land only and covers the 1981 irrigation season only.

It is anticipated that long-term arrangements for peaking water and other uses contemplated in the 1976 contract will be concluded prior to the 1982 irrigation season.

The public may observe any meetings scheduled to discuss terms and conditions of the contract. Advance

notice of any such meetings will be furnished on request. Requests must be in writing and must identify the contract in which the party is interested. They should be addressed to the Project Manager, Water and Power Resources Service, Division Avenue and C Streets NW, P.O. Box 815, Ephrata, Washington 98823.

The proposed draft contracts are available for public review and receipt of written comments from the public until May 5, 1981. All written correspondence concerning the proposed contract will be made available to the public pursuant to the terms and conditions of the Freedom of Information Act (80 Stat. 388), as amended.

For further information on scheduled meetings and copies of the proposed form of contract, please contact Ms. Carol Prochaska, Public Affairs Officer, at the above address, or telephone (509) 754-4611, extension 258.

Dated: April 2, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resource.

[FR Doc. 81-10679 Filed 4-8-81; 8:45 am]

BILLING CODE 4310-09-M

**INTERSTATE COMMERCE COMMISSION**

**Motor Carriers; Permanent Authority Decisions; Decision-Notice**

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the *Federal Register* of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

**Findings**

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed

service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

#### Volume No. OP3-212

Decided: April 1, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher and Williams.

MC 146075 (Sub-4), filed November 13, 1980. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 West 29th Place, Wheatridge, CO 80214. Representative: Delbert Ewing (same address as applicant). Transporting (1) *malt beverages and beverage containers*, and (2) *materials and supplies* used in the manufacture and distribution of malt beverages, between points in TX and Jefferson County, CH. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-10788 Filed 4-5-81; 8:45 am]  
BILLING CODE 7035-02-M

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's

Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the

authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

#### Volume No. OP1-101

Decided: April 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 33641 (Sub-163), filed March 24, 1981. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84130. Representative: Eldon E. Bresee (same address as applicant), (801) 972-7263. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between two points in the U.S.

MC 136911 (Sub-7), filed March 25, 1981. Applicant: PACKAGE EXPRESS, INC., 22 Tyler St., P.O. Box 187, Springfield, MA 01109. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons), and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154940, filed March 18, 1981. Applicant: VIA EXPRESS DELIVERY SYSTEMS, INC., 7905 Madison St., Kansas City, MO 64114. Representative: Frank E. Brown (same address as applicant), (816) 444-4747. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 146631 (Sub-3), filed March 18, 1981. Applicant: WILLIAM BLAUVELT, d.b.a. BILLY B TRUCKING CO., 3 Lantern Lane, Boxford, MA 01921. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Transporting (1) for or on behalf of the United States Government,

*general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (4) *As a broker of general commodities* (except household goods), between points in the U.S.

MC 154810, filed March 17, 1981. Applicant: TRANSPORTATION SALES, INC., P.O. Box 207, 10250 W. 44th Ave., Wheat Ridge, CO 80033. Representative: Robert W. Armstrong (same address as applicant), (303) 420-9966. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154931, filed March 25, 1981. Applicant: HARRELL LEASING, INC., P.O. Box 1400, Russellville, AR 72801. Representative: James M. Duckett, 411 Pyramid Life Bldg., Little Rock, AR 72201, (501) 375-3022. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154991, filed March 24, 1981. Applicant: N. E. TRAFFIC CONSULTANTS, INC., 105 Creeper Hill Rd., North Grafton, MA 01536. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. As a *broker of general commodities* (except household goods), between points in the U.S.

#### Volume No. OPY-2-033

Decided: April 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 29452 (Sub-5), filed March 16, 1981. Applicant: B.O.W. EXPRESS, INC., 1251 Taney, North Kansas City, MO 64116. Representative: Alfred L. King (same address as applicant), (816) 221-3411. Transporting *general commodities*, between Howard, KS, on the one hand, and, on the other, points in the U.S. CONDITION: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

MC 152363 (Sub-1), filed March 19, 1981. Applicant: PERDUE

TRANSPORTATION INCORPORATED, Zion Church Road, Salisbury, MD 21801. Representative: James F. Flint, Suite 406, 918 16th Street, N.W., Washington, DC 20006, (202) 833-1170. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons or munitions), between points in the U.S.

MC 154943, filed March 25, 1981. Applicant: CLOVER, INC., P.O. Box 1431, Los Lunas, NM 87031. Representative: Dave Leathers, P.O. Box 26657, Albuquerque, NM 87125, (505) 262-0864. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle, in which no one package exceeds 100 pounds, between points in the U.S. Transporting *food and other edible products and byproducts* intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

#### Volume No OPY-5-28

Decided: April 1, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 55889 (Sub-71), filed March 19, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, 301-986-1410. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 55889 (Sub-72), filed March 19, 1981. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014, 301-986-1410. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 124328 (Sub-143), filed March 23, 1981. Applicant: BRINK'S INCORPORATED, Thorndal Circle, Darien, CT 06820. Representative: Chandler L. Van Orman, 1729 H St. N.W., Washington, DC 20006, 202-337-6500. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 142478 (Sub-2), filed March 23, 1981. Applicant: ACE INDUSTRIES, INC., d.b.a. ACE COURIER & EXPEDITING SERVICE, 282 South Potomac St., Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, 301-797-6060. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 147229 (Sub-3), filed March 16, 1981. Applicant: GULF COAST DELIVERY, INC., P.O. Box 160048, Mobile, AL 36616. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104, 205-262-2756. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 148459 (Sub-2), filed March 23, 1981. Applicant: ACME VAN SERVICE, INC., 1340 Chesapeake Ave., Baltimore, MD 21226. Representative: Lillian I. Dailey (same address as applicant), (301) 355-8200. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 150318 (Sub-2), filed March 23, 1981. Applicant: TAYLOR WAREHOUSE & TRUCKING CO., INC., 14615 Anson Ave., Santa Fe Springs, CA 90670. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213-945-2745. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 153539 (Sub-1), filed March 24, 1981. Applicant: JET LINE SERVICE, INC., 460 Riverside Industrial Parkway, Portland, ME 04103. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, 202-463-6044. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 154778, filed March 16, 1981. Applicant: A-1 MOVING & STORAGE, INC., 2127 Jefferson, Lawton, OK 73501. Representative: James J. Fratio, P.O. Box 82, Edgewater, MD 21037, (301) 261-7227. Transporting *used household*

goods for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 154809, filed March 16, 1981. Applicant: MIRCO INDUSTRIES OF TEXAS, INC., 8751 Broadway #3305, Houston, TX 77061. Representative: Hambric Leon McGlockton (same address as applicant), (713) 644-2800. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154869, filed March 20, 1981. Applicant: LONE STAR TRANSPORTATION SERVICE, P.O. Box 38602, Dallas, TX 75238. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, 716-845-6066. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154909, filed March 20, 1981. Applicant: MPDS, INC., 86 Worcester St., North Grafton, MA 01536. Representative: David M. Marshall, 101 State St., Springfield, MA 01103, 413-732-1136. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 154929, filed March 18, 1981. Applicant: MATCHMAKER, A DIVISION OF AJF INDUSTRIES, INC., 11960 Westline Industrial Dr., Suite 330, St. Louis, MO 63141. Representative: Robert L. Cope, Suite 501, 1730 M St. NW., Washington, DC 20036, 202-296-2900. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 154939, filed March 24, 1981. Applicant: GORDON MacPHERSON d.b.a. G-MAC TRANSPORTATION SERVICES, 410 Springfield St., Agawam, MA 01001. Representative: James M. Burns, 1383 Main St., Springfield, MA 01103, 413-781-8205. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-10789 Filed 4-8-81; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before [45 days from date of publication], (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

#### Volume No. OP1-102

Decided: March 31, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 115651 (Sub-96), filed January 23, 1981, and previously noticed in Federal Register issue of February 9, 1981.

Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 805 Mc Lachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001. Transporting *fertilizer*, between points in Iroquois County, IL, on the one hand, and, on the other, points in IN, OH, MI, and WI.

Note—This republication clarifies the commodity description.

#### Volume No. OP1-103

Decided: April 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 153041 (Sub-1F), filed December 10, 1980. Applicant: ACTIVE TRANSFER, INC., 501 Hwy 99N, Eugene, OR 97402. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232, (503) 288-8141. Transporting *metal products and machinery*, between points in the U.S., under continuing contract(s) with Great Western Steel Fabricators, Inc., of Eugene, OR.

#### Volume No. OP2-054

Decided: April 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 18163 (Sub-4), filed January 8, 1981, (Correction), previously published in the Federal Register issue of February 18, 1981, and republished this issue. Applicant: CORDERA TRANSFER CO., INC., 132 E. Jackson St., Carlinville, IL 62626. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting (1) *general commodities* (except classes

A and B explosives), between St. Louis, MO, on the one hand, and, on the other, points in Bond, Christian, Greene, Jersey, Macoupon, Madison, Montgomery, Morgan, and Sangamon Counties, IL; and (2) *metal products*, between points in Macoupin and Montgomery Counties, IL, on the one hand, and, on the other, points in IN, IA, MO, KY, and WI.

Note.—This republication is to correct the territory description in both parts (1) and (2).

MC 42183 (Sub-2), filed January 21, 1981, (Correction), previously published in the Federal Register issue of February 11, 1981, and republished this issue. Applicant: SAFETY BUS SERVICE, 7200 Park Ave., Pennsauken, NJ 08109. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10122. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Camden, Burlington, Mercer, and Gloucester Counties, NJ, and the Philadelphia, PA commercial zone, and extending to points in the U.S. (except AK and HI).

Note.—This republication is to correct the territory description.

MC 151762, filed September 22, 1980, (Correction), previously published in the Federal Register issue of October 7, 1980, and republished this issue. Applicant: COMMERCIAL TOWING CO., 4080 West 21st South, Salt Lake City, UT 84120. Representative: Mark K. Boyle, 10 Broadway Bldg., Suite 400, Salt Lake City, UT 84101. Transporting (1) *wrecked or disabled motor vehicles*, and (2) *cargo* of the commodities in (1) above, between points in AZ, CA, CO, ID, KS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY.

Note.—This republication is to correct the commodity description.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-10785 Filed 4-6-81; 8:45 am]

BILLING CODE 7035-01-M

#### [Vol. No. 48]

#### Permanent Authority Decisions; Restriction Removals; Decision-Notice

##### Correction

In FR Doc. 81-9503, at page 19342, in the issue of Monday, March 30, 1981, on page 19343, in the middle column, the last paragraph, the first line, correct "MC 35320 (Sub-650)X" to read "MC 35320 (Sub-651)X".

BILLING CODE 1505-01-M

#### [Volume No. 45]

#### Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

##### Correction

In FR Doc. 81-9016 appearing at page 18616, on Wednesday, March 25, 1981, on page 18618, in the first column, in the second paragraph, in the first line, "MC 84213 (sub-44)X" should be corrected to read "MC 84212 (sub-44)X".

BILLING CODE 1505-01-M

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

##### FINDINGS:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will

be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note: All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract"

#### Volume No. OP1-100

Decided April 1, 1981.

By The Commission, review Board No.1, Members Parker, Chandler and Taylor.

MC 200 (Sub-588), filed March 25, 1981. Applicant: RISS INTERNATIONAL CORPORATION P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant) (816) 471-3400 Ext. 291. Transporting *textile mill products*, between points in New Castle County, DE, and Spartanburg County, SC, on the one hand, and, on the other, points in the U.S.

MC 2960 (Sub-46), filed March 24, 1981. Applicant: ENGLAND TRANSPORTATION OF TX, INC., 2301 McKinney, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245 (214) 358-3341. Transporting *rubber and plastic products*, between points in McLennan and Bell Counties, TX, on the one hand, and, on the other, Houston, TX.

MC 2960 (Sub-47), filed March 24, 1981. Applicant: ENGLAND TRANSPORTATION CO., OF TX., INC., 2301 McKinney, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245 (214) 358-3341. Transporting *general commodities* (except classes A and B explosives), between Dallas and Houston, TX, over Interstate Hwy 45, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing authority.

MC 47171 (Sub-207), filed March 25, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant) (803) 879-2101. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Westvaco Corporation, its divisions and subsidiaries at points in the U.S. in and east of ND, SD, NE, CO, and NM, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 52861 (Sub-90), filed March 23, 1981. Applicant: WILLS TRUCKING, INC., 3185 Columbia RD, Richfield, OH 44286. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215 (614) 228-8575. Transporting *commodities in bulk, clay, concrete, glass or stone product, metal products, ores and minerals, food and related products, and chemicals and related products*, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 59150 (Sub-190), filed March 24, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353-9707. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Alton Packaging Corporation, of Alton, IL.

MC 59150 (Sub-191), filed March 26, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202 (904) 353-9707. Transporting *lumber and wood products*, between Louisville, KY, on the one hand, and, on the other, those points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, than northward along the western boundary of Itasca Koochiching Counties, MN, to the international boundary line between the United States and Canada.

MC 63411 (Sub-1), filed March 19, 1981. Applicant: BERGEN EXPRESS CO., INC., 23 Terminal Rd., Lyndhurst, NJ 07071. Representative: Cornelius Kasten (same address as applicant). Transporting *cleaning compounds, chemicals, and refrigeration supplies*, between New York, NY, on the one hand, and, on the other, points in CT, NY, NJ, and PA.

MC 75840 (Sub-156), filed March 23, 1981. Applicant: MALONE FREIGHT

LINE, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton (same address as applicant) (205) 323-6721. Transporting *lumber and wood products*, between points in AL and MS, on the one hand, and, on the other, points in the U.S.

MC 75840 (Sub-158), filed March 26, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, 3400 Third Ave. South, Birmingham, AL 35222 (205) 323-6721. Transporting *general commodities* (except classes A and B explosives) between the facilities used by American Cyanamid Company at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 82841 (Sub-310), filed March 27, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" St., Omaha, NE 68127. Representative: Donald L. Stern, 7171 Mercy Rd. Suite 610, Omaha, NE 68106 (402) 392-1220. Transporting *lumber and wood products*, between points in PA and WV, on the one hand, and, on the other, points in CO.

MC 102401 (Sub-26), filed March 26, 1981. Applicant: TAYLOR HEAVY HAULING, INC., 59765 Market St., South Bend, IN 46614. Representative: John M. Roelke (same address as applicant) (219) 234-0031. Transporting *materials, equipment, and supplies* used in the manufacture and distribution of steel articles, between points Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 102401 (Sub-27), filed March 27, 1981. Applicant: TAYLOR HEAVY HAULING, INC., 59765 Market St., South Bend, IN 46614. Representative: John M. Roelke (same address as applicant) (219) 234-0031. Transporting *materials, equipment and supplies* used in the manufacture of rubber scrap, between points in St. Joseph County, IN, on the one hand, and, on the other, points in the U.S.

MC 105940 (Sub-12) (republication), filed February 9, 1981, previously noticed in the FR issue of March 12, 1981. Applicant: SAFEWAY TRUCKING CORPORATION, Bldg. 221, Elizabeth Port Authority Marine Terminal, McLester St., Elizabeth, NJ 07201. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435-7140. Transporting *food and related products*, between points in McLennan county, TX, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correct the county in the territorial description.

MC 112210 (Sub-5), filed March 20, 1981. Applicant: ROBERT G. OWEN TRUCKING, INC., 49 Ohio St., Navarre, OH 44663. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017 (614) 889-2531. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Mt. Eaton Packaging Co., of Mt. Eaton, OH, Ohio Packaging Corp., of Massillon, OH, and Massillon Container Co., of Navarre, OH.

MC 120430 (Sub-13), filed March 26, 1981. Applicant: COASTAL TRANSPORT CO., INC., 5714 Star Lane, Houston, TX 77057. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741-6263. Transporting *commodities in bulk*, between points in AR, LA, NM, OK, and TX.

MC 123880 (Sub-2), filed March 24, 1981. Applicant: BROWN GOBBLE, d.b.a. GOBBLE TRUCKING COMPANY, 706 High St., Lawrenceburg, TN 38464. Representative: B. E. Bryant, 336 Pulaski St., Lawrenceburg, TN 38464, (615) 762-2242. Transporting *building materials*, between points in GA, AL, and MS, on the one hand, and, on the other, points in TN and KY.

MC 134940 (Sub-8), filed March 26, 1981. Applicant: VERNON KUFAHL, d.b.a. KUFAHL TRUCKING, 4704 N. 32nd Ave., Wausau, WI 54401. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *such commodities* as are dealt in or used by manufacturers, converters, printers and distributors of paper and paper products, between points in the U.S., under continuing contract(s) with Rhinelander Paper Company, Inc., of Rhinelander, WI.

MC 138181 (Sub-11), filed March 24, 1981. Applicant: TRANSPORT EXPRESS, INC., P.O. Box 663, Dodge City, KS 67801. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *coal and coal products, and petroleum, natural gas and their products*, (1) between points in Grant County, KS, and those points in CO on and south of Interstate Hwy 70 and on and east of Interstate Hwy 25, including Pueblo, CO, and (2) between points in Otero and Arapahoe Counties, CO, and those points in KS on and west of U.S. Hwy 81.

MC 140330 (Sub-5), filed March 19, 1981. Applicant: DEPENDABLE TANK LINES, INC. d.b.a. DEPENDABLE TRUCK LINES, Route 1, Box 94, Red Level, AL 36474. Representative: Robert

E. Tate, P.O. Box 517, Evergreen, AL 36401, (205) 578-2836. Transporting *commodities* in bulk, between points in GA and TX.

MC 142291 (Sub-6), filed March 23, 1981. Applicant: MDI, INC., 6202 Concord Blvd., East, Inver Grove Hts., MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *hazardous materials*, between points in MN, IA, ND, SD, and WI, on the one hand, and, on the other, points in the U.S. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 143050 (Sub-1), filed March 13, 1981. Applicant: HCL TRANSPORT, INC., 4501 Curtis Ave., Baltimore, MD 21226. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910, (301) 587-8656. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, on the one hand, and, on the other, points in DE, MD, NJ, PA, VA, and DC.

MC 144910 (Sub-20), filed March 23, 1981. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005, (202) 290-3555. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with the Floridin Company, a subsidiary of Pennsylvania Sand of Pittsburgh, PA.

MC 145930 (Sub-9), filed February 9, 1981. Applicant: WILLIAM E. MOROG, d.b.a. JONICK & CO., 2815 E. Liberty Ave., Vermillion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603, (419) 255-8220. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VA, WV, and WI.

MC 146180 (Sub-7), filed March 19, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459-A, Kings Mountain, NC 28086. Representative: Eric Meierhofer, Suite 423, 1511 K St. NW., Washington, DC 20005, (202) 347-9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Springs Mills, Inc., of Lancaster, SC, and Lawtex Industries, Inc., of Dalton, GA.

MC 149100 (Sub-8), filed March 27, 1981. Applicant: JIM PALMER TRUCKING, INC., 9730 Derby Dr., Missoula, MT 59801. Representative:

John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892-6700. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Plum Creek Lumber Company of Pablo, MT.

MC 149531 (Sub-1), filed March 13, 1981. Applicant: SULLI-VAN LINES, INC., 43 Cortland Ave., Highland Park, MI 48203. Representative: Lillian M. Ryan (same address as applicant), (313) 868-1870. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Indiana Glass Company, of Dunkirk, IN.

MC 150050 (Sub-1), filed March 24, 1981. Applicant: FLEET ROAD SERVICE, INC., 558 W. 20th Place, Chicago, IL 60616. Representative: Gilbert J. Green, 5957 South Rutherford Ave., Chicago, IL 60638, (312) 254-4500. Transporting *general commodities* (except classes A and B explosives), between points in Cook County, IL, on the one hand, and, on the other, points in IL, IN, MI, OH, and WI.

MC 150080 (Sub-6), filed March 18, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *food and related products*, between points in Allegheny County, PA, on the one hand, and, on the other, points in AL, FL, GA, KY, NC, SC, TN, TX, and VA.

MC 150221 (Sub-9), filed March 24, 1981. Applicant: CENTRAL SOUTHERN, INC., P.O. Box 375, Drayton, SC 29333. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244-9314. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Spartan Mills, of Spartanburg, SC.

MC 150370, filed February 10, 1981. Applicant: BILL THAIS TRUCKING, P.O. Box 3597, Milan, NM 87021. Representative: Keith Brooks, Box 907, Bernalillo, NM 87004, (505) 867-5088. Transporting *coal* between points in the U.S., under continuing contract(s) with Arroyo Mining Inc., of Bernalillo, NM.

MC 151270, filed March 25, 1981. Applicant: BATESVILLE CASKET COMPANY, INC., Highway 46, Batesville, IN 47006. Representative: John P. Fonte, 1333 New Hampshire Ave. NW., Suite 400, Washington, DC 20036, (202) 887-4090. Transporting *general commodities* (except classes A and B explosives), between points in AZ, AR, CA, IL, IN, IA, KS, KY, MO, NM, OH, OK, OR, TN, TX, and WA.

MC 151641 (Sub-2), filed March 19, 1981. Applicant: WILLIAM E. JOHNSON, d.b.a. WILLIAM E. JOHNSON TRUCKING CO., 11211 Sherman Ave., Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245 (214) 358-3341. Transporting *food and related products*, between (1) points in Oklahoma County, OK, on the one hand, and, on the other, points in Dallas County, TX, and (2) points in Seward County, KS, on the one hand, and, on the other, points in TX and OK.

MC 152621 (Sub-4), filed March 19, 1981. Applicant: RUSH TRANSPORT, INC., 172 Chestnut St., Springfield, MA 01105. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *food and related products*, between points in the U.S. Condition: the person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 C.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 152901 (Sub-1), filed March 27, 1981. Applicant: BURNS-PORTLAND EXPRESS, INC., P.O. Box 906, 698 S. Date St., Burns, OR 97220. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224-5525. *Over regular routes*, transporting *general commodities* (except classes A and B explosives), between Portland and Burns, OR, from Portland over U.S. Hwy 26 to junction U.S. Hwy 97, then over U.S. Hwy 97 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Burns, and return over the same route, serving all intermediate points.

Note.—Applicant intends to tack this authority to its existing authority.

MC 153771 (Sub-1), filed March 24, 1981. Applicant: GATTI EXCAVATING COMPANY, INC., 3570 N. 25th St., Terre Haute, IN 47805. Representative: David Konnersman, 5101 Madison Ave., Indianapolis, IN 46227, (317) 783-9261. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Amap Coal Company Division of Indianapolis, IN.

MC 153801 (Sub-1), filed March 27, 1981. Applicant: FOUR WINDS TRUCKING, INC., 10910 East Clark, Wichita, KS 67207. Representative: Clyde N. Christey, KS Credit Union

Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *such commodities* as are dealt in by retail mail order houses, between points in Adams County, CO, Tarrant County, TX, and Polk County, IA, on the one hand, and, on the other, points in KS.

MC 154900, filed March 23, 1981. Applicant: FULTON HAULING CORP., 943 Illinois Ave., Pittsburgh, PA 15221. Representative: Arthur J. Diskin, 806 Frick Bldg. Pittsburgh, PA 15219, (412) 281-9494. Transporting *metal products, and lumber and wood products*, between points in Allegheny County, PA, on the one hand, and, on the other, points in PA, OH, WV, MD, VA, and NJ.

MC 154901, filed March 23, 1981. Applicant: PARK RIDGE TRANSPORT, INC., 3710 South California Ave., Chicago, IL 60632. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036, (202) 296-5926. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Industrial Shippers Association, Inc., of Chicago, IL.

MC 154980, filed March 27, 1981. Applicant: LOYD DEWAIN TROTTER AND PEGGY MARIE TROTTER, d.b.a. TROTTER MOBILE HOME MOVERS, Box 851, Guymon, OK 73942. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. Transporting *mobile homes*, between points in Beaver, Cimarron, Harper, Texas and Woodward Counties, OK, on the one hand, and, on the other, points in Baca County, CO Stevens, Seward, Meade, Ford and Finney Counties, KS, Union and Harding Counties, NM, and Dallam, Sherman, Hansford, Ochiltree, Moore, Potter, and Randall Counties, TX.

MC 155001, filed March 30, 1981. Applicant: BILL'S MOVING & STORAGE, INC., 2640 Blackhawk Rd., Rock Island, IL 61201. Representative: Robert J. Gallagher, 100 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 463-6044. Transporting *household goods*, as defined by the Commission, (1) between points in IA, IL, WI, IN and MO, and (2) between points in IA, IL, WI, IN, and MO, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, VA, WV, NC, SC, GA, FL, AL, MS, TN, KY, OH, IN, MI, IL, WI, MN, ND, SD, IA, MO, NE, KS, OK, AR, LA, TX, and CO.

#### Volume No. OP1-104

Decided: April 2, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 200 (Sub-589), filed March 23, 1981. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 100, 215 W. Pershing Rd., Kansas City, MO 64141. Representative: H. Lynn Davis (same address as applicant), (816) 471-3400 (Ext. 291). Transporting *pulp, paper and related products*, between Los Angeles, CA., and points in Coconino County, AZ, Orange County, CA, Mayes County, OK, and Columbia County, OR, on the one hand, and, on the other, points in the U.S.

MC 2960 (Sub-45), filed March 24, 1981. Applicant: ENGLAND TRANSPORTATION CO. OF TX., INC., 2301 McKinney, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358-8351. Transporting *petroleum products, natural gas and their related products*, between points in Greg County, TX, on the one hand, and, on the other, points in TX.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

MC 28060 (Sub-63), filed March 23, 1981. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, P.O. Box 944, Sioux Falls, SD 57101. Representative: Jeffrey W. Kohlman, Fifth Floor, Lenox Towers S, 3390 Peachtree Rd., N.E., Atlanta, GA 30226, (404) 262-7855. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O'Lakes, Spencer Beef Division, of Schuyler, NY.

MC 29960 (Sub-9), filed March 24, 1981. Applicant: GRESHAM TRANSFER, INC., 12008 NE Inverness Dr., Portland, OR 97220. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 228-6491. Transporting *hazardous waste materials*, between points in CA, ID, MT, NV, OR, UT and WA. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 35980 (Sub-7), filed March 26, 1981. Applicant: M-B TRANSPORT, INC., 1941 Land Rd., Jamison, PA 18929. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting *commodities* in bulk, between (1) Baltimore, MD, on the one hand, and, on the other, points in DE, NJ, and PA, (2) points in Middlesex County, NJ, on the one hand, and, on the other, points in PA, and (3) points in Carbon, Luzerne, Northumberland and Schuylkill Counties, PA, on the one hand, and, on

the other, points in DE, MA, MD, NJ, NY, PA, VA, and DC.

MC 59340 (Sub-3), filed March 26, 1981. Applicant: ALAN MOTOR LINES, INC., U.S. RT. #1 & Lawrence St., Rahway, NJ 07065. Representative: David Tinker, 1000 Connecticut Ave., N.W., Suite 1112, Washington, DC 20036, (202) 887-5868. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MD, NJ, NY, and PA.

MC 67071 (Sub-1), filed March 20, 1981. Applicant: VIOLA M. MERRITT, d.b.a. E. C. MERRITT, EXPRESS CO., 1048 Southbridge St., Worcester, MA 01610. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *general commodities* (except classes A and B explosives), between points in Worcester County, MA, on the one hand, and, on the other, points in CT, ME, MA, NH, RI and VT.

MC 75840 (Sub-159), filed March 26, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: Raymond Hamilton, Malone Freight Lines, Inc., 3400 Third Ave. South, Birmingham, AL 35222, (205) 323-6721. Transporting *chemicals and related products*, between points in Ascension Parish, LA, on the one hand, and, on the other, those points in the U.S., in and east of WI, IL, KY, TN, and MS.

MC 110380 (Sub-22), filed March 27, 1981. Applicant: BERSCHENS OF MADISON, INC., 120 West Verona Avenue, Verona, WI 53593. Representative: Rolfe E. Hanson, 121 West Doty St., Madison, WI 53703, (608) 256-0606. Transporting *general commodities* (except classes A and B explosives), between points in WI, on the one hand, and, on the other, points in ND, SD, KS, NB, MN, IA, MO, IL, KY, TN, MI, IN, OH, PA, WV and WI.

MC 111401 (Sub-615), filed March 24, 1981. Applicant: GROENDYKE TRANSPORT, INC. P.O. Box 632, 2510 Rock Island Blvd., Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant), (405) 234-4663. Transporting *food and related products*, between points in OK and TX, on the one hand, and, on the other, points in TX.

MC 115491 (Sub-144), filed March 26, 1981. Applicant: COMMERCIAL CARRIER CORPORATION, P.O. Drawer 67, Auburndale, FL 33823. Representative: Tony G. Russell, (same address as applicant), (813) 967-1101. Transporting *pulp, paper and related products*, between points in Sumter

County, FL, on the one hand, and, on the other, points in FL.

MC 115831 (Sub-18), filed March 27, 1981. Applicant: TIDEWATER TRANSIT CO., INC., P.O. Box 189, Kinston, NC 28501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828-0731. Transporting *petroleum and petroleum products*, between points in NC, SC, and VA. Condition: The certificate to be issued here shall be limited in point of time to a period expiring 5 years from the date of issuance.

MC 125951 (Sub-72), filed March 27, 1981. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Rd., Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino, (same address as applicant), (402) 393-5005. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK, Briggs and Co., of Landover, MD, and Fischer Packing Company, of Louisville, KY.

MC 135170 (Sub-59), filed March 24, 1981. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Jos. Schlitz Brewing Company, of Milwaukee, WI.

MC 135410 (Sub-123), filed March 23, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North 6th Street Road, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068, (312) 692-3020. Transporting *metal products*, between points in Butler County, PA, on the one hand, and, on the other, points in IL, IN, LA, MI, MS, OH, TX, and WI.

MC 144630 (Sub-55), filed March 21, 1981. Applicant: STOOPS EXPRESS, INC., 2239 Malubu Court, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *such commodities* as are dealt in by grocery stores and food business houses, between points in the U.S.

MC 144740 (Sub-34), filed March 27, 1981. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daugherty (same address as applicant), (919) 652-2611. Transporting *food and related products*, between points in the U.S., under

continuing contract(s) with Lender's Bagel Bakery, Inc., of West Haven, CT.

MC 145301 (Sub-12), filed March 5, 1981, and previously noticed in Federal Register issue of March 27, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Bldg. No. 431—Raritan, Edison, NJ 08817. Representative: Brian S. Stern, North Springfield Profes., Center II, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting *chemicals and related products, petroleum, natural gas and their products, and rubber and plastic products*, between points in Madison, Will, and Cook Counties, IL, Lake County, IN, and Galveston and Brazoria Counties, TX, on the one hand, and, on the other, points in the U.S.

Note.—This republication clarifies the commodity description.

MC 146820 (Sub-14), filed March 25, 1981. Applicant: B & G TRUCKING, INC., 579 High St., P.O. Box 581, Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Liquid Container Corporation of West Chicago, IL.

MC 147681 (Sub-21), filed March 27, 1981. Applicant: HOYA EXPRESS, INC., Rt. 18, West Middlesex, PA 16159. Representative: Michael P. Pitterich, P.O. Box 543, West Middlesex, PA 16159, (412) 528-1200. Transporting *pulp, paper and related products*, between points, in NJ, MA, CT, NY, PA, OH, VA, KY, IN, IL, MI, NC, and SC.

MC 148951 (Sub-2), filed March 23, 1981. Applicant: YANKEE TRANSPORT, INC., R.F.D. #2, New Road, Goffstown, NH 03045. Representative: Elliott Bunce, Suite 1301, 1600 Willson Blvd., Arlington, VA 22209. Transporting (1) *such commodities* as are dealt in by grocery stores, food business houses, department stores and food stores, between points in the U.S., under continuing contract(s) with Wetterau Food Services, Inc., of Portland, ME, (2) *Textile mill products*, between points in the U.S., under continuing contract(s) with Pellon Corporation, of Chelmsford, MA, and (3) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with SCM Corporation, of Cleveland, OH.

MC 149100 (Sub-9), filed March 27, 1981. Applicant: JIM PALMER TRUCKING, INC., 9730 Derby Dr., Missoula, MT 59801. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202, (303) 892-6700.

Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Emmer Bros., of Minneapolis, MN.

MC 150200 (Sub-3), filed March 23, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Hwy., Room 100, Atlanta, GA 30318. Representative: Bruce E. Mitchell, Fifth floor, Lenox Towers South, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 262-7855. Transporting *general commodities* (except classes A and B explosives), between points in the Chesterfield County, SC, on the one hand, and, on the other, points, OK, TX, AR, LA, MS, TN, KY, AL, GA, FL, SC, NC, VA, WV, MD, DE, NJ, PA, NY, CT, RI, MA, NH, OH, and VT.

MC 152620 (Sub-3), filed March 20, 1981. Applicant: CUSTOMIZED TRANSPORTATION, INC., 999 North Main St., Glen Ellyn, IL 60137. Representative: Dennis J. Kupchik, 1105 N. Market St., 15th floor, Wilmington, DE 19801. Transporting *general commodities* (except classes A and B explosives), between the facilities of E. I. du Pont de Nemours and Company, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152950 (Sub-1), filed March 24, 1981. Applicant: CENTURY TRANSPORTATION CORPORATION, P.O. Box 207, Columbus, MS 39701. Representative: Lloyd R. Pate (same address as applicant), (601) 328-1771. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Universal Industries Corporation, of Columbus, MS, Par Industries Corporation, of Medina, OH, Reed Mfg. Co., of Tupelo, MS, Sackner Products, Inc., of Grand Rapids, MI, Hardin Bakeries Corporation and Peavey Electronics, of Meridian, MS, and Blazon Flexible Flyers, Inc., and Midwest Packaging Materials, Co., of West Point, MS.

MC 154880, filed March 23, 1981. Applicant: MOUNTAIN PACIFIC TRANSPORT, INC., P.O. Box 516, Pleasant Grove, UT 84062. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531-1300. Transporting *metal products* between points in WA, OR, CA, NV, UT, ID, MT, CO, WY, AZ, and NM.

MC 155000, filed March 27, 1981. Applicant: EDITH C. PURDY, d.b.a. TRAVEL TIME OF SALISBURY, 1529 W. Innes St., Salisbury, NC 28144. Representative: Edith C. Purdy (same address as applicant), (704) 637-2024. As a broker at Salisbury, NC, in arranging for the transportation of *passengers and*

their baggage in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Rowan County, NC, and extending to points in the U.S.

#### Volume No. OPY-2028

Decided: March 8, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 52473 (Sub-16), filed March 18, 1981. Applicant: BEHNKE, INC., 77 South Monroe St., Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517-489-5724. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with R. W. Snyder Company, Inc., of Battle Creek, MI.

MC 59223 (Sub-12), filed March 9, 1981. Applicant: NEW DEAL DELIVERY SERVICE, INC., 206 West 37th St., New York, NY 10018. Representative: Kenneth M. Piken, 95-25 Queens Blvd., Rego Park, NY 11374, (212) 275-1000. Transporting *such commodities* as are dealt in by department stores, between points in Middlesex and Camden Counties, NJ, on the one hand, and, on the other, points in Middlesex, Camden, Essex, Monmouth, Morris, Bergen, Union, Mercer, Passaic, Gloucester, and Ocean Counties, NJ, Delaware, Bucks, Lehigh, and Montgomery Counties, PA, New Castle County, DE, and Baltimore County, Md.

MC 107002 (Sub-586), filed March 13, 1981. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting *commodities in bulk*, between points in the U.S.

MC 107012 (Sub-670), filed March 12, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *furniture, fixtures, and furnishings*, between St. Louis, MO, Los Angeles, CA, and points in St. Louis and Cape Girardeau Counties, MO, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-674), filed March 17, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of restaurant and bar equipment and furnishings, between

points in Wyandotte County, KS, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IA, KY, LA, MN, MT, NV, NM, ND, OK, OR, SD, TX, UT, VA, WA, and WY.

MC 107012 (Sub-676), filed March 17, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. HIGHWAY 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219-429-2110. Transporting: *metal products*, between points in Cambria County, PA, on the one hand, and, on the other, points in the U.S.

MC 119583 (Sub-9), filed March 20, 1981. Applicant: L. E. BOLING, INC., 719 Commercial St., Kewanee, IL 61443. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, 312-236-9375. Transporting *machinery*, between points in Henry County, IL, on the one hand, and, on the other, points in the U.S.

MC 125352 (Sub-5), filed March 16, 1981. Applicant: JAN TRANSPORT, INC., 16 Central Ave., Tenafly, NJ 07670. Representative: Donald E. Cross, 700 World Center Bldg., 918-16th St., N.W., Washington, D.C. 20006. Transporting *general commodities* (classes A and B explosives), serving points in CT as off-route points in connection with applicant's existing regular route authority.

MC 125433 (Sub-466), filed March 23, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant), 801-973-4242. Transporting *ores and minerals*, between points in Utah County, UT on the one hand, and, on the other, points in OK, AR, and TX.

MC 126822 (Sub-116), filed March 16, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (same address as applicant), (913) 782-6080. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of water treatment, transmission, and filtration products, between points in Upshur County, WV, Coshocton and Tuscarawas Counties, OH, Manaska County, IA, Boone County, MO, Jefferson and Talladega Counties, AL, and Boone County, KY, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 136123 (Sub-20), filed March 9, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant), (813) 722-

0506. Transporting *mist eliminators, asbestos, cooling tower media, and rubber and plastic products*, between the facilities of The Munters Corporation at points in Lee County, FL, on the one hand, and, on the other, points in the U.S.

MC 136123 (Sub-23), filed March 19, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same address as applicant), (813) 722-0506. Transporting *printed matter*, between the facilities of Modern Graphic Arts, between the facilities of Modern Graphic Arts, Inc., at points in Pinellas County, FL, on the one hand, and, on the other, points in the U.S.

MC 139743 (Sub-8), filed March 17, 1981. Applicant: GEORGIA CARPET EXPRESS, INC., P.O. Box 1680, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202/2200 Century Parkway, Atlanta, GA 30345, 404-321-1765. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of floor coverings, between points in Bartow, Catoosa, Gordon, Murray, and Whitfield Counties, GA, on the one hand, and, on the other, points in AZ and CA.

MC 141523 (Sub-6), filed March 16, 1981. Applicant: C. R. KIDD PRODUCE, INC., P.O. Box 364, Springdale, AR 72764. Representative: Connie R. Kidd (same address as applicant), 501-751-9209. Transporting *such commodities as are dealt in or used by discount and variety stores*, between the facilities of Wal-Mart Store, Inc., and its affiliates, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142352 (Sub-8F), filed March 16, 1981. Applicant: HAUSMAN TRUCKING, INC., 607 D Ave., Vinton, IA 52349. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL, (312) 692.2030. Transporting *food and related products* (A) between points in Linn County, IA, on the one hand, and, on the other, points in IL, IN, KS, LA, MI, MN, MS, NE, OH, OK, TX and WI, and (B) between points in Warren County, IL, Cass County, IN, Cherokee and Polk Counties, IA, Freeborn County, MN, Saline County, MO and Omaha, NE, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, OH, OK, TN, TX and WI.

MC 142443 (Sub-5), filed March 16, 1981. Applicant: HOLSTON BROTHERS, INC., 13711 Travilah Rd., Rockville, MD 20850. Representative: Barry Roberts, 888 17th St., N.W., Washington, D.C. 20006. Transporting *such commodities*

as are dealt in by manufacturers and distributors of landscape, garden and building supplies, between points in MD, VA, WV, DE, FL, PA, NJ, NY, CT, SC, NC, GA, VT, and DC.

MC 142603 (Sub-43), filed March 23, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Susan E. Mitchell (same address as applicant), (413) 732-6283. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Judd Paper Company, of Holyoke, MA.

MC 142672 (Sub-165), filed March 17, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, 501-521-8121. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 144842 (Sub-12), filed March 18, 1981. Applicant: RIGGINS TRUCKING, INC., 1004 West Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St. N.W., Washington, D.C. 20005. 202-347-4332. Transporting *such commodities* as are dealt in or used in the manufacture, distribution, and installation of floor tiles, between points in IL, NJ, and NY, on the one hand, and, on the other, points in the U.S.

MC 146723 (Sub-2), filed March 9, 1981. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Main St., Bountiful, UT 84010. Representative: Harry D. Pugsley, 940 Donner Way #370, Salt Lake City, UT 84108, (801) 581-0322. Transporting *rubber and plastic products* between Waco, TX, and points in CA, on the one hand, and, on the other, points in ID and UT.

MC 150783 (Sub-15), filed March 18, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant). Transporting (1) *toilet preparations* and (2) *such commodities* as are dealt in, or by retail chain stores, between points in Detroit, MI, on the one hand, and, on the other, points in the U.S.

MC 151923, filed March 16, 1981. Applicant: FELDSTEIN REFRIGERATED SERVICE, P.O. Box 1133, Indio, CA 92202. Representative: Jerry Feldstein (same address as applicant). Transporting *food and related products*, between points in the U.S., under

continuing contract(s) with Castle and Cooke Foods, of San Francisco, CA.

MC 152082 (Sub-2), filed March 16, 1981. Applicant: R. C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Reliance Comm. Tech., of Franklin Park, IL.

MC 153013 (Sub-1), filed March 16, 1981. Applicant: RONNEY L. ROGERS, d.b.a. R. L. ROGERS TRUCKING, Rt 1 B 1724, Clatskanie, OR 97016. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *farm products*, between Long Beach, CA and points in Ventura County, CA, on the one hand, and, on the other, points in King County, WA.

MC 153633 (Sub-3), filed March 12, 1981. Applicant: FREIGHT ASSEMBLY DISTRIBUTION INC., 740 24th St., Detroit, MI 48216. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941-5313. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Tandy Corporation, of Fort Worth, TX.

MC 153723 (Sub-1), filed March 16, 1981. Applicant: A & M ENTERPRISES, INC., P.O. Box 884, Springdale, AR 72764. Representative: Don Garrison, Esq., P.O. Box 1065, Fayetteville, AR 72701. Transporting *food and related products*, between points in Washington County, AR, on the one hand, and, on the other, points in the U.S.

MC 153803 (Sub-2), filed March 25, 1981. Applicant: HELEN B. MIRR, d.b.a. RAY F. MIRR TRUCKING, 202 North Fulton St., Princeton, WI 54968. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of tanks, between points in the U.S., under continuing contract(s) with McDowell Tanks, Inc., of Princeton, WI.

MC 153863 (Sub-1), filed March 12, 1981. Applicant: MORONI COAL AND BUILDING SUPPLIES, INC., P.O. Box 386, Moroni, UT 84646. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *dry bulk commodities*, between points in UT, CO, WY, AZ, NM, and NV.

MC 153883 (Sub-1), filed March 11, 1981. Applicant: HARNIC TRUCKING, INC., 3340 Calumet Ave., Hammond, IN 46320. Representative: Philip A. Lee, 120

W. Madison St., Suite 618, Chicago, IL 60602, (312) 236-8225. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with General Mills, Inc., of Chicago, IL.

MC 153963 (Sub-1), filed March 23, 1981. Applicant: MID-STATES MOTOR TRANSIT, INC., P.O. Box 4231, Wichita, KS 67204. Representative: Tom B. Kretsinger, P.O. Box 258, 20 East Franklin, Liberty, MO 64068, (816) 781-6000. Transporting *clay, concrete, glass or stone products and pulp, paper and related products*, between the facilities of Safelite, Division of Lear Siegler, and its affiliates, at points in the U.S., on the one hand, and on the other, points in the U.S.

MC 154502 (Sub-1), filed March 3, 1981. Applicant: MELVIN CHADWICK, d.b.a. MEL CHADWICK TRUCKING, 411 North 22nd St., Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502, (701) 258-8550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Johnson Brothers Corporation, of Beulah, ND, (b) FormAll, of Bismarck, ND, (c) Apollo Piping Supply, Inc., of Mandan, ND, (d) Markey Bros. Co., of Walled Lake, MI, (e) Moorhead Machinery & Boiler Co., of Mandan, ND, (f) Associated Pool Builders, Inc., of Bismarck, ND, (g) Dakota Welding & Supply Co., Inc., d/b/a Tri-State Supply Co., of Bismarck, ND, and (h) Keenan supply, of Mandan, ND.

MC 154582, filed March 6, 1981. Applicant: RIGGS, INC., P.O. Box 9567, Memphis, TN 38109. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Container Corporation of America, of Fort Worth, TX.

MC 154643 (Sub-1), filed March 10, 1981. Applicant: KLINK TRUCKING INC., R. R. #1, Pleasant Lake, IN 46779. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802, (219) 423-3595. Transporting *coal and coal products*, between points in the U.S., under continuing contract(s) with Alabama By-Products Corp., of Birmingham, AL.

MC 154722, filed March 16, 1981. Applicant: SIEGEL TRANSFER, INC., 8216 Bletzer Rd., Baltimore, MD 21222. Representative: Marshall Krage. 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006. Transporting *general commodities* (except classes A

and B explosives), between points in the U.S., under continuing contract(s) with Worthington Steel Company, of Baltimore, MD.

MC 154762 (Sub-1), filed March 13, 1981. Applicant: M.C.H. TRUCKING CORP., 494 Howe St., Prattsburg, NY 14873. Representative: Kenneth M. Piken, Queens Office Tower, 95-25 Queens Boulevard, Rego Park, NY 11374, (212) 275-1000. Transporting *Dairy products and such commodities* as are dealt in by dairies, between points in the U.S., under continuing contract(s) with Kellogg Company, of Battle Creek, MI, and Elmhurst Milk & Cream Co., Inc., Worcester Creameries Corp., and Honeywell Farms, Inc., of Jamaica, NY.

MC 154862, filed March 23, 1981. Applicant: COMTRAK, INC., 588 South Central Expressway, Richardson, TX 75080. Representative: James W. Hightower, Suite 301, First Continental Bank Bldg., 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339-4108. Transporting *general commodities* (except classes A and B explosives), between (1) points in Guilford and Catawba Counties, NC, on the one hand, and, on the other, points in NC and VA, (2) Memphis, TN, on the one hand, and, on the other, points in AL, AR, KY, MS, and TN, and (3) points in TX, on the one hand, and, on the other, points in TX.

MC 154903, filed March 19, 1981. Applicant: ROBELLE'S TOURS, 1516 Brent Dr., Knoxville, TN 37923. Representative: Robert H. Whitaker (same address as applicant) (615) 693-7135. As a *broker*, at Knoxville, TN, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, between points in the U.S.

#### Volume No. OPY-2030

Decided: March 30, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 682 (Sub-25), filed March 13, 1981. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036, (202) 887-5868. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Flexsteel Industries, Inc., of Dubuque, IA.

MC 16513 (Sub-24), filed March 25, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Avenue, Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, (703) 750-1112. Transporting *general*

*commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with James River Corporation of Virginia, and its subsidiary companies, of Richmond, VA.

MC 39973 (Sub-4), filed March 23, 1981. Applicant: STANDARD TRUCKING COMPANY, 225 East 16th Street, Charlotte, NC 28230. Representative: Harry J. Jordan, Suite 502, Solar Building, 1000 16th Street, N.W., Washington, DC 20036, (202) 783-8131. Transporting *general commodities*, (except classes A and B explosives), between points in NC, SC, GA, FL, and TN.

MC 82063 (Sub-123), filed March 13, 1981. Applicant: KLIPSCH HAULING CO., 10795 Watson Rd., Sunset Hills, MO 63127. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001, (202) 628-9243. Transporting *commodities in bulk*, between St. Louis, MO, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-673), filed March 16, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Can Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-680), filed March 19, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *parts, materials, and supplies* used in the manufacture of rubber and plastic products between points in Los Angeles County, CA and Cook County, IL, on the one hand, and on the other, points in the United States.

MC 107012 (Sub-681), filed March 20, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same address as applicant), (219) 429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of home and institutional fixtures, between point in Chesterfield County, SC, on the one hand, and on the other, points in AL, AR, CT, DE, FL, GA, KY, LA, MA, MD, ME, MS, NC, NH, NJ, NY, OK, PA, RI, TN, TX, VA, VT, WV, and the District of Columbia.

MC 107012 (Sub-681), filed March 20, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, (same address as applicant), (219) 429-2110. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of polyethylene hose, between points in Clinton County, IL, on the one hand, and on the other, points in AR, IA, IN, KS, KY, MI, MN, MO, ND, NE, OH, OK, SD, and WI.

MC 107403 (Sub-1346), filed March 23, 1981. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same address as applicant), (215) 259-9800. Transporting *building materials*, between New Orleans, LA on the one hand, and on the other, points in AL, FL, and TX.

MC 109462 (Sub-31), filed March 12, 1981. Applicant: LIGON TRANSPORT, INC., Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431, (502) 821-5784. Transporting (1) *contractors materials, equipment, and supplies*, (2) *self-propelled articles*, and (3) *Those commodities* which because of their size or weight require the use of special handling or equipment, between points in KS and MO, on the one hand, and on the other, points in AR, CO, IL, IA, KS, KY, MO, NE, OK, and TN.

MC 118202 (Sub-175), filed March 13, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *general commodities* (except classes A and B explosives), between the facilities of the Monsanto Company, at points in the U.S., on the one hand, and on the other, points in the U.S.

MC 129712 (Sub-42), filed March 13, 1981. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Sunshine Biscuits, Inc., of New York, NY. Condition: Prior or coincidental cancellation, at carrier's written request, of its authority under MC-129712 Sub 12, issued May 15, 1978.

MC 136123 (Sub-22), filed March 19, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley

(same address as applicant), 813-722-0506. Transporting *pulp, paper and related products*, between the facilities of Bowater Caroline Corporation, at points in York County, SC, on the one hand, and, on the other, points in FL, GA, OH, NY, NJ, WV, PA, MD, VA, NC, DE, and DC.

MC 136782 (Sub-31), filed March 24, 1981. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *food and related products*, between points in Will County, IL, on the one hand, and, on the other, points in OH.

MC 141153 (Sub-2), filed March 18, 1981. Applicant: CAPITAL MESSENGERS, INC., 11309 Frederick Ave., Beltsville, MD 20705. Representative: Nancy Pyeatt, 815 15th St., NW, Washington, DC 20005, (202) 347-4332. Transporting *instruments and photographic goods*, between points in the U.S., under continuing contract(s) with Eastman Kodak Company, of Rochester, NY.

MC 143032 (Sub-38), filed March 23, 1981. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, NM 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., 10 S. 5th Street, Minneapolis, MN 55402, (612) 340-0808. Transporting *general commodities* (except classes A and B explosives), between the facilities of ABEX Corporation, on the one hand, and, on the other, points in the U.S.

MC 144842 (Sub-13), filed March 25, 1981. Applicant: RIGGINS TRUCKING, INC., 1004 W. Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St., N.W., Washington, DC 20005 (202) 347-4332. Transporting *food and related articles*, between points in Carroll County, IL, on the one hand, and, on the other, points in the U.S.

MC 144982 (Sub-15), filed March 20, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *food and related products, and rubber and plastic products*, between points in the U.S.

MC 145042 (Sub-10), filed March 20, 1981. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Avenue, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 489-5724. Transporting *such commodities as*

are dealt in or used by manufacturers and distributors of bakery goods and products, between points in IL, IN, MN, NY, OH, and WI, on the one hand, and, on the other, points in Kent, Ottawa, and Wexford Counties, MI.

MC 145842 (Sub-23), filed March 23, 1981. Applicant: SUNDERMAN TRANSFER, INC., P.O. Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, IA 52001, (319) 557-1320. Transporting *building materials*, between Sioux City, IA, and Sioux Falls, SD, on the one hand, and, on the other, points in CA, CO, IL, IN, LA, MD, MI, MN, MS, MO, MT, NE, NJ, NY, NC, OH, OR, PA, TN, TX, WA, and WI.

MC 147062 (Sub-13), filed March 19, 1981. Applicant: EXPRESS TRANSPORTATION COMPANY, P.O. Box 789, Chattanooga, TN 37401. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301. Transporting *general commodities* (except Classes A & B explosives), between points in the U.S., under continuing contract(s) with Action Shippers Association, of Chattanooga, TN.

MC 147712 (Sub-16), filed March 23, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant). Transporting *general commodities* between points in the U.S., under continuing contract(s) with Superior Plastics, Inc., of Highland Park, IL. Condition: To the extent that this authority authorizes transportation of classes A and B explosives, it shall be limited in term to a period expiring 5 years from its date of issuance.

MC 148423 (Sub-13), (correction), filed February 10, 1981, published in the *Federal Register*, issued March 16, 1981, and republished, as corrected, this issue. Applicant: AVANT TRUCKING CO., INC., P.O. Box 218, Gray, GA 31032. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345, (404) 321-1765. Transporting *fertilizer and fertilizer materials*, including agricultural limestone and other soil conditioners, between points in GA, FL, AL, SC, and TN. The purpose of this republication is to correct the commodity description.

MC 152082 (Sub-3), filed March 24, 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, (312) 263-1600. Transporting *printed matter*, between points in the U.S., under continuing

contract(s) with Newsweek, Inc., of New York, NY.

MC 153742 (Sub-2), filed March 19, 1981. Applicant: ATLANTIC INTERMOUNTAIN EXPRESS, INC., 3000 E. Hedley St., Philadelphia, PA 19137. Representative: Ira G. Megdal, 499 Cooper Landing Rd., Cherry Hill, NJ 08002. Transporting *such commodities as is dealt in by chain grocery and food business houses*, between points in ME, VT, NH, OH, VA, NC, SC, GA, RI, MD, MA, CT, DE, NY, DC, PA, and NJ.

MC 154442 (Sub-1), filed March 20, 1981. Applicant: K AND W COMPANY, 3414 Willow Park, Stillwater, OK 74074. Representative: Michael H. Lennox, 8903 North Western Ave., Oklahoma City, OK 73114, (405) 840-9805. Transporting *farm implements and farm machinery*, between points in the U.S., under continuing contract(s) with Longs, Inc., of Garber, OK.

MC 154702 (Sub-1), filed March 23, 1981. Applicant: BLUE BELL POTATO CHIP CO., 100 NE Farragut, Portland, OR 97211. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting *food and related products*, between Spokane, WA, on the one hand, and, on the other, points in Multnomah, Washington, Clackamas, Yamhill, Marion and Polk Counties, OR, and points in Clark County, WA.

MC 154803, filed March 16, 1981. Applicant: SHELLY SWIFT, d.b.a. R.K.D. FARMS, P.O. Box 1718, Ocala, FL 32678. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632-2300. Transporting *food and related products*, between points in FL and Morgan County, AL, Lowndes and Hall Counties, GA, and Calhoun County, SC, on the one hand, and, on the other, points in Hillsborough County, FL.

MC 154932, filed March 23, 1981. Applicant: GREEN HILLS TOURS, INC., P.O. Box 126, Laclede, MO 64651. Representative: Richard N. Brown, 116 North Main St., Brookfield, MO 64628. As a *broker*, at Laclede, MO, in arranging for the transportation of *passengers and their baggage* in special and charter operations, by motor vehicle, beginning and ending at points in Caldwell, Daviess, Grundy, Harrison, Linn, Livingston, Mercer, Putnam and Sullivan Counties, MO, and extending to points in the U.S. including Alaska and Hawaii.

MC 154933, filed March 25, 1981. Applicant: CLAYTON DRAKE, d.b.a. CLAYTON DRAKE TRUCKING, 112 36th Ave. Circle Drive South, Moorhead, MN 56560. Representative: David C. Britton, 1425 Cottonwood St., Grand

Forks, ND 58201, (701) 772-6681.

Transporting *such commodities* as are dealt in or used by manufacturers and distributors of grain, fertilizer, and feed, between points in KS, MN, MT, NE, ND, SD, OK, TX, and WI.

**Volume No. OPY-2032**

Decided: April 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 1222 (Sub-52), filed March 25, 1981. Applicant: THE REINHARDT TRANSFER COMPANY, 1410 Tenth St., Portsmouth, OH 45662. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602, (502) 223-8244. Transporting *such commodities* as are dealt in or used by chain grocery and food business houses, between Toledo, OH, on the one hand, and, on the other, points in IN, KY, and WV.

MC 8472 (Sub-10), filed March 25, 1981. Applicant: SOUTH END CARTAGE CORPORATION OF DELAWARE, INC., 4222 South Knox Ave., Chicago, IL 60632. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603, (312) 236-0546. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Greene Companies International, Inc., and its subsidiary companies, of Oak Brook, IL.

MC 107012 (Sub-672), filed March 16, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), (219) 429-2110. Transporting *furniture and furnishings*, between points in Dade County, FL, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-663), filed March 26, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant), (219) 429-2110. Transporting *furnishings* between points in Attala County, MS and Los Angeles County, CA, on the one hand, and, on the other, points in the U.S.

MC 107012 (Sub-664), filed March 27, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant) (219) 429-2110. Transporting *furniture and fixtures* between points in Washington County, OR, on the one hand, and, on the other, points in CA, ID, MN, ND, SD, WA, and WY.

MC 107012 (Sub-665), filed March 26, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). (219) 429-2110.

Transporting *such commodities* as are used in the manufacture of plastics products, between Sheboygan, WI, on the one hand, and, on the other, points in the U.S.

MC 117762 (Sub-3), filed March 26, 1981. Applicant: MIKE FALCONE JR., & SONS, INC., 9504 Ocala St., Silver Spring, MD 20901. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting *food and related products*, between points in MA, MD, NJ, SC, NY, PA, GA, DE, and VA.

MC 119552 (Sub-13), filed March 25, 1981. Applicant: J.T.L., INC., 49 Rosedale St., Providence, RI 02903. Representative: Robert L. Cope, 1730 M St. NW., Washington, DC 20036, (202) 296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 123272 (Sub-53), filed March 26, 1981. Applicant: FAST FREIGHT, INC., 9651 S. Ewing Avenue, Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Transporting *food and related articles*, between points in Cook County, IL, on the one hand, and, on the other, points in WI.

MC 125433 (Sub-465), filed March 16, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 So. Redwood Rd., Salt Lake City, UT 84104. Representative: Roger E. Crum (same address as applicant). Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plumbing fixtures, between points in Smith County, TX, on the one hand, and, on the other, points in the U.S.

MC 138902 (Sub-21), filed March 25, 1981. Applicant: ERB TRANSPORTATION CO., INC., P.O. Box 65, Crozet, VA 22932. Representative: Harry C. Ames, Jr., Suite 805, 666 Eleventh St. NW., Washington, DC 20001, (202) 628-9243. Transporting *food and related products*, (1) between points in Albemarle County, VA, on the one hand, and, on the other, points in AL, AR, FL, and MS, and (2) between points in Pope and White Counties, AR, Mecklenburg County, NC, Prince Georges County, MD, Rockingham County, VA, Gibson County, TN, Scott County, IA, Baltimore, MD, Chicago, IL, Kansas City, MO, and Richmond, VA,

on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, MD, MA, ME, MI, MN, MO, MS, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

**Volume No. OPY-3-029**

Decided: March 27, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams (Williams not participating).

MC 14215 (Sub-94), filed March 17, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *alloys and metal products*, between points in Marshall County, KY, and Niagara County, NY, on the one hand, and, on the other, points in the U.S.

MC 106074 (Sub-174), filed March 16, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 S., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *textile mill products*, between points in GA, NC, and SC on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 107295 (Sub-1025), filed March 16, 1981. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928-2141. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Ardan, Inc., of Des Moines, IA.

MC 107295 (Sub-1026), filed March 19, 1981. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928-2141. Transporting *general commodities* (except classes A and B explosives), between the facilities of Valmont Industries, Inc., and its subsidiaries and divisions, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1028), filed March 19, 1981. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928-2141. Transporting *pipe and tubing*, between points in Walworth County, WI, and Carroll County, GA, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1029), filed March 19, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309)-928-2241. Transporting *furniture and fixtures*, between points in Maricopa County, AZ, on the one hand, and, on the other, points in the U.S.

MC 109725 (Sub-16), filed March 19, 1981. Applicant: K. F. CROCKER TRANSPORTATION CO., INC., Jewell Hill Rd., Ashby, MA 01431. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781-8205. Transporting *food and related products*, between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochicking Counties, MN, to the international boundary line between the United States and Canada.

MC 114334 (Sub-92), filed March 16, 1981. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Road, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. Transporting *iron and steel articles*, between points in Ellis County, TX, on the one hand, and, on the other, points in GA, FL, SC, NC, TN, AL and MS.

MC 138875 (Sub-294), filed March 16, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208)-376-5757. Transporting *alcoholic beverages, malt liquors, wine and empty containers*, between points in CA, OR and WA, on the one hand, and, on the other, points in ID and UT.

MC 138875 (Sub-295), filed March 15, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208)-376-5757. Transporting *alcoholic beverages, malt liquors, wine and empty containers*, between points in FL, IN, KY, MI, NJ, NY, PA and TN, on the one hand, and, on the other, points in ID.

MC 138875 (Sub-296), filed March 16, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant). Transporting *general commodities* (except classes A and B explosives), between points in CA, on the one hand, and, on the other, points in ID.

MC 141094 (Sub-4), filed March 18, 1981. Applicant: ACME TRUCKING, INC., 175 West Popular St., Newark, OH 43055. Representative: Frank L. Calvary, 3066 North Star Rd., Columbus, OH 43221, (614)-459-4248. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Champion Company of Springfield, OH.

MC 142565 (Sub-7), filed March 19, 1981. Applicant: DON RAY DRIVE-A-WAY COMPANY, INC., 305 North 13th St., Decatur, IN 46733. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market St., Indianapolis, IN 46204, (317)-634-8313. Transporting *transportation equipment*, (1) between points in Adams County, IN, on the one hand, and, on the other, points in AK, AZ, CA, CT, DE, FL, GA, HI, ID, ME, MD, MA, MT, NV, NH, NJ, NM, NY, NC, OR, PA, RI, SC, UT, VT, VA, WA, WY and DC; and (2) between points in Jefferson County, KY, on the one hand, and, on the other, points in the U.S.

MC 142835 (Sub-15), filed March 20, 1981. Applicant: CARSON MOTOR LINES, INC., P.O. Box 337, Auburndale, FL 33823. Representative: A Charles Tell, 100 E Broad St., Columbus, OH 43215, (614)-228-1541. Transporting *general commodities* (except classes A and B explosives), between points in Polk County, FL, on the one hand, and, on the other, points in AL, GA and LA.

MC 143144 (Sub-2), filed March 13, 1981. Applicant: PACIFIC DUMP TRUCKS, INC., 1507 E. Illinois St., Bellingham, WA 98225. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. Transporting (1) *hides*, between points in the U.S., under continuing contract(s) with Friese Hide & Tallow Co., Inc., of Bellingham, WA; (2) *wine, malt beverages, soft drinks and mineral water products*, between points in the U.S., under continuing contract(s) with Bell Rainier, Inc., of Bellingham, WA; (3) *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Georgia Pacific Corp., of Bellingham, WA; and (4) *concrete products*, between points in the U.S., under continuing contract(s) with Builders Concrete, Inc., of Bellingham, WA.

MC 145054 (Sub-45), filed March 18, 1981. Applicant: COORS TRANSPORTATION COMPANY, 5101 York St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, (303) 861-4028. Transporting *general commodities* (except classes A

and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 145765 (Sub-10), filed March 16, 1981. Applicant: WIEST TRUCKLINE, INC., Rural Route 2, Jamestown, ND 58401. Representative: James B. Hovland, Suite M-20, 400 Marquette Ave., (612) 340-0808. Transporting *food and related products*, between points in the U.S.

MC 145944 (Sub-7), filed March 17, 1981. Applicant: H & N TRANSPORT, INC., P.O. Box 148, Cottage Grove, WI 53527. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI, (608) 273-1003. Transporting *fertilizer*, between points in the U.S., under continuing contract(s) with Lien Oil Company, Inc., of Janesville, WI.

MC 146465 (Sub-11), filed March 20, 1981. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 877, Cleveland, GA 30528. Representative: Robert E. Born, Suite 508, 1447 Peachtree St. N.E., Atlanta, GA 30309, (404) 892-8020. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in GA, on the one hand, and, on the other, points in the U.S.

MC 148075 (Sub-5), filed March 16, 1981. Applicant: CECIL E. KING, JR., d.b.a. CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014, (301) 986-9030. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Avtex Fibers, Inc., of Valley Forge, PA.

MC 148615 (Sub-3), filed March 15, 1981. Applicant: JACK F. HERMANN TRUCKING, INC., 3246 Virginia St., Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 N W 23rd Ave., Portland, OR 97210, (503)-226-3755. Transporting (1) *chemicals and related products*, and (2) *petroleum, natural gas and their products*, between Los Angeles, CA, on the one hand, and, on the other, Portland, OR, and Seattle, WA.

MC 151975 (Sub-4), filed March 16, 1981. Applicant: DIRECT DELIVERY, INC., 1239 Willingham Drive, East Point, GA 30344. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477-1525. Transporting *food and related products*, between points in Fulton County, GA, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, PA, SC, TN, KY, and VA.

MC 152134 (Sub-5), filed March 16, 1981. Applicant: BESTWAY

TRANSPORT CO., a corporation, Route 2, Willard, OH 44890. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215, (614) 224-2477. Transporting *food and related products*, between Albany and New York, NY, Philadelphia, PA, Wilmington, DE, Baltimore, MD, Charleston, SC, and points in Chester County, PA, on the one hand, and, on the other, points in IL, IN, KY, MI, OH, and PA.

MC 152274, filed March 20, 1981. Applicant: TOM P. DAVIS, Rt. 3 Box 202, Monett, MO 65708. Representative: Tom P. Davis (same address as applicant), (417) 235-3027. Transporting *sand and gravel*, between points in OK, MO, AR, and KS.

MC 152794 (Sub-1), filed March 16, 1981. Applicant: TYWAY, INC., d.b.a. O.N.C. FREIGHT SYSTEMS, BY ROBERT K. MORROW, TRUSTEE IN BANKRUPTCY, 1510 N.W. 133rd Ave., Portland, OR 97229. Representative: Robert K. Morrow (same address as applicant), (503) 646-5225. Transporting *general commodities* (except classes A and B explosives), between points in Clark County, WA, Multnomah, Washington, Clackamas, Marion, Linn, Lane, Douglas, Coos, Klamath, Jackson, and Josephine Counties, OR, and Del Norte and Humboldt Counties, CA.

MC 154735 (Sub-1), filed March 19, 1981. Applicant: JAKE'S CRANE & RIGGING, INC., 6109 S. Industrial Road, Las Vegas, NV 89118. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting *construction materials, machinery, pipe and Mercer Commodities*, between points in CA, NV, UT, and AZ.

MC 154785, filed March 17, 1981. Applicant: GLENN GIBSON, d.b.a. GIBSON TRUCKING, Route No. 4, Box 63, Upper Sandusky, OH 43351. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215, (614) 224-3161. Transporting *chemicals and related products*, between points in Marion County, OH, and Columbus, OH, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NJ, NH, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and WI.

MC 154794, filed March 11, 1981. Applicant: RAILHEAD EXPRESS, INC., 2400 Trott Avenue SW., Willman, MN 56201. Representative: Stanley C. Olsen, Jr., 5200 Wilson Road—Suite 307, Minneapolis, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives), between Anoka, Hennepin, Ramsey, Washington, Dakota, Scott, Carver and

Kandiyohi Counties, MN, on the one hand, and, on the other, points in MN.

FF 434 (Sub-6), filed February 9, 1981. Applicant: TRANSCONEX, INC., 3000 N.W. 74th Avenue, Miami, FL 33152. Representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20036. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, motor vehicles, commodities in bulk, commodities requiring special equipment, and those in vehicles equipped with mechanical refrigeration), from points in IL, IN, IA, KS, MI, MN, MO, NE, SD, and WI, to points in FL.

Note.—Issuance of a permit in this proceeding is conditioned upon prior or coincidental cancellation of FF-434 Sub 1, at applicant's written request.

#### Volume No. OP4-3-031

Decided: March 31, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams (Carleton not participating).

MC 15975 (Sub-48), filed March 24, 1981. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske (same address as applicant), (217) 324-2141. Transporting *general commodities* (except classes A and B explosives), between the facilities of Advance Pool Distribution Co., at Detroit, MI, on the one hand, and, on the other, points in the U.S.

MC 26825 (Sub-60), filed March 23, 1981. Applicant: ANDREWS VAN LINES, INC., P.O. Box 1609, Norfolk, NE 68701. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *such commodities as are dealt in or used by department stores*, between the facilities of Pamida, Inc., on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1027), filed March 19, 1981. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928-2141. Transporting *lighting equipment and fixtures*, between the facilities of National Service Industries, Inc., Lithonia Lighting Division, in Bleckley, Rockdale, and De Kalb Counties, GA, Montgomery County, IN, Erie County, OH, and Chicago, IL, on the one hand, and, on the other, points in the U.S.

MC 107295 (Sub-1030), filed March 23, 1981. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: Duane Zehr (same address as applicant), (309) 928-2141.

Transporting *lumber and wood products*, between points in CT, ME, MA, NH, RI, and VT, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC.

MC 112304 (Sub-257), filed March 23, 1981. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John G. Banner (same address as applicant), (513) 681-7900. Transporting *general commodities* (except classes A and B explosives), between the facilities of Westvaco Corporation, at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 113475 (Sub-39), filed March 24, 1981. Applicant: RAWLINGS TRUCK LINE, INC., P.O. Box 831, Emporia, VA 23847. Representative: Harry J. Jordan, Suite 502, Solar Building, 1000 16th Street, NW., Washington, DC 20036. Transporting *lumber and wood products*, between points in GA, SC, NC, VA, MD, DE, PA, NJ, NY, CT, RI, WV, OH, IN, and MI.

MC 116544 (Sub-248), filed March 16, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856-0117. Transporting *general commodities* (except classes A and B explosives), between points in Essex and Warren Counties, NJ, on the one hand, and, on the other, points in CA, IL, IA, and TX.

MC 117165 (Sub-62), filed March 23, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *lumber and wood products*, between the facilities of Weyerhaeuser Company, at points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MN, MO, ND, NH, NJ, NY, OH, PA, RI, VT, VA, WI and WV, on the one hand, and, on the other, points in CT, DE, IA, IL, IN, KY, MA, MD, ME, MI, MO, ND, NH, NJ, OH, PA, RI, VT, VA, WI and WV.

MC 121794 (Sub-7), filed March 16, 1981. Applicant: JAMES WILKETT, d.b.a. WILKETT TRUCKING COMPANY, P.O. Box 209, Stigler, OK 74462. Representative: John J. McMackin, Jr., Suite 500, 1101 Connecticut Ave., N.W., Washington, DC 20036, (202) 659-8201. Transporting *coal and coal products*, between points in OK and TX.

MC 125154 (Sub-109), filed March 23, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302, (904) 576-1221. Transporting *general commodities* (except classes A and B explosives), between the facilities of E. I. du Pont de Nemours & Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 124154 (Sub-110), filed March 23, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302, (904) 576-1221. Transporting *textile mill products*, between points in Dougherty County, GA, on the one hand, and, on the other, points in the U.S.

MC 124905 (Sub-7), filed March 20, 1981. Applicant: GARY W. GRAY, P.O. Box 48, Delaware, NJ 07823. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 562-1202. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Getty Refining and Marketing, Inc., of Tulsa, OK.

MC 125335 (Sub-118), filed March 24, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501, (402) 474-6763. Transporting *general commodities* (except classes A and B explosives), between the facilities of McCrory Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 125335 (Sub-119F), filed March 24, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501, (402) 474-6763. Transporting *such commodities* as are dealt in or used by a manufacturer or distributor of medicine, drugs, toilet preparations, health care items and pharmaceutical chemicals, between Fort Washington, Langhorne, and Philadelphia, PA, Lewes, DE, Hammond, IN, Tucker, GA, Sanford, NC, San Leandro, CA, and Pitman, NJ, on the one hand, and, on the other, points in the U.S.

MC 126195 (Sub-7), filed March 24, 1981. Applicant: COLEY MOVING AND STORAGE, INC., Industry Dr., Burlington, NC 27215. Representative: Robert J. Gallagher, 1000 Connecticut Ave. N.W., Suite 1200, Washington, DC 20036, (202) 463-6044. Transporting *household goods*, between points in NC, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, WV, VA,

NC, SC, AL, GA, FL, OH, KY, TN, IN and DC.

MC 134105 (Sub-100), filed March 23, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant), (615) 756-4066. Transporting *food and related products*, between the facilities of Ore-Ida Foods, Inc., at points in CT, ID, MI, OH, OR, PA and WI, on the one hand, and, on the other, points in the U.S.

MC 134645 (Sub-40), filed March 18, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *textile mill products*, between points in Dakota and Ramsey Counties, MN, Cass County, ND, and Linn County, IA, on the one hand, and, on the other, points in GA.

MC 136385 (Sub-15), filed March 24, 1981. Applicant: HALL WAY, INC., Box 22, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wilson Foods Corporation of Oklahoma City, OK.

MC 136774 (Sub-18), filed March 18, 1981. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *food and related products*, between points in Montgomery County, OH, Chatham County, GA, and Bergen County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 138635 (Sub-128), filed March 18, 1981. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, D.C. 20005, (202) 347-9332. Transporting *printed matter*, between points in Davidson County, TN, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, CT, DC, DE, FL, GA, KY, LA, MA, NC, NY, NJ, OH, OK, PA, SC, TN, TX, VA, WV, and WY.

MC 138875 (Sub-293), filed March 18, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell, (same address as applicant), (208) 376-5757. Transporting *food and related products*, between points in IL, and LA,

on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, OR, UT, and WA.

MC 139905 (Sub-7), filed March 24, 1981. Applicant: R. B. STUCKY, and N. M. STUCKY, d.b.a. S&S DAIRIES, Route 2, Moundridge, KS 64107. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *food and related products*, between points in Wyandotte County, KS, on the one hand, and, on the other, points in CO, NE, IA, OK, MO and AR.

MC 140294 (Sub-26), filed March 23, 1981. Applicant: GENERAL FREIGHTS, INC., P.O. Box 1948, Middleburg Pike, Hagerstown, MD 21740. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Over regular routes transporting *general commodities*, serving points in Washington County, MD, Morgan County, WV, and Shenandoah County, VA as off-route points in connection with carrier's otherwise authorized regular-route operations between Hagerstown and Baltimore, MD in MC-140294 (Sub-17F).

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 142245 (Sub-7), filed March 24, 1981. Applicant: NATIONWIDE TRUCK BROKERS, INC., 5475 Clay Ave., SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Cole's Bakeries, of Muskegon, MI.

MC 145454 (Sub-15), filed March 20, 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, (312) 782-8880. Transporting *such commodities* as are used or dealt in by wholesale or retail chain grocery and food business houses, between points in the U.S., under continuing contract(s) with Dominick's Finer Foods, Inc., of Northlake, IL.

MC 145994 (Sub-8), filed March 23, 1981. Applicant: H & N TRANSPORT, INC., P.O. Box 148, 393 South Main, Cottage Grove, WI 53527. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608)-273-1003.

Transporting *fertilizer and related products*, between points in the U.S., under continuing contract(s) with Estech General Chemicals Corporation, of Green Bay, WI.

MC 148125 (Sub-2), filed March 24, 1981. Applicant: JAMES N. SKRZYPCZAK, d.b.a. SUN DOG TRUCKING, 9709 Highway 29 West, Wausau, WI 54401. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719, (608)-273-1003. Transporting (1) *lumber and wood products*; and (2) *building materials*, between points in the U.S., under continuing contract(s) with Kolbe Bros. Lumber Co., of Wausau, WI, and Lato Corporation, of Thorp, WI.

MC 154704, filed March 9, 1981. Applicant: CUNNINGHAM FARMS, INC., Corning, MO 64437. Representative: Herman W. Huber, 101 East High Street, Jefferson City, MO 65101, (314) 638-9131. Transporting *fertilizer*, between La Platte and Nebraska City, NE on the one hand, and, on the other, those points in MO on and West of Interstate Hwy 35, and those points in KS, on, north and east of a line beginning at the NE-KS State line and extending along U.S. Hwy 75 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the Kansas-Missouri State line.

MC 154835, filed March 19, 1981. Applicant: HOUSTON CORRUGATED BOX CO., INC., 6002 Donoho, P.O. Box 33329, Houston, TX 77033. Representative: Robert E. Cohn, 1747 Pennsylvania Ave., NW, 9th Floor, Washington, DC 20006, (202) 466-6900. Transporting *general commodities* (except classes A and B explosives), (1) between Houston, TX, on the one hand, and, on the other, San Antonio, TX, Baton Rouge and Shreveport, LA, (2) between San Antonio, TX and Dallas, TX, (3) between Shreveport, LA and Dallas, TX.

#### Volume No. OPY-4-61

Decided: April 1, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Carleton not participating.)

MC 117956 (Sub-17), filed March 23, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Rd. SW., Atlanta, GA 30310. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767-5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Drexel Chemical Co., Inc., of Memphis, TN.

MC 124896 (Sub-102), filed March 19, 1981. Applicant: WILLIAMSON TRUCK LINES, INC., Corner Thorne and Ralston Sts., P.O. Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036, (202) 331-8800. Transporting *food and related products*, between points in the U.S.

MC 139906 (Sub-156), filed March 18, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (402) 476-1144. Transporting *such commodities* as are dealt in by manufacturers and distributors of paper, paper articles, wood pulp, plastic, and plastic products, between points in the U.S.

MC 154866, filed March 20, 1981. Applicant: LES JOYNT & SONS, INC., R.R. 1, Dixon, IL 61021. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *expandable polystyrene foam*, between points in the U.S., under continuing contract(s) with EPS Industries of Kansas, Inc., of Wichita, KS.

MC 124266 (Sub-4), filed March 16, 1981. Applicant: NELSON GWILLIM, R.R. No. 2, Carlinville, IL 62626. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of food and related products, between points in the U.S., under continuing contract(s) with Prairie Farms Dairy, Inc., of Carlinville, IL, and P.F.D. Supply Corporation, of Granite City, IL.

#### Volume No. OPY-4-62

Decided: April 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 97357 (Sub-56), filed March 11, 1981. Applicant: ALLYN TRANSPORTATION COMPANY, a corporation, 980-A E. Orangethorpe Ave., Anaheim, CA 92801. Representative: Charles Cargonaro, 980-A E. Orangethorpe Ave., Anaheim, CA 92801, (714) 992-4261. Transporting *general commodities* (except classes A and B explosives), between points in CA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the

application(s) for common control to team 4, Room 5325.

MC 111307 (Sub-16), filed March 17, 1981. Applicant: TNT CANADA, INC., 5280 Mingate Dr., P.O. Box 3030, Station A, Mississauga, Ontario, Canada L5A 3S3. Representative: Walter N. Bieneman, 100 W. Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013, (313) 645-9600. Transporting *general commodities* (except classes A and B explosives), between the ports of entry on the international boundary line between the U.S. and Canada on the Niagara, Detroit, and St. Clair Rivers, on the one hand, and, on the other, points in MI, OH, WI, IL, IN, PA, KY, and MO.

MC 149437 (Sub-17), filed March 24, 1981. Applicant: DOUGLAS TRUCK LINES, INC., 587 SW First St., New Brighton, MN 55112. Representative: Samuel Rebenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *general commodities* (except classes A and B explosives), between Minneapolis, MN, on the one hand, and, on the other, points in ND, SD, IA, WI, and MN.

MC 150277 (Sub-1), filed March 24, 1981. Applicant: McLAIN TRANSPORTATION, INC., 139 So. Bunn Rd., Hillsdale, MI 49242. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 489-5724. Transporting (1) *food and related products*, between points in Hillsdale County, MI, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IA, IN, IL, KS, KY, LA, MO, MS, NC, NE, OH, OK, PA, SC, TN, and TX, and (2) *metal products*, between points in GA, KY, MS, NC, OH, VA, and FL, on the one hand, and, on the other, points in MI.

#### Volume No. OPY-4-63

Decided: April 3, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 105566 (Sub-246), filed March 24, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincoln Rd., Alexandria, VA 22312, (703) 750-1112. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Shell Oil Company, of Houston, TX.

MC 121306 (Sub-15), filed March 24, 1981. Applicant: SUPERIOR MOTOR EXPRESS, INC., P.O. Box 98, Gold Hill, NC 28071. Representative: Claude O. Earnhardt (same address as applicant), (704) 279-7851. Transporting (1) *iron and steel articles*, and (2) *building materials*,

between points in AL, AR, DE, FL, GA, IN, KY, LA, MD, MI, MO, MS, NC, NJ, NY, OH, PA, SC, TN, VA, and WV.

MC 143776 (Sub-21), filed March 24, 1981. Applicant: C.D.B., INC., 155 Spaulding, SE, Grand Rapids, MI 49506. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Replas Division-Ferro Corporation of Evansville, IN.

MC 150726, filed March 24, 1981. Applicant: HILGO TRANSPORT, INC., 1750 Todd Rd., P.O. Box 149, Selma, CA 93662. Representative: Thomas M. Loughran, 100 Bush St., 21st Fl., San Francisco, CA 94104, (415) 986-5778. Transporting *chemicals and related products*, between points in San Francisco County, CA, on the one hand, and, on the other, points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

MC 151336, filed March 24, 1981. Applicant: TRANS-IT-ALL, INC., P.O. Box 711, Palmetto, FL 33561. Representative: William A. Vickers (same address as applicant), (813) 722-2106. Transporting *general commodities* (except classes A and B explosives), between points in FL.

MC 153656 (Sub-1), filed March 24, 1981. Applicant: KARNIL FUELS LTD., 1066 East 53rd Ave., Vancouver, B.C. Canada V5X 1J6. Representative: Jagir Kadola (same address as applicant). Transporting *building materials*, between points in the U.S., under continuing contract(s) with Dominion Steel Ltd., of West Vancouver, B.C. Canada.

#### Volume No. OP45-24

Decided: March 25, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 2428 (Sub-36), filed March 17, 1981. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Ave., Hopelawn, NJ 08861. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, 212-466-0220. Transporting *such commodities* as are manufactured, dealt in or used by manufacturers of industrial air heaters, between points in the U.S., under continuing contract(s) with The Wing Company, of Cranford, NJ.

MC 37248 (Sub-26), filed February 10, 1981. Published initially in the *Federal Register* on March 16, 1981. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, V-C Drive, P.O. Box 4988, Martinsville, VA 24112. Representative: N. Oakley Lewis (same

address as applicant), 703-638-8721. Transporting *general commodities* (except classes A and B explosives), between points in Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Sullivan, Unicol, Union, and Washington Counties, TN, and points in DE, GA, MD, NJ, NC, PA, SC, VA, WV, and DC. Condition: Issuance of a certificate in this proceeding is conditioned on the prior or coincidental cancellation, at applicant's written request, of authority held in MC-34248 and subs thereunder, except Subs 15, 18, and 24. This application is republished to show amendment to authority.

MC 99899 (Sub-7) filed, March 16, 1981. Applicant: CERTIFIED FREIGHT LINES, INC., 201 West Branch St., Arroyo Grande, CA 93420. Representative: Wyman C. Knapp, Suite 1800, 707 Wilshire Blvd., Los Angeles, CA 90017, 805-489-1374. Transporting *food and related products*, between points in Los Angeles, Stanislaus and Monterey Counties, CA, on the one hand, and, on the other, points in OR, WA, AZ, and CO.

MC 120098 (Sub-39), filed March 16, 1981. Applicant: UNITAH FREIGHTWAYS, 1030 South Redwood Rd., Dalt Lake City, UT 84104. Representative: Patrick J. Farley (same address as applicant), 801-973-9300. Transporting *chemicals and related products*, between points in the U.S. under continuing contract(s) with Bennett's, of Salt Lake City, UT.

MC 121339 (Sub-3), filed March 9, 1981. Applicant: McCOMBS FREIGHT LINE, INC., 1201 North 20th Ave., Birmingham, IL 35204. Representative: Donald F. McCombs (same address as applicant), (205) 322-4424. Transporting *general commodities* (except classes A and B explosives) between Birmingham and Thorsby, AL over U.S. Hwy 31 and/or Interstate Hwy 65 serving all intermediate points.

MC 121649 (Sub-8), filed March 16, 1981. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, TN 38358. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901-767-5600. Transporting *general commodities* (except classes A and B explosives), between points in Gibson, Madison and Henderson Counties, TN, on the one hand, and, on the other, points in the U.S., in and east of ND, SD, NE, KS, OK and TX.

Note.—Applicant intends to tack with its existing authority.

MC 128058 (Sub-7), filed February 23, 1981. Applicant: LAUREL HILL TRUCKING CO., 614 New County Road, Secaucus, NJ 07094. Representative: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743, (516) 427-0100. Transporting (1) *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Dimensional Communications, Inc. of Northvale, NJ, (2) *metal products and waste or scrap materials* not otherwise identified by infantry producing, between points in the U.S., under continuing contract(s) with Cities Services Company, of Atlanta, GA, (3) *such commodities* as are dealt in or used by department stores, between points in the U.S., under continuing contract(s) with Atlantic Department Stores, Inc., of New York, NY, Korvettes Department Stores, Division of Korvettes, Inc., of New York, NY, and May Department Stores Co., its divisions and subsidiaries, of Cleveland, OH, (4) *chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, and food and related products*, between points in the U.S., under continuing contract(s) with American Home Products Corporation and Sterling Drug, Inc., of New York, NY, and their divisions and subsidiaries.

MC 130279 (Sub-1), filed March 16, 1981. Applicant: FOUR WINDS TRAVEL, INC., 175 Fifth Ave., New York, NY 10010. Representative: Edward F. Bowes, 167 Fairfield Rd., Fairfield, NJ 07006, 201-575-7700. To operate as a *broker* at New York, NY, to arrange for the transportation of *passengers and their baggage*, between points in the U.S.

MC 133689 (Sub-359), filed March 16, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street, N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612-457-6889. Transporting *general commodities* (except classes A and B explosives), between the facilities of Corning Glass Company, at points in the U.S. on the one hand, and, on the other, points in the U.S.

MC 143318 (Sub-3), filed March 13, 1981. Applicant: JENKINS TRUCKLINE, INC. Motley, MN 56466. Representative: James F. Finley, AAA Bldg., Suite 200, 170 E. 7th Place, St. Paul, MN 55101, (612) 352-6231. Transporting *clay, concrete, glass or stone products*, between points in IL, on the one hand, and on the other, points in MN.

MC 145018 (Sub-24), filed March 13, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor,

PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18517; (717) 343-2126. Transporting *chemicals and related products*, (1) between points in Onondaga County, NY, on the one hand, and, on the other, points in Bergen County, NJ, and (2) between points in Bergen County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 146689 (Sub-7), filed March 16, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, 717-236-9318. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hammond Lead Products, Inc. of Hammond, IN.

MC 146689 (Sub-8), filed March 16, 1981. Applicant: LARK LEASING COMPANY, 261 Maplewood Dr., Pottstown, PA 19464. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, 717-236-9318. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Johnson and Johnson Baby Products Co., of Piscataway, NJ.

MC 148158 (Sub-11), filed March 12, 1981. Applicant: CONTROLLED DELIVERY SERVICE, INC., 17295 East Railroad, City of Industry, CA 91749. Representative: Robert L. Cope, 1730 M Street N.W., Washington, DC 20036, 202-296-2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mid-South Shippers Association, Inc., of Nashville, TN.

MC 148479 (Sub-19), filed March 13, 1981. Applicant: MIDWEST SOLVENTS COMPANY, INC., 1300 Main St., Atchison, KS 66002. Representative: Kenneth E. Smith (same address as applicant), (913) 387-1480. Transporting *pulp, paper, and related products*, between points in the U.S., under continuing contract(s) with Appleton Papers, Inc., of Appleton, WI.

MC 150809, filed March 13, 1981. Applicant: CENTURY CONCRETE CO., Highway 38 North, P.O. Box 614, Monticello, IA 52310. Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001, (319) 557-1320. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Flynn Ready Mix Concrete Co., of Dubuque, IA, and Flynn Ready Mix Inc., of Epworth, IA.

MC 151788 (Sub-2), filed March 16, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601, 913-234-0565. Transporting *food and related products*, between Sedgwick County, KS on the one hand, and, on the other points in the U.S.

MC 154668, filed March 9, 1981. Applicant: WEIR TRAVEL SERVICE, INC., 4590 Edgmont Service, Inc., Brookhaven, PA 19015. Representative: Richard A. Kuc, 404 Briarwood Rd., Wallingford, PA 19086, (215) 565-4580. Authority to engage in operations as a *broker*, at Brookhaven, PA in arranging for transportation of *passengers and their baggage*, in special or charter operations, beginning and ending at points in Delaware, Chester, and Philadelphia Counties, PA, and extending to points in the U.S.

MC 154689, filed March 10, 1981. Applicant: KURT WAGNER, d.b.a. WAGNER TOURS, 7874 Westminister Ave., Westminster, CA 92683. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650. Transporting *passengers and their baggage*, in the same vehicle, in round trip special or charter operations, beginning and ending at points in Orange County, CA and extending to points in Clark County, NV, and Mohave County, AZ.

#### Volume No. OPY-5-25

Decided: March 27, 1981.

By the Commission, Review Board No. 3. Krock, Joyce, and Dowell.

MC 99919 (Sub-10), filed March 16, 1981. Applicant: FREMONT EXPRESS, INC., P.O. Box Q, 620 E. Factory, Fremont, NE 68025. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509, 402-721-1843. Transporting *malt beverages*, between points in Dodge County, NE, on the one hand, and, on the other, Minneapolis, MN, and points in Jefferson, Arapahoe, Denver, and Adams Counties, CO, Peoria, Woodford and Tazewell Counties, IL, and LaCrosse, Milwaukee, and Waukesha Counties, WI.

MC 117999 (Sub-9), filed March 16, 1981. Applicant: TOM GALLO, P.O. Box 151, Ticonderoga, NY 12883. Representative: W. Norman Charles, P.O. Box 724, Glens Falls, NY 12801, (518) 792-0957. Transporting *rubber and plastic products*, between points in Essex County, NY, on the one hand, and, on the other, points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT.

MC 118838 (Sub-79), filed March 16, 1981. Applicant: GABOR TRUCKING,

INC., R.R. 4, Detroit Lakes, MN 56501. Representative: Robert D. Gisvold, 1600 TCF Tower, Minneapolis, MN 55402, 612-333-1341. Transporting *lumber and wood products*, between points in Kootenai, Benewah, Lewis, Clearwater, Latah, Shoshone, Nez Perce and Idaho Counties, ID, on the one hand, and, on the other, points in the U.S.

MC 123389 (Sub-59), filed February 17, 1981. Applicant: CROUSE CARTAGE COMPANY, P.O. Box 151, Carroll, IA 51401. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102, 612-227-7731. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Chicago, IL, and St. Louis, MO, over Interstate Hwy 55, (2) between Davenport, IA, and St. Louis, MO, over U.S. Hwy 61, (3) between Des Moines, IA, and St. Louis, MO, from Des Moines over IA Hwy 163 to junction U.S. Hwy 63, then over U.S. Hwy 63 to junction Interstate Hwy 70, then over Interstate Hwy 70 to St. Louis, and return over the same route, and (4) between Kansas City and St. Louis, MO, over Interstate Hwy 70; and over irregular routes, transporting *general commodities* (except classes A and B explosives), (5) between points in IL, and those points in WI, IA, MO, KY, and IN which are within the commercial zones of points in IL.

Note.—Applicant intends to tack the irregular-route authority requested in this application with its present regular-route authority, with regular-route authority acquired in MC-F-13606, and with any regular-route authority acquired in MC-F-14471, in order to perform a through service pursuant to 49 CFR 1042.12.

MC 133689 (Sub-360), filed March 16, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. N.E., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *general commodities* (except classes A and B explosives) between the facilities used by the Kendall Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138609 (Sub-10), filed March 9, 1981. Applicant: ROBERT L. ARNOLD, d.b.a. PLANTATION TRANSPORT COMPANY, P.O. Box 2044, Albany, GA 31702. Representative: Robert L. Arnold (same address as applicant), 912-883-4019. Transporting (1) *lumber and wood products*, (2) *building materials* (except those in (1)), between points in AL, FL, GA, KY, LA, MS, NC, SC, TN, TX, and VA.

MC 140889 (Sub-13), filed March 17, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd.,

Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, 216-781-1600. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with Brownberry Ovens, Inc., of Oconomowoc, WI.

MC 149199 (Sub-7), filed March 16, 1981. Applicant: FRONTIER EXPRESS INCORPORATED, 905 S. W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262-1322. Transporting *general commodities* (except classes A and B explosives), between Oklahoma City, OK, on the one hand, and, on the other, points in Grady County, OK.

Note.—Applicant intends to tack the requested authority with its existing regular-route authority.

MC 152649 (Sub-3), filed March 4, 1981. Applicant: RIVERLAND TRUCKING CORPORATION, INC., West 10th Ave., Drawer E, Reserve, LA 70084. Representative: Harry M. England (same address as applicant), 504-721-9559. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Coastal Canning Enterprises, Inc., and Sewell Plastics, Inc., both of Reserve, LA.

MC 152778 (Sub-1), filed February 13, 1981. Applicant: DUKE TRUCKING CO., INC., 350 Forrest Rd., College Park, GA 30349. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996-6266. Transporting *such commodities* as are dealt in or used by department stores, between points in the U.S., under continuing contract(s) with Richway, a Division of Federated Department Stores, Inc., of Atlanta, GA.

MC 153749 (Sub-1), filed March 2, 1981. Applicant: REPUBLIC GYPSUM COMPANY, P.O. Drawer C, Duke, OK 73532. Representative: David L. Ross (same address as applicant), 405-679-3391. Transporting *metal products*, between points in Mitchell County, KS, Harris County, TX, Shelby and Jefferson Counties, AL, Clay and Lafayette Counties, MO, and Knox County, IL, on the one hand, and, on the other, points in OK.

MC 154498 (Sub-1), filed March 2, 1981. Applicant: TRAVEL PLUS OR OCALA, INC., 1219 NE. 46th Court Ocala, FL 32671. Representative: Robert B. Nadeau, Jr., 17th Floor, CNA Bldg., P.O. Box 231, Orlando, FL 32802, (305) 843-7860. Transporting *passengers and their baggage*, in round trip, special, and charter operations, beginning and ending at points in Marion, Lake Citrus,

Hernando, Sumter, and Alachua Counties, FL, on the one hand, and extending to points in the U.S.

MC 154728, filed March 16, 1981. Applicant: HARVEY G. ALLEN, d.b.a. ALLEN TRUCKING COMPANY, 11603 Kerry La., Mabelvale, AR 72103. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, 501-375-9151. Transporting *lumber and wood products*, between points in Pulaski, Union and Dallas Counties, AR, on the one hand, and, on the other, points in MS, LA, TX, KS, OK, MO, TN, NE, and IA.

MC 154759, filed March 10, 1981. Applicant: WEAVER TRUCKING, INC., Route 1, Box 441, West Helena, AR 72390. Representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, AR 72201, 501-375-9151. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with McKnight Plywood, Inc., of West Helena, AR.

#### Volume No. OPY-5-26

Decided: March 30, 1981.

By the Commission Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 69938 (Sub-5), filed March 20, 1981. Applicant: B. V. & G. TRANSPORT, INC., P.O. Box 723 1557-R State St., Granite City, IL 62040. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, 312-236-9375. Transporting (1) *metal products*, between points in AR (except Randolph County), MO (except Pettis County), IL, IN, KY, and TN.

MC 105159 (Sub-41), filed March 20, 1981. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main, Red Wing, MN 55066. Representative: Stephen F. Grinnell, 1800 TCF Tower, 121 So 8th St., Minneapolis, MN 55402, 612-388-2856. Transporting *food and related products*, between the facilities used by the Malt-O-Meal Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116519 (Sub-98), filed March 17, 1981. Applicant: FREDRICK TRANSPORT LIMITED, R.R. #6, Chatham, Ontario, CN N7M 5J6. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, DC 20005, 202-783-3525. Transporting in foreign commerce only, *such commodities* as are dealt in or used by manufacturers of glass, between ports of entry on the international boundary line between the United States and Canada in the U.S., on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, MN, MD, MO, MI,

MA, NH, NJ, NY, OH, PA, RI, VA, VT, WI, WV, and DC.

MC 121439 (Sub-2), filed March 23, 1981. Applicant: THOMAS & SON TRANSFER LINE, INC., 1800 15th St., Denver, CO 80202. Representative: Joseph F. Nigro, 400 Hilton Office Bldg., 1515 Cleveland Place, Denver, CO 80202, (303) 825-3281. Transporting *general commodities* (except classes A and B explosives), between points in CO. Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation at applicant's written request, of certificate No. MC 121439 Sub 1.

MC 125129 (Sub-7), filed March 20, 1981. Applicant: INDEPENDENT FREIGHT, INC., Maple Street, Box 446, Danielson, CT 06239. Representative: Richard B. Greene (same address as applicant), 203-774-1909. Transporting *food and related products*, between Jersey City, NJ, on the one hand, and, on the other, points in CT, MA, NH, RI, and VT.

MC 133689 (Sub-364), filed March 23, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NW., Blaine, MN 55434. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312-782-8880. Transporting *general commodities* (except classes A and B explosives), between the facilities of Square D Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 138469 (Sub-271), filed March 23, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068, 312-692-3020. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Star Candy Co., of Tuttle, OK.

MC 143129 (Sub-2), filed March 19, 1981. Applicant: B.J.T. TRANSPORT, INC., P.O. Box 4485, East Providence, RI 02915. Representative: Morris J. Levin, 1050 17th St. NW., Washington, DC 20036, 202-872-0005. Transporting *commodities* which because of their size or weight require the use of special handling or equipment, between points in RI, CT, ME, NH, MA, VT, DE, IL, IN, MD, MI, MO, NJ, NY, OH, PA, VA, WV, and DC.

MC 146448 (Sub-30), filed March 17, 1981. Applicant: C & L TRUCKING, INC., P.O. Box 409, Judsonia, AR 72081. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101, 703-893-4924.

Transporting *alcoholic beverages*, between points in CA in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, on the one hand, and on the other, those points in the U.S., in and east of MN, IA, NE, CO, OK, and TX.

MC 146778 (Sub-3), filed March 23, 1981. Applicant: SAENZ BROS. TRUCKING & TOMATO CO., INC., 1500 South Zarzamora St., San Antonio, TX 78207. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768, (512) 476-8083. Transporting (1) *building materials*, and (2) *lumber and wood products* (except those in (1)), between points in Hidalgo, Starr and Webb Counties, TX, on the one hand, and, on the other points in the U.S.

MC 147299 (Sub-3), filed March 19, 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, (312) 332-0905. Transporting *lumber and wood products*, between points in the U.S., under continuing contract(s) with Young Door Company, of Plymouth, IN.

MC 148119 (Sub-3), filed March 18, 1981. Applicant: T. B. & P. EXPRESS, INC., St. Rte. 67 and Middletown Rd., P.O. Box 71, Daleville, IN 47334. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, 317-378-5563. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of home entertainment products, between points in the U.S., under continuing contract(s) with RCA Corporation of Cherry Hill, NJ.

MC 150049 (Sub-3), filed March 23, 1981. Applicant: JAMES RESSLER, d.b.a. RESSLER TRUCKING, 300 East Turnpike Ave., Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502, (701) 258-8550. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Gibbs Lumber Company, of Lake Elmo, MN, Brady International Hardwoods Co., of Takoma, WA, Superior Lumber Company, of St. Paul, MN, and Lumber Supply and Warehouse Company, of Seattle, WA.

MC 150939 (Sub-14), filed March 23, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad St., Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, 412-471-1800. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Borden, Inc., of Columbus, OH.

MC 152589 (Sub-1), filed March 23, 1981. Applicant: WHITELIGHTNIN' EXPRESS, INC., P.O. Box 167, Ft. Smith, AR 72902. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Taber Metals, Inc., of Russellville, AR.

MC 153328 (Sub-3), filed March 20, 1981. Applicant: RED K TRANSPORT, INC., 2545 Peach Tree, Cape Girardeau, MO 63701. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236-9375. Transporting *clay, concrete, glass or stone products*, between points in Jefferson County, MO, and Macon County, IL, on the one hand, and, on the other, points in the U.S.

MC 154128 (Sub-1), filed March 23, 1981. Applicant: BELTON'S CHARTER BUS CORP., 9 Rosz Place, Passaic, NJ 07055. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838-0600. Transporting *passengers and their baggage*, in charter operations, beginning and ending at points in New York, NY and NJ, and extending to points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, DE, WV, VA, NC, SC, GA, FL, AL, MS, TN, KY, OH, IN, IL, WI, MI, and DC.

MC 154859, filed March 23, 1981. Applicant: DRAKE MOVING & STORAGE COMPANY, 414 Puyallup Ave., Tacoma, WA 98421. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, 206-453-0312. Transporting *household goods*, between in WA, OR, CA, ID, MT, SD, WY, ND, CO, and UT.

#### Volume No. OPY-5-27

Decided: April 1, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 136208 (Sub-13), filed March 18, 1981. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA 96097. Representative: O.L. Stidham, (same address as applicant), 916-842-4161. Transporting *chemicals between points in CA, NV, OR, and WA*.

MC 136208 (Sub-14), filed March 23, 1981. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA 96097. Representative: O.L. Stidham, (same address as applicant), 916-842-4161. Transporting *metal products* between points in San Joaquin County, CA, on the one hand, and, on the other, points in ID, NV, OR, and WA.

MC 138469 (Sub-270), filed March 20, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City,

OK 73147. Representative: Daniel O. Hands, 205 West Touhy, Suite 200, Park Ridge, IL 60068, 312-692-3020. Transporting (1) *metal products* between Memphis, TN and points in Lehigh County, PA, Memphis, TN, on the one hand, and, on the other, points in the U.S., and (2) *rubber and plastic products*, between Tulsa, OK, on the one hand, and, on the other, points in the U.S.

MC 139379 (Sub-9), filed March 20, 1981. Applicant: LES MATHRE TRUCKING INC., 417 8th St., Story City, IA 50248. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *food and related products*, between points in Crawford, Dubuque, and Plymouth Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 140889 (Sub-14), filed March 18, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, 216-781-1600. Transporting *such commodities* as are dealt in or used by manufacturers of absorbent cotton and synthetic fiber products, between points in the U.S., under continuing contract(s) with Megas Manufacturing, Inc., of Brooklyn Heights, OH.

MC 141318 (Sub-7), filed March 20, 1981. Applicant: WEATHER SHIELD TRANSPORTATION, LTD., P.O. Box LTD, Medford, WI 54451. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612-333-1341. Transporting *furniture and fixtures* between points in the U.S., under continuing contract(s) with Modern of Marshfield, Inc., of Marshfield, WI.

MC 141958 (Sub-22), filed March 20, 1981. Applicant: FEDCO FREIGHTLINES, INC., P.O. Box 546, Effingham, IL 62401. Representative: Michael W. O'Hara, 300 Reich Bldg., Springfield, IL 62701, 217-544-5468. Transporting (1) *metal products* and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Bennett Industries, Division of Growth International Industries, of Peotone, IL.

MC 142189 (Sub-47), filed March 20, 1981. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, P.O. Box 980, Baker, MT 59313. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten So. Fifth St., Minneapolis, MN 55402, 612-340-0808. Transporting (1) *food and related products* and (2) *Mercer commodities*, between Chicago, IL, on the one hand, and, on the other,

points in ND, SD, MT, WY, ID, WA, OR, NM, CA, CO, IA, KS, NE, MO, UT, NV, and AZ.

MC 142399 (Sub-5), filed March 20, 1981. Applicant: ELLERBROCK TRUCKING, INC., Highway 20 East, Sac City, IA 50583. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *food and related products*, between points in Sac and Linn Counties, IA, on the one hand, and, on the other, points in the U.S.

MC 146518 (Sub-13), filed March 23, 1981. Applicant: OWEN MOTOR FREIGHT LINE, INC., P.O. Box 7516, Alexandria, LA 71306. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326, (404) 262-7855. Transporting *metal products*, between points in the U.S.

MC 153739 (Sub-1), filed March 25, 1981. Applicant: NATIONWIDE TRANSPORT & WAREHOUSE, INC., 487 Hillside Ave., P.O. Box 4444, Hillside, NJ 07205. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201-572-5551. Transporting (1) *pulp, paper and related products*, and (2) *printed matter*, between points in the U.S., under continuing contract(s) with Urban Data Systems, Inc., of Newark, NJ.

MC 154918, filed March 19, 1981. Applicant: CUMMINS TRUCKING CO., INC., Apple Tree St., Mt. Pleasant, TN 38474. Representative: Robert L. Baker, 618 United American Bank Bldg., Nashville, TN 37219 (614) 244-8052. Transporting (1) *clay, concrete, glass or stone products*, (2) *metal products*, between points in the U.S., under continuing contract(s) with Fiber Foil Insulation Co., Johnson Insulation Co., and Industrial Products Co., Inc., all of Mt. Pleasant, TN.

MC 154938, filed March 19, 1981. Applicant: A & T TOURS, 220 Craut St., San Francisco, CA 94112. Representative: Tim C. Banzon (same address as applicant) 415-587-4017. To engage in operations as a *broker* at San Francisco, CA, arranging for the transportation of *passengers and their baggage*, in special and charter operations, beginning and ending at San Francisco, CA and extending to points in NV, UT, and AZ.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-10700 Filed 4-8-81; 8:45 am]

BILLING CODE 7035-01-M

## INTERNATIONAL TRADE COMMISSION

### Watches and Watch Movements From Insular Possessions

#### Correction

Note.—FR Doc. 81-9634 appearing on page 19627, in the issue of Tuesday, March 31, 1981 is being reprinted in its entirety because of the inadvertent omission of the actual figures used in the calculation of apparent consumption.

In the matter of determination of apparent U.S. consumption of watch movements in 1980 and of quotas for duty-free entry of watches and watch movements from insular possessions in 1981.

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the U.S. International Trade Commission has determined that the apparent U.S. consumption of watch movements for the calendar year 1980 was 72,465,000 units.

The determination was derived as follows:

Item	1,000 units
U.S. production.....	12,103
Plus inventory decrease.....	1,476
Less exports of domestic merchandise.....	2,455
Apparent U.S. consumption of domestic units.....	11,124
U.S. imports.....	58,981
Less reexports of foreign merchandise.....	1,918
Net imports.....	58,063
Shipments from Virgin Islands, Guam, and American Samoa.....	3,278
Apparent U.S. consumption.....	72,465

<sup>1</sup> Official statistics of the U.S. Department of Commerce were adjusted to compensate for a number of shipments for which information was erroneously reported.

<sup>2</sup> During 1980 only the Virgin Islands shipped watches and watch movements.

The number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during calendar year 1981 under headnote 6(b) of subpart E of the TSUS is as follows:

	Units
Virgin Islands.....	7,045,000
Guam.....	671,000
American Samoa.....	336,000

Issued: March 26, 1981.

By order of the Commission.

BILLING CODE 1505-01-M

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Proposed Final Judgment in United States v. American Pharmaceutical Association, et al., and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have been filed with the United States District Court for the Western District of Michigan, Southern Division, in *United States v. American Pharmaceutical Association, et al.*, Civil No. G75-558 CA5. The Complaint in this case alleges that two associations of pharmacists violated the Sherman Act by conspiring to prohibit pharmacists from price advertising of prescription drugs.

The proposed Judgment enjoins the defendants from participating in the alleged conspiracy. The CIS describes the terms of the proposed Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the Complaint.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the *Federal Register* and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Office, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199. Joseph H. Widmar,  
Director of Operations.

#### United States District Court for the Western District of Michigan, Southern Division

United States of America, *Plaintiff*, v. American Pharmaceutical Association; and Michigan State Pharmaceutical Association, *Defendants*, Civil No. G75-558 CA5, Judge Wendell A. Miles; Filed: March 31, 1981.

#### Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do

at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: March 26, 1981.

For the Plaintiff:

Richard J. Pavretto,  
*Acting Assistant Attorney General.*  
Joseph H. Widmar,  
John A. Weedon,  
*Attorneys, Department of Justice.*  
James S. Brady,  
*United States Attorney.*

For the Defendants:

Paul L. O'Brien,  
*Counsel for American Pharmaceutical Association.*  
Charles R. MacLean,  
*Counsel for Michigan Pharmacists Association, formerly Michigan State Pharmaceutical Association.*  
David F. Hills,  
Michael J. Keane,  
*Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: 216-522-4074.*

United States District Court for the Western District of Michigan, Southern Division

United States of America, *Plaintiff*, v. American Pharmaceutical Association and Michigan State Pharmaceutical Association, *Defendants*; Civil No. G75-558, CA5, Judge Wendell A. Miles; Filed: March 31, 1981.

#### Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on November 24, 1975, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

Ordered, adjudged, and decreed as follows:

#### I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

#### II

As used in this Final Judgment:

(A) "Person" means any individual, association, partnership, firm, corporation, or other business or legal entity;

(B) "Prescription drugs" means chemical compounds which by law may be dispensed only at the direction of persons licensed to prescribe them for use in the treatment of illness;

(C) "Pharmacist" means a person licensed by competent authority to practice pharmacy, including dispensing and selling prescription drugs; and

(D) "Price advertising of prescription drugs" means any advertising relating to the price, cost, or value of prescription drugs or of a pharmacist's services rendered in dispensing or delivering prescription drugs.

#### III

This Final Judgment applies to the defendants and to their officers, trustees, directors, agents, employees, subsidiaries successors and assigns, and to all other persons, including members, in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

#### IV

Each defendant, whether acting unilaterally or in concert or agreement with any other person, is enjoined and restrained from:

(A) Entering into, adhering to, participating in, maintaining, furthering, or enforcing, any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any person to restrain, limit, or restrict:

(1) Price advertising of prescription drugs other than false and misleading advertising; or

(2) Any other form of price competition in the selling of prescription drugs or the providing of pharmacists' services in the dispensing or delivering of prescription drugs;

(B) Adopting, publishing, promulgating, distributing, or enforcing any Code of Ethics, rule, constitution, bylaw, resolution, professional standard of practice, membership form, advisory opinion, policy decision, or other statement or form:

(1) That states or implies that price advertising of prescription drugs other than false and misleading advertising is unethical, unprofessional, or contrary to its policy; or

(2) That contains the following provision formerly found in the Code of Ethics and the accompanying explanatory statement:

#### Section 8

A pharmacist should not solicit professional practice by means of advertising or by methods inconsistent with his opportunity to advance his professional reputation through service to patients and to society.

Section 8 discourages solicitation of professional practice by means of advertising or other methods which are inconsistent with the opportunity of the pharmacist to advance his professional reputation through service to patients and to society. This section does not affect the commercial element of the traditional community pharmacy nor does it infringe upon the legitimate public interest in knowing where professional pharmaceutical services may be obtained. The section merely recognizes that solicitation of professional practice to be unethical which is inconsistent with the professional status of the pharmacist or which is contrary to the best interest of the public health and welfare.

(C) Taking any action against any person, or refusing to take any action concerning any person, where such action or inaction is based upon that person's failure or refusal to restrict any kind of price advertising of prescription drugs other than false and misleading advertising.

#### V

Nothing in this Final Judgment shall prohibit the defendants from:

(A) urging any state or Federal legislature or administrative body to enact any law or regulation of general application to limit advertising a quantity of prescription drugs that induces the obtaining or use of such drugs in excess of medically acceptable therapeutic requirements;

(B) publishing written articles for or making oral statements to pharmacists urging pharmacists as a group to avoid advertising a quantity of prescription drugs that induces the obtaining or use of such drugs in excess of medically acceptable therapeutic requirements.

#### VI

Each defendant is ordered and directed to:

(A) Within sixty (60) days of entry of this Final Judgment, amend its Code of Ethics, rules, constitution, bylaws, resolutions, professional standards of practice, membership forms, advisory opinions, policy decisions, and any

other current statements or forms by eliminating therefrom any provision, if any currently exists, that restricts price advertising of prescription drugs other than false and misleading advertising or that states or implies that such advertising is unethical, unprofessional, or contrary to defendant's policy;

(B) Publish the text of this Final Judgment, within sixty (60) days of its entry, in its monthly magazine, preceded by the statement set forth in Appendix A attached hereto, such publication to be in a type size no smaller than the largest size normally used for editorials or other major articles in the magazine;

(C) Publish annually the text of this Final Judgment in its monthly magazine, preceded by the statement set forth in Appendix A attached hereto, such publication to be in a type size no smaller than the largest size normally used for editorials or other major articles in the magazine;

(D) Furnish a copy of this Final Judgment to each of its officers, directors, and employees having any responsibility for determining, enforcing or implementing ethics or policy statements, within thirty (30) days of its entry, and, for a period of ten (10) years from its entry, to each new person who succeeds one of these persons, within thirty (30) days after the new person assumes the position;

(E) Attach to each copy of this Final Judgment furnished pursuant to subsection (D) hereof a statement, in the form set forth in Appendix B attached hereto;

(F) Hold, within six (6) months after entry of this Final Judgment, a meeting of the persons described in subsection (D), at which meeting such persons shall be instructed by defendant's counsel concerning the defendant's and their obligations under this Final Judgment;

(G) File with this Court and serve upon the plaintiff, within ninety (90) days after entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsections (A), (B), (D), and (E), hereof;

(H) Provide the plaintiff, each year, before the anniversary of the entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with subsections (C), (D), and (E) hereof, including, in the first year's affidavit, compliance with subsection (F) hereof.

## VII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General

or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters;

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to the defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

## VIII

Jurisdiction is retained by this court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of

the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

This Final Judgment shall terminate ten (10) years from the date of its entry.

## X

Entry of this Final Judgment is in the public interest.

Dated: \_\_\_\_\_,

United States District Judge.

## Appendix A

*Concerning the Case of United States v. American Pharmaceutical Association and Michigan State Pharmaceutical Association, Civil No. G75-558 CA5, W.D. Michigan*

The following Final Judgment was entered in this case on \_\_\_\_\_, 1981. Pursuant to the provisions of the Judgment, our readers are advised:

(a) The former Section 8 of the Code of Ethics that prohibited the solicitation of professional practice by advertising was revoked in 1976 and any provision that restricts price advertising of prescription drugs other than false and misleading advertising has been removed from the Association's rules, constitution, bylaws, resolutions, professional standards of practice, membership forms, advisory opinions, policy decisions, and any other current statements or forms;

(b) The Association does not oppose price advertising of prescription drugs other than false and misleading advertising and does not consider such advertising to be in any way unethical or contrary to any policy of the Association;

(c) Every pharmacist is free to make an independent professional and business judgment as to whether his or her pharmacy will engage in price advertising of prescription drugs other than false and misleading advertising;

(d) The Association will not deny membership or take any other action concerning any person because of any kind of price advertising of prescription drugs other than false and misleading advertising. [Name of Executive Director]

## Appendix B

### Notice

Re: United States v. American Pharmaceutical Association and Michigan State Pharmaceutical Association, Civil No. G75-558 CA5, W.D. Michigan.

Attached hereto is a copy of a Final Judgment entered in the above-referenced case on \_\_\_\_\_, 1981. The Association is required to provide this to you, and you should read it carefully. The provisions of the Final Judgment apply to you, and violation of these provisions by you may subject the Association to a fine and may subject you to a fine and imprisonment.

**United States District Court for the Western District of Michigan, Southern Division**

United States of America, *Plaintiff*, v. American Pharmaceutical Association; and Michigan State Pharmaceutical Association, *Defendants*; Civil No. G75-558 CA5; Judge Wendell A. Miles.

*Competitive Impact Statement*

Pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

**I**

*Nature and Purpose of the Proceeding*

On November 24, 1975, the United States filed a civil antitrust Complaint alleging that two associations of pharmacists conspired to restrain price advertising of prescription drugs in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The Complaint alleges that, beginning at least as early as 1969 and continuing up to and including the date when the Complaint was filed, the defendants engaged in a combination and conspiracy to prohibit pharmacist members of the defendant associations from price advertising of prescription drugs.

The Complaint seeks a judgment by the Court that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act, it also asks that the Court enjoin the defendants from such activities in the future.

The defendants named in the Complaint are American Pharmaceutical Association and Michigan State Pharmaceutical Association. (The Michigan State Pharmaceutical Association changed its name in 1977 to and is now known as the Michigan Pharmacists Association.) American Pharmaceutical Association is a national association of pharmacists headquartered in Washington, D.C. Michigan Pharmacists Association is a state association of pharmacists headquartered in Lansing, Michigan.

**II**

*Description of the Practices Giving Rise to the Alleged Violation of the Antitrust Laws*

Prescription drugs are chemical compounds that by law may be dispensed only at the direction of persons licensed to prescribe them for use in the treatment of illness.

Pharmacists are licensed to dispense and sell prescription drugs.

American Pharmaceutical Association has approximately 39,000 pharmacist members located throughout the United States. Michigan Pharmacists Association has more than 3,300 pharmacist members, most of whom reside in the State of Michigan.

Michigan Pharmacists Association is affiliated with American Pharmaceutical Association. Pharmacists who reside in Michigan must join both associations if they wish to join either association. Dues for membership in both associations are collected by Michigan Pharmacists Association.

At least as early as 1969, both associations adopted an identical Code of Ethics that stated, among other things, that a pharmacist should not solicit professional practice by advertising. Members of the defendant associations could be suspended or expelled from these associations for violation of the Code of Ethics. Both associations enforced this restriction on advertising.

The Complaint alleges that the defendants engaged in an illegal combination and conspiracy from at least 1969 and continuing up to and including the date when the Complaint was filed. That combination and conspiracy consisted of a continuing agreement, understanding, and concert of action among the defendants and co-conspirators to adopt a Code of Ethics that prohibited price advertising of prescription drugs and to enforce that provision of the Code.

The Complaint also alleges that the combination and conspiracy had the following effects, among others:

(a) Price competition among pharmacist members of both associations in the sale of prescription drugs has been suppressed and eliminated;

(b) Pharmacist members of both associations have been restrained from providing price information in the advertising and sale of prescription drugs pursuant to their independent business judgments; and

(c) Purchasers of prescription drugs from pharmacist members of both associations have been deprived of the benefits of free and open competition in the advertising and sale of prescription drugs.

**III**

*Explanation of the Proposed Final Judgment*

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the

Antitrust Procedures and Penalties Act. The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law.

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, Section IV enjoins and restrains the defendants from entering into or enforcing any agreement, combination, or conspiracy with any person to restrain, limit, or restrict (1) price advertising of prescription drugs other than advertising that is false and misleading, or (2) any other price competition in prescription drugs. Section IV also enjoins the defendants from adopting any Code of Ethics, membership form, or any other statement or form (1) that states that price advertising of prescription drugs other than false and misleading advertising is unethical, or (2) that contains the provision of the Code of Ethics that a pharmacist should not solicit professional practice by advertising. Finally, Section IV enjoins the defendants from acting against anyone for the refusal to restrict price advertising of prescription drugs unless the advertising is false and misleading.

Section V of the proposed Final Judgment allows two limited exceptions to the injunctive provisions of the Judgment. First, defendants are permitted to urge a state or Federal legislature or a state or Federal administrative body to enact a law or regulation to limit advertising a quantity of prescription drugs that induces the obtaining or use of such drugs in excess of medically acceptable therapeutic requirements. Second, defendants may publish written articles for pharmacists or make oral statements to pharmacists urging pharmacists as a group to avoid advertising a quantity of prescription drugs that induces the obtaining or use of such drugs in excess of medically acceptable therapeutic requirements.

Section VI of the proposed Final Judgment orders the defendants to amend any of their current statements or forms of any kind by eliminating any provision in them that restricts price advertising of prescription drugs other than advertising that is false and misleading. Section VI also requires the defendants to publish annually in their monthly magazines the text of the Judgment, preceded by a statement that is set out in Appendix A of the Judgment. The Statement in Appendix A will tell the magazine's readers (1) that the former section of the Code of Ethics that prohibited the solicitation of professional practice by advertising has been revoked, (2) that the association

does not oppose price advertising of prescription drugs other than false and misleading advertising, (3) that every pharmacist is free to make his own decision whether to use price advertising of prescription drugs other than false and misleading advertising, and (4) that the association will not act against anyone for price advertising of prescription drugs other than false and misleading advertising.

Section VI of the proposed Final Judgment further orders the defendants to furnish a copy of the Final Judgment to each of their officers, directors, and employees who has responsibility for determining, enforcing, or implementing ethics or policy statements. Successors of those persons are also to be furnished a copy of the Judgment. Each copy of the Final Judgment so provided will have attached a statement informing the recipient that a violation of the Final Judgment could result in a fine for the association and a fine and imprisonment for the recipient. Section VI also requires each defendant to hold a meeting at which the persons mentioned above are instructed on their obligations and their association's obligations under the Final Judgment.

Section III of the proposed Final Judgment makes the Judgment applicable to each defendant and to the officers, trustees, directors, agents, employees, subsidiaries, successors and assigns of each defendant, as well as all other persons in active concert or participation with any of them who have received actual notice of the Final Judgment, including members of each association.

Section IX makes the Final Judgment effective for ten years from the date of its entry.

Section X of the proposed Final Judgment states that entry of this Judgment is in the public interest. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Judgment is in the public interest.

Standard provisions similar to those found in other antitrust Final Judgments entered by consent are contained in Section I (jurisdiction of the Court), Section VII (investigation and reporting requirements), and Section VIII (retention of jurisdiction by the Court).

It is anticipated that the relief provided by the proposed Final Judgment will have a salutary effect on competition in the sale of prescription drugs. Advertising allows consumers to make more informed purchasing decisions. It also lowers the cost to them of obtaining information about price and

quality. If sellers are allowed to advertise, they will seek to expand sales by offering a better combination of price, quality, and convenience than other sellers. This increase in information should result in a more competitive market.

In 1976, both defendants made an identical amendment to their identical Code of Ethics which was in effect in 1975 when the Complaint was filed. Although the amendments eliminated from the Codes the express prohibition on advertising, the amendments added other language to the Codes that could have been used by the associations to restrain price advertising in the same way that the Codes had been used before they were amended. The proposed Final Judgment prohibits defendants from using their Codes of Ethics or any other statement to restrain price advertising of prescription drugs other than advertising that is false and misleading.

In addition to their being enjoined from engaging in future collusive behavior, the defendants are required to provide copies of the Final Judgment to each of their officers, directors, and employees who have responsibility for ethics or policy statements that affect price advertising. Also, those people must meet to be instructed about their responsibilities under the Judgment. It is anticipated that these provisions will make future violations less likely.

#### IV

##### *Remedies Available to Potential Private Plaintiffs*

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

#### V

##### *Procedures Available for Notification of the Proposed Final Judgment*

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to John A. Weedon, Chief, Great Lakes Office, Antitrust Division, United States Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199 (telephone: 216-522-4070). These

comments and the Department's responses to them will be filed with the Court and published in the Federal Register.

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Further, Section VIII of the proposed Judgment provides that the Court retains jurisdiction over this action for the life of the Final Judgment and that the parties may apply to the Court for such order as may be necessary or appropriate for the modification, interpretation, or enforcement of the Judgment after its entry.

#### VI

##### *Alternatives to the Proposed Final Judgment*

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint.

#### VII

##### *Determinative Materials and Documents*

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectfully submitted,

John A. Weedon,

Attorney, Department of Justice.

David F. Hills,

Michael J. Keane,

Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, Telephone: 216-522-4074.

[FR Doc. 81-10654 Filed 4-9-81; 8:45 am]

BILLING CODE 4410-01-M

#### **Proposed Final Judgment in United States v. Cross & Trecker Corp., et al., and Competitive Impact Statement Thereon**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have

been filed with the United States District Court for the Eastern District of Michigan, Southern Division, in *United States v. Cross & Trecker Corporation, et al.*, Civil No. 973737. The Complaint in this case alleges that the acquisition of The Cross Company and Kearney & Trecker Corporation by Cross & Trecker Corporation violated Section 7 of the Clayton Act.

The proposed Judgment requires the defendants to divest themselves of certain assets within twelve (12) months from the date of entry of the Final Judgment and enjoins the defendants from acquiring any interest in any person that manufactures and sells machining centers or head changers in the United States. The CIS describes the terms of the proposed Judgment and the background of the action and concludes that the proposed Judgment provides appropriate relief against the violation alleged in the Complaint.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the *Federal Register* and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Office, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Dated: March 31, 1981.

Joseph H. Widmar,  
Director of Operations.

United States District Court for the Eastern District of Michigan, Southern Division

United States of America, *Plaintiff*, v. Cross & Trecker Corporation; the Cross Company; and Kearney & Trecker Corporation, *Defendants*; Civil Action No. 973737, Judge Avern Cohn; filed: March 31, 1981.

#### Stipulation

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of

this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: March 26, 1981.

For the Plaintiff:

Richard J. Favretto,  
*Acting Assistant Attorney General.*

Joseph H. Widmar,

John A. Weedon,

David F. Hills,

*Attorneys, Department of Justice.*

James K. Robinson,  
*United States Attorney.*

For the Defendants:

Clark, Klein & Beaumont

David M. Hayes.

Quarles & Brady

Harry G. Holz,

Michael J. Keane,

Donald S. Scherzer,

Mary Ann Ryan.

*Attorneys, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, (Telephone: 216-522-4085).*

Rosenman Colin Freund Lewis & Cohen

Seymour D. Lewis.

United States District Court for the Eastern District of Michigan, Southern Division

United States of America, *Plaintiff*, v. Cross & Trecker Corporation; The Cross Company; and Kearney & Trecker Corporation, *Defendants*; Civil Action No. 973737; filed: March 31, 1981.

#### Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on September 25, 1979, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby

Ordered, adjudged, and decreed as follows:

#### I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under section 7 of the Clayton Act (15 U.S.C. 18).

#### II

As used in this Final Judgment:

(A) "Defendant" means Cross & Trecker Corporation, The Cross Company, Kearney & Trecker Corporation, or any of them as the context may require;

(B) "Cross & Trecker" means Cross & Trecker Corporation and each of its subsidiaries, affiliates, successors, and assigns;

(C) "Cross" means The Cross Company and each of its subsidiaries, affiliates, successors, and assigns;

(D) "K&T" means Kearney & Trecker Corporation and each of its subsidiaries, affiliates, successors, and assigns;

(E) "Machine tool" means a stationary, power-driven machine that cuts metal;

(F) "Machining center" means a machine tool that has interchangeable cutting tools, changes tools automatically, has a horizontal spindle, and is numerically controlled;

(G) "Head changer" means a machine tool that has cutting tools mounted in interchangeable heads, changes heads automatically, has horizontal spindles, and is numerically controlled;

(H) "Multi-Center No. 100" means any product that Cross referred to by that name;

(I) "Multi-Center No. 100 assets" means the following:

(1) All the rights to manufacture and sell the Burr Transfercenter in North America that Cross acquired pursuant to its agreement dated May 6, 1976 with Deutsche Industrien Anlagen GmbH;

(2) All the engineering, technical, marketing, and other information regarding the Burr Transfercenter that Cross acquired pursuant to its agreement dated May 6, 1976 with Deutsche Industrien Anlagen GmbH;

(3) All the plans, drawings, designs, sketches, proposal drawings, bills of materials, and other information in the possession, custody, or control of Cross & Trecker that constitute or refer or relate to the planning, engineering, design, development, or manufacture of the Multi-Center No. 100;

(4) A royalty-free non-exclusive license under any patent which is owned by a defendant on the date of entry of this Final Judgment and which would be infringed by a Multi-Center No. 100, or by any assembly, subassembly or component thereof, built in accordance with the plans, drawings, designs, sketches or proposal drawings referred to in (3) above;

(5) A non-exclusive sublicense under any patent which is licensed (with the right to grant sublicenses) to a

defendant on the date of entry of this Final Judgment and which would be infringed by a Multi-Center No. 100, or by any assembly, subassembly or component thereof, built in accordance with the plans, drawings, designs, sketches or proposal drawings referred to in (3) above, such sublicense to be at the royalty rate paid by such defendant under such license or at the sublicensee royalty rate specified in the license if the license specifies such a royalty rate.

(J) "Person" means any individual, corporation, partnership, firm, association, or other business or legal entity.

### III

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

### IV

(A) Within twelve (12) months after the date of entry of this Final Judgment, the defendants shall divest themselves of the Multi-Center No. 100 assets.

(B) The obligation to divest imposed by paragraph IV(A) of this Final Judgment is absolute and unconditional and shall be to a person first approved by this Court.

### V

(A) If the defendants have not divested the Multi-Center No. 100 assets within 10 months after the date of entry of this Final Judgment, and upon the application of the plaintiff, the Court shall appoint a Trustee to accomplish the divestiture. The plaintiff shall nominate a person for appointment by the Court. The Trustee shall use the time between the date of his appointment and the end of the period specified in paragraph IV(A) of this Final Judgment to acquaint himself with the Multi-Center No. 100 assets and to plan a strategy for the sale of the Multi-Center No. 100 assets.

(B) At the end of the period specified in paragraph IV(A) of this Final Judgment, all of the defendants' right, title, and interest in and to the Multi-Center No. 100 assets shall vest in the Trustee.

(C) The defendants shall provide to the Trustee such information and assistance as the Trustee may request to assist the Trustee in selling the Multi-Center No. 100 assets.

(D) The Trustee shall serve at the cost and expense of the defendants on such

terms and conditions as this Court may set. The Trustee shall account to the Court for all monies derived from the divestiture and all expenses incurred. After approval by this Court of the account of the Trustee, all monies derived by the Trustee from the divestiture, after expenses, shall be turned over to the defendants and the trust shall be terminated.

### VI

(A) The divestiture ordered by this Final Judgment, whether accomplished by the defendants or by a Trustee, shall be at whatever price and terms are available and to a purchaser that certifies in writing to the Court that it intends in good faith to use the Multi-Center No. 100 assets in developing or offering for sale a machining center or a head changer.

(B) The defendants are ordered and directed to make available to the purchaser during the twelve (12) month period following the date of divestiture, whether accomplished by the defendants or by a Trustee: (1) Such of their engineering and technical employees, as agreed by the defendants and the purchaser, as have knowledge and expertise sufficient to enable such employees to assist the purchaser to understand and use the Multi-Center No. 100 assets; (2) such of their sales and marketing employees, as agreed by the defendants and the purchaser, as have knowledge and expertise sufficient to enable such employees to assist the purchaser in developing a marketing strategy and in training sales personnel to sell a machining center or a head changer developed through the use of the Multi-Center No. 100 assets. Such employees shall be made available to the purchaser at defendants' out-of-pocket cost. Nothing contained in this paragraph VI(B) shall require the defendants or their employees to disclose any of their confidential or trade secret information except insofar as the same may be included in the Multi-Center No. 100 assets.

(C) The defendants shall submit a written report to this Court and to the plaintiff thirty (30) days after the date of entry of this Final Judgment. The Trustee shall submit a written report to this Court and to the plaintiff thirty (30) days after the date of the Trustee's appointment. Subsequent reports shall be submitted by the defendants or by the Trustee every sixty (60) days until the divestiture is accomplished. The reports shall set forth in reasonable detail the steps taken by the defendants or by the Trustee to accomplish the divestiture during the previous sixty (60) days and the steps to be taken in the

next sixty (60) days. The reports shall set forth the name and address of each person with which the defendants or the Trustee have communicated as a potential purchaser, the substance of each communication, and, if applicable, the name of each representative of the defendants that participated in the communication. Additional information or documents shall be provided if requested by the plaintiff.

(D) The plaintiff, the defendants, and the Trustee, if any, shall meet with the Court every one hundred twenty (120) days until the divestiture is accomplished to discuss the progress of the defendants' or the Trustee's efforts to divest the Multi-Center No. 100 assets. Other meetings may be scheduled by the Court at the request of any part or of the Trustee.

### VII

(A) At least thirty (30) days before a contract of sale is entered into pursuant to this Final Judgment, the plaintiff shall receive from the defendants or from the Trustee the name and address of the proposed purchaser and the name and address of a representative of the purchaser who can provide information about the purchaser. At that time, the defendants or the Trustee shall also provide a copy of the proposed contract of sale together with all other pertinent documents and information about the divestiture. The plaintiff shall have the right to request additional information from the defendants, the Trustee or the proposed purchaser about the proposed divestiture.

(B) Within twenty (20) days after the plaintiff has received all the information requested from the defendants, the Trustee, or the proposed purchaser, the plaintiff shall advise the defendants and the Trustee, if any, in writing of the plaintiff's objections to or approval of the proposed divestiture.

(C) If the plaintiff objects to the proposed divestiture, then the contract of sale shall not be consummated unless (1) the plaintiff notifies the defendants and the Trustee, if any, in writing of any subsequent approval or unless (2) the Court approves the divestiture at a hearing at which the defendants shall have the burden of proving that the contract of divestiture is proper under the terms of this Final Judgment and that there is a substantial likelihood that the purchaser will develop or offer for sale a machining center or head changer within the reasonably near future.

### VIII

Cross & Trecker, Cross, and K&T, individually and collectively, are

enjoined and restrained from acquiring any stock or assets of or any financial interest in any person that manufactures and sells machining centers or head changers in the United States.

#### IX

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted:

(1) Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees, and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to any defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section IX shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then

ten (10) days' notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

#### X

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

#### XI

This Final Judgment will expire ten (10) years from its date of entry.

#### XII

Entry of this Final Judgment is in the public interest.

Dated: \_\_\_\_\_,

United States District Judge.

United States District Court for the Eastern District of Michigan, Southern Division

United States of America, Plaintiff, v. Cross & Trecker Corporation; the Cross Company; and Kearney & Trecker Corporation, Defendants; Civil No. 973737, Judge Avern Cohn.

#### Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

#### I

*Nature and Purpose of the Proceeding*  
On September 25, 1979, the United States filed a civil antitrust Complaint alleging that the acquisition of The Cross Company ("Cross") and Kearney & Trecker Corporation ("K&T") by Cross & Trecker Corporation ("Cross & Trecker") violated Section 7 of the Clayton Act, 15 U.S.C. 18.

The Complaint alleges that the 1979 acquisition of Cross and K&T by Cross & Trecker eliminated potential competition between Cross and K&T in the manufacture and sale of machining centers and of head changers, eliminated Cross as a potential competitor in the manufacture and sale of machining centers and head changers throughout the United States, and may

have substantially lessened the potential for increased competition in the manufacture and sale of machining centers and head changers.

The Complaint seeks a judgment by the Court that the acquisition be declared in violation of Section 7 of the Clayton Act. It also asks that Cross & Trecker be ordered to divest all its interest in either Cross or K&T or both and that Cross and K&T be permanently enjoined from acquiring any interest in or merging in any way with each other.

#### II

#### Description of the Practices Giving Rise to the Alleged Violation of the Antitrust Laws

Cross is a Michigan corporation with approximately \$138,848,000 in net sales in 1978. Cross is engaged in the manufacture and sale of metal cutting machine tools. Approximately 75 percent of Cross's sales in 1978 were of transfer machines. A transfer machine is a machine tool that automatically moves a work piece through a series of stations that perform metal cutting and other functions.

K&T is a Wisconsin corporation with 1978 net sales of approximately \$96,324,000. K&T is engaged in the manufacture and sale of metal cutting machine tools. In 1978, over half of K&T's sales were in machining centers and head changers. K&T was the largest seller in the United States of machining centers, with approximately 35 percent of that market. K&T was the second largest domestic seller of head changers.

The Complaint alleges that prior to the merger, Cross attempted to develop and to sell a horizontal machining center and a head changer and that Cross discontinued its efforts because of the acquisition. A horizontal machining center is a multi-purpose metal cutting machine tool that automatically changes individual tools. It has a relatively low rate of production. A head changer is a multi-purpose metal cutting machine tool that has cutting tools mounted in automatically interchangeable heads. A head changer normally has a higher rate of production than a machining center.

In or about May 1976, Cross purchased engineering and other technical and business information related to the manufacture of several models of the Burr Transfercenter. Some models of the Burr Transfercenter were machining centers, and other models were machining centers that also had automatic head changers. Thereafter, Cross worked on the development of a machine tool which it called the Multi-Center, using as an initial basis the Burr

designs. The Multi-Center was to be a machining center with both an automatic tool changer and an automatic head changer. At the time of the acquisition, Cross's development of the Multi-Center was approximately 80 percent complete, and Cross had advertised the product and had submitted quotations on the Multi-Center to two customers.

The Complaint further alleges that the acquisition eliminated potential competition between Cross and K&T in the manufacture and sale of machining centers and head changers, eliminated Cross as a potential competitor in the manufacture and sale of machining centers and head changers, and may have substantially lessened the potential for increased competition in the manufacture and sale of machining centers and head changers, all in violation of Section 7 of the Clayton Act.

### III

#### *Explanation of the Proposed Final Judgment*

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law.

Section IV of the proposed Final Judgment requires the defendants to divest themselves of the Multi-Center No. 100 assets within twelve (12) months from the date of entry of the Judgment. The Multi-Center No. 100 assets to be divested are all of the following items: The rights to manufacture and sell the Burr Transfercenter that Cross acquired in May 1976, as well as the engineering, marketing, and other information relating to the Burr Transfercenter acquired at that time; the drawings, designs, and similar documents relating to the development or manufacture of the Multi-Center No. 100; and all licenses either owned by the defendants or licensed by the defendants with the right to grant sublicenses that would be infringed by a machining center or a head changer developed by the purchaser from the designs for the Multi-Center No. 100. This obligation to divest is absolute and unconditional.

Section V of the proposed Final Judgment provides that the Court will appoint a Trustee within a specified time. If the defendants do not accomplish this divestiture within twelve (12) months, title to the Multi-Center No. 100 assets will vest in the Trustee, and the Trustee will have full authority to sell the assets.

Section VI of the proposed Final Judgment requires the assets to be sold at whatever price and terms are available. The purchaser must certify that it intends to use the assets to develop or to offer for sale a machining center or a head changer. For 12 months immediately following the divestiture, defendants must make available to the purchaser engineering, technical, sales, and marketing employees of the defendants who have sufficient knowledge and expertise to assist the purchaser in understanding and using the assets, in developing a marketing strategy, and in training sales personnel to sell a machining center or a head changer developed through the use of the assets. These employees must be made available to the purchaser at defendants' out-of-pocket cost. Section VI also provides for periodic meetings with the Court to discuss the progress of the efforts to divest the assets.

Section VII of the proposed Final Judgment gives the United States the right to object to a prospective purchaser proposed by either the defendants or the Trustee. If the United States maintains its objection to the proposed divestiture, the divestiture will not be consummated unless the Court approves it.

Section VIII of the proposed Final Judgment prohibits Cross & Trecker, Cross, and K&T from acquiring any stock or assets of or any financial interest in any person that manufactures and sells machining centers or head changers in the United States.

Section III of the proposed Final Judgment makes the Judgment applicable to each defendant and to the officers, directors, agents, employees, subsidiaries, successors, and assigns of each defendant, as well as all other persons in active concert or participation with any of them who have received actual notice of the Final Judgment.

Section XI makes the Final Judgment effective for ten years from the date of its entry.

Section XII of the proposed Final Judgment states that entry of this Judgment is in the public interest. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Judgment is in the public interest.

Standard provisions similar to those found in other antitrust Final Judgments entered by consent are contained in Section I (jurisdiction of the Court), Section IX (investigation and reporting

requirements), and Section X (retention of jurisdiction by the Court).

It is anticipated that the relief provided by the proposed Final Judgment will have a salutary effect on competition in the machining center and head changer markets. The acquisition eliminated Cross as a potential competitor in these markets. The divestiture will enable the purchaser of the Multi-Center No. 100 assets to become an actual competitor in these markets. Divestiture of the assets, therefore, should increase the competition in each of these markets.

### IV

#### *Remedies Available to Potential Private Plaintiffs*

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

### V

#### *Procedures Available for Modification of the Proposed Final Judgment*

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to John A. Weedon, Chief, Great Lakes Office, Antitrust Division, United States Department of Justice, 94 Celebrezze Federal Building, Cleveland, Ohio 44199 (telephone: 216-522-4070). These comments and the Department's Responses to them will be filed with the Court and published in the Federal Register.

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Further, Section X of the proposed Judgment provides that the Court retains jurisdiction over this action for the life of the Final Judgment and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification, interpretation, or enforcement of the Judgment after its entry.

## VI

*Alternatives to the Proposed Final Judgment*

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed Judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint.

While the Complaint sought divestiture of Cross, K&T, or both, the principal anticompetitive effect of the acquisition was the elimination of Cross as a potential entrant into the machining center and head changer markets. The principal objective of the Complaint was to re-establish Cross as a potential competitor in these markets. Although the proposed Final Judgment does not cause Cross to be a potential entrant, it does provide that another company, subject to the approval of the plaintiff or the Court, will be able to fill the void left by Cross when it abandoned its development of a machining center and a head changer and merged with K&T.

## VII

*Determinative Materials and Documents*

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectfully submitted,

John A. Weedon,

David F. Hils,

*Attorneys, Department of Justice.*

Michael J. Keane,

Donald S. Scherzer,

Mary Ann Ryan,

*Attorneys, Antitrust Division, Department of Justice, 995 Celebrezze Federal Bldg., Cleveland, Ohio 44199; Telephone: 216-522-4085.*

[FR Doc. 81-10655 Filed 4-8-81; 8:45 am]

BILLING CODE 4410-01-M

**Proposed Consent Decree in Action for Penalties and Injunctive Relief for Violations of an NPDES Permit by the Regional Metropolitan Utility Authority, Oklahoma, the City of Tulsa Oklahoma, and the City of Broken Arrow, Oklahoma at Their Waste Water Treatment Plant in Tulsa, Oklahoma**

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19025, notice

is hereby given that on March 30, 1981, a proposed consent decree in *United States v. Regional Metropolitan Utility Authority, et al.* (N.D. OK., No. 79-C-672-C), was lodged with the United States District Court for the Northern District of Oklahoma. The proposed consent decree requires the defendants to meet the effluent limitations prescribed in its NPDES permit, No. OK0034363, and to construct and install at its Haikey Creek Waste Water Treatment Plant, Tulsa, Oklahoma, new equipment in compliance with a construction schedule as set forth in the consent decree. In addition the consent decree requires two penalties to be paid. A civil penalty of one hundred and forty thousand dollars to be paid within 45 days of entry of this decree in settlement of violations alleged in the complaint. Furthermore, the decree provides for the payment of civil penalties to the United States of \$500 a day for each calendar day after the effective date of this decree that the defendants fail to comply with this consent decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Acting Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Regional Metropolitan Utility Authority, et al.* (D. J. Ref. No. 90-5-1-1-1284).

The proposed consent decree may be examined at the Clerk's Office, United States Courthouse, 333 West Fourth Street, Tulsa, Oklahoma 74103; and at the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice, Room 1254, Tenth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the United States Department of Justice. In requesting a copy, please enclose a check or money order in the amount of \$3.40 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Anthony C. Liotta,

*Acting Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 81-10656 Filed 4-8-81; 8:45 am]

BILLING CODE 4410-01-M

**United States v. Clark Oil and Refining Corp.; Consent Decree in Action To Enforce Compliance With Clean Air Act**

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a consent decree in *United States v. Clark Oil and Refining Corporation*, was lodged with the United States District Court for the Northern District of Indiana on March 20, 1981. The decree requires Clark's Hammond facility to comply with the applicable portion of the federally-approved Indiana State Implementation Plan for control of hydrocarbon emissions from bulk gasoline loading facilities and provides that Clark will pay a civil penalty of \$2,500.

The Department of Justice will receive for a period of thirty (30) days from the date of the notice, written comments relating to the proposed consent decree. Comments should be addressed to the Acting Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States v. Clark Oil and Refining Corporation*, D.J. Ref. 90-5-2-1-213.

The Consent Decree may be examined at the office of the United States Attorney, Northern District of Indiana, Hammond, Indiana and at the Region V Office of the Environmental Protection Agency, Enforcement Division, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Tenth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Anthony C. Liotta,

*Acting Assistant Attorney General, Land and Natural Resources Division.*

[FR Doc. 81-10653 Filed 4-8-81; 8:45 am]

BILLING CODE 4410-01-M

**UNITED STATES METRIC BOARD**

**American National Metric Council Chemical Sector Conversion Plan Available for Public Comment**

The United States Metric Board (USMB) was established by the Metric Conversion Act of 1975 (Pub. L. 94-168) to coordinate the voluntary increasing use of the metric system. Section 6(3) of the Act directs the USMB to keep

interested parties informed and to encourage broad participation in private sector metric conversion planning activities. That is the purpose of this notice.

At the request of the American National Metric Council (ANMC), the USMB is announcing the availability for public comment of the third and final draft of the Chemical and Allied Products Sector Metric Conversion Plan which was developed under the auspices of ANMC. ANMC is a private, non-profit organization acting as a principal representative of the private sector in formulating and coordinating industry-wide metric conversion plans.

The ANMC Chemical Plan has been under development for over five years during which time it has been sent for review and comment to trade associations, professional societies, federal agencies, and individual companies in the Sector. The plan which has been available for public comment on two previous occasions, covers a wide range of products from industrial chemicals to pharmaceuticals, and includes paints, soaps, detergents, agricultural chemicals, plastics, resins, and synthetic rubber.

In the event that the USMB is called upon to review this plan, the record of public review and comment will be carefully examined. Therefore, the Board urges the public to avail itself of this final opportunity to participate in the development of this important industry plan. Comments on the plan may be made in writing to ANMC on or before June 8, 1981.

Additional information or copies of the Chemical and Allied Products Sector Metric Conversion Plan may be obtained by contacting: Chemical Sector Program Manager, American National Metric Council, 1625 Massachusetts Avenue, N.W., Washington, D.C. 20036. Telephone (202) 232-4545.

Dated: April 1, 1981.

Malcom E. O'Hagan,

Executive Director, United States Metric Board.

[FR Doc. 81-10099 Filed 4-8-81; 8:45 am]

BILLING CODE 6820-94-M

## NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-15]

### Recommendations, Responses; Availability; Highway Accident Investigation Hearing

Aviation safety recommendations issued by the National Transportation

Safety Board during the period March 26-April 2, 1981, include:

#### A-81-29 to the Federal Aviation Administration, March 26:

Take action to notify all owners/operators of those Cessna model aircraft identified in Service Letter AV79-17 of the possible elevator control difficulties which can be encountered as a result of the Omni bearing indicator mounting clamp failure. (A-81-29)

#### A-81-30 and -31 to the Federal Aviation Administration, March 26:

Amend Airworthiness Directive (AD) 68-05-01 to require that an inspection of the muffler and exhaust systems meeting the requirements of the AD be performed during the aircraft's annual inspection if a detailed inspection of the system has not been made during the preceding year on the basis of the time-in-service requirements of the AD. (A-81-30)

Pending amendment of Airworthiness Directive (AD) 68-05-01, as an interim measure, issue an airworthiness Alert to all owners/operators of Piper aircraft listed in the AD describing the circumstances of the failure of the muffler which cause this accident. (A-81-31)

#### A-81-32 and -33 to the Federal Aviation Administration, March 26:

Insure an airworthiness directive to move the emergency/park brake light on all Falcon 10 aircraft from its present location to a location on the pilot's instrument panel where it can be monitored more readily by both pilots when seated normally in the cockpit. (A-81-32)

Review the checklists of all Falcon 10 operators to insure that they include checks that the parking brake is released and the emergency/park brake light is "out" before taxi and before takeoff. (A-81-33)

#### A-81-34 to the Inter-Agency Air Cartographic Committed of the National Oceanic and Atmospheric Administration, March 30:

Take steps to amend all appropriate National Ocean Survey approach charts to depict the missed approach track with a curved arrow in the direction of the required turn, regardless of where the turn begins. These changes should be accomplished along with routine amendments resulting from periodic reviews. (Class III, Longer Term Action) (A-81-34)

#### A-81-35 to the Federal Aviation Administration, April 2:

Require all aircraft used in revenue passenger operations which are not presently required to be equipped with an approved weather detection device under 14 CFR Part 121 or 14 CFR Part 135 to have an appropriate airborne weather detection device that is in satisfactory operating condition when flight under IFR or night VFR conditions is anticipated and current weather reports indicate that thunderstorms or other potentially hazardous weather conditions that can be detected with an airborne weather detection device may

reasonably be expected along the route to be flown. (A-81-35)

#### A-81-36 through -38 to the Federal Aviation Administration, April 2:

Issue an airworthiness directive superseding AD 80-22-15 to require that all lift strut forks currently installed on affected Piper aircraft, including forks with rolled threads, be replaced with new, certified, magnetically inspected forks. (This requirement need not apply in cases where such new forks have already been installed in accordance with AD 80-22-15.) (A-81-36)

Require manufacturers of rolled thread lift strut forks to be installed on Piper aircraft to identify them with a part number different from that of forks with machined threads. (A-81-37)

Specify that required inspections of lift strut forks on Piper aircraft (enumerated in AD 80-22-15) be performed only by manufacturers authorized to fabricate these forks or by other designated central inspection facilities having the requisite facilities and expertise. (A-81-38)

#### A-81-39 through -42 to the Federal Aviation Administration, March 30:

Publish a Notice to Airmen pertaining to the localizer approach to runway 3 at Spokane International Airport, Spokane, Washington, emphasizing the need to use the IOLJ distance measuring equipment once established on the final approach course to runway 3. (Class I, Urgent Action) (A81-39)

Add a precautionary note in the plan view section of the chart for a localizer approach to runway 3 at Spokane International Airport, Spokane, Washington, such as: *Caution—Use 109.9 IOLJ DME (Channel 36) For Final Approach Course Distance Information.* (Class I, Urgent Action) (A-81-40)

Review all approach procedures and identify those airports that have a localizer or instrument landing system approach with distance measuring equipment facilities at two points along the final approach course, leading to the possibility of erroneous tuning, and add a precautionary note on the pertinent approach chart. (A-81-41)

Alert pilots of the potential for error in making approaches at airports equipped with distance measuring equipment at two points along the final approach course through publication of appropriate precautionary information in the Airmen's Information Manual. (A-81-42)

Unless otherwise indicated, the above-listed recommendations are designated "Class II, Priority Action."

*Responses to Safety Board Recommendations Recently Received From the Federal Aviation Administration:*

A-72-50 (Mar. 17, 1981).—Supplements FAA's responses of May 17, 1972, and Feb. 3, 1978 (43 FR 10991, Mar. 16, 1978) and responds to Board inquiry of Aug. 25, 1980. Airworthiness

Review, Amendment 8A, published Sept. 11, 1980. (A-72-47 through -49 closed by Board, Aug. 25, 1980.)

A-77-58 (Mar. 17, 1981).—

Supplements FAA's response of June 14, 1978, and responds to Board inquiry of Aug. 18, 1980 (43 FR 29196, July 6, 1978). Technical Standard Orders for continuous flow oxygen masks awaiting public comment.

A-77-63 (Mar. 17, 1981).—

Supplements FAA's response of Oct. 3, 1979 (44 FR 60184, Oct. 18, 1979) and responds to Board inquiry of Sept. 12, 1980. Progress reported in weather detection and display.

A-77-69 (Mar. 11, 1981).—

Supplements FAA's response of July 19, 1978 (43 FR 36535, Aug. 17, 1978) and responds to Board inquiry of July 28, 1980. Airman's Information Manual clarified re pilot and controller responsibilities for instrument departure operations.

A-79-21 through -24 (Mar. 11, 1981).—

Supplements FAA's responses of July 16, 1979, and Sept. 29, 1980 (45 FR 71870, Oct. 30, 1980). Reports on airworthiness directive 80-22-10 and temporary Airplane Flight Manual requirements re pitch axis malfunction. (A-79-23 closed by Board, Nov. 26, 1980.)

A-80-30 and -31 (Mar. 11, 1981).—

Supplements FAA's response of June 20, 1980 (45 FR 46584, July 10, 1980) and responds to Board comments of Aug. 27, 1980. FAA continues to find no need to install improved tail rotor blades on Bell model helicopters equipped with Franklin engines. (A-80-30 closed by Board, Aug. 27, 1980.)

Responses to Safety

Recommendations Recently Received From the U.S. Coast Guard:

M-78-35 through -41 (Mar. 4, 1981).—

Responds to Board comments of June 3, 1980, re USCG response of Apr. 7, 1980 (45 FR 27850, Apr. 24, 1980). M-78-35: Final rule re hazardous ship movements published Aug. 28, 1980; marine Safety Manual guidelines expected soon. (Board closed out M-78-36 June 3, 1980, and M-78-37 on Jan. 23, 1979.) M-78-38 and -39: Requirements re placement of brows and gangways in waterfront facilities not feasible. M-78-41: Studies continuing re livesaving equipment changes.

M-78-56 through -61 (Mar. 11,

1981).—Responds to Board comments of Sept. 26, 1980, re USCG response of May 28, 1980. (45 FR 39989, June 12, 1980). M-78-56: Development continuing re improved international design standards to reduce hydrocarbon vapors on deck. (Board letter of Sept. 26 closed out M-78-57; M-78-58 and -60 held open.) M-78-59: Tankerman requirements published at 45 FR 83290, Dec. 18, 1980,

awaiting comments. M-78-61: Report on flame-quenching devices under conditions of vapor concentrations to be completed soon.

Highway Accident Investigation Hearing:

D & J Transportation Company Commuter Bus Run-Off-Roadway, I-95 Near Triangle, Va., Feb. 18, 1981. Hearing set for 9 a.m., May 4, 1981, in the Auditorium of the Department of Commerce, Constitution Avenue at 14th Street, N.W., Washington, D.C. (Docket No. HY-324-81.)

Note.—Complete texts of Safety Board recommendation letters, responses and related correspondence are available free of charge on written request. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

April 3, 1981.

[FR Doc. 81-10682 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-58-M

## NUCLEAR REGULATORY COMMISSION

### Availability of Draft NUREG-0761 Radiation Protection Plans for Nuclear Power Reactor Licensees

The staff of the Nuclear Regulatory Commission (NRC) has completed a draft report entitled, "Radiation Protection Plans for Nuclear Power Reactor Licensees". The purpose of this document is to provide guidance for NRC licensees and near-term licensees for the content of a Radiation Protection Plan and on elements to be included in the comprehensive radiation protection program that the plan describes. Procedural details and outlines suggested for incorporation into implementing procedures are also provided. The guidance is the product of the NRC response to evaluations of the TMI accident, evaluations of industry-wide lessons learned, and significant findings derived from IE's Health Physics Appraisals. Following incorporation of public comment, this document will establish guidance and acceptance criteria for NRC staff in determining the adequacy of power reactor radiation protection programs, as described in the plans submitted for review.

Copies of the report will be available after April 5, 1981. Copies will be sent directly to utilities, industry groups and associations, and identified intervenor groups. Other copies will be available for review at the NRC Public Document

Rooms 1717 H Street, NW, Washington, D.C.; and the Commission's Local Public Document Rooms located in the vicinity of existing nuclear power plants. Addresses of these local Public Document Rooms can be obtained by contacting the Chief, Local Public Document Room Branch, Mail Stop 309, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-7536. One free copy may be obtained directly from the NRC, by contacting the Director, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The NRC invites comments from interested members of the public. Interested persons may submit comments on the NRC draft report for the NRC staff's consideration. Comments are due by May 31, 1981. Comments should be addressed to the Director, Division of Systems Integration, at the address below:

Office of Nuclear Reactor Regulation,  
U.S. Nuclear Regulatory Commission,  
Washington, D.C. 20555; ATTN:  
Leader, Radiation Protection Section

After an analysis of comments on the draft report, the staff will issue a final report.

Dated at Bethesda, Maryland, this 2nd day of April, 1981.

For the Nuclear Regulatory Commission,  
William E. Kreger,

Assistant Director for Radiation Protection,  
Division of Systems Integration, Office of  
Nuclear Reactor Regulation.

[FR Doc. 81-10782 Filed 4-8-81; 8:45 am]

BILLING CODE 7590-01-M

[License No. 12-03681-01, EA 81-14]

### Burnside Steel Foundry Co.; Order Imposing Civil Monetary Penalties

I

In the matter of: Burnside Steel Foundry Company, 1300 East 92nd Street, Chicago, IL 60619.

Burnside Steel Foundry Company, Chicago, Illinois (the "licensee") is the holder of Byproduct Material License No. 12-03681.01 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to perform industrial radiography at 1300 East 92nd Street, Chicago, Illinois, in accordance with the conditions specified therein. The license was issued on June 19, 1958, and a timely license renewal application has been submitted.

## II

A routine inspection was conducted of licensed activities under the license on October 1, 1980. As a result of this inspection it appears that the licensee has not conducted its activities in full compliance with the conditions of the license and with the requirements of the Nuclear Regulatory Commission's "Notices, Instructions and Reports to Workers; Inspections", Part 19, "Standards for Protection Against Radiation", Part 20, and "Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations." Part 34, Title 10, Code of Federal Regulations.

A written Notice of Violation was served upon the licensee by letter dated February 2, 1981, specifying the items of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205, which incorporated by reference the Notice of Violation. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties by letter dated February 19, 1981.

## 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 items of noncompliance designated in the Notice of Violation should be imposed except for Item No. 4. This item is withdrawn and the corresponding penalty for Item No. 4 is remitted in its entirety. Accordingly, the Notice of Violation is modified.

## 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 Two Thousand One Hundred Fifty Dollars 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.

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 the time, the matter may be referred to the Attorney General for collection.

## V

In the event the licensee requests a hearing as provided above, the issues to be considered at such a hearing shall be:

- whether the licensee was in noncompliance with the Commission's regulations and the conditions of the license as set forth in the modified Notice of Violation referenced in Section III above; and,

- whether on the basis of such items of noncompliance, this Order should be sustained.

Dated at Bethesda, Maryland this 1st day of April 1981.

For the Nuclear Regulatory Commission,  
Victor Stello, Jr.,

Director, Office of Inspection and Enforcement.

## Appendix A—Evaluations and Conclusions

For each item of noncompliance and associated civil penalty identified in the Notice of Violation (dated February 2, 1981) the original item of noncompliance is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's responses to each item (dated February 19, 1981) is presented.

## Item 1

## Statement of Noncompliance

10 CFR 34.31 states that the licensee shall not permit any individual to act as a radiographer until such individual has been instructed in and demonstrated an understanding of the subjects outlined in Appendix A of 10 CFR Part 34.

Further, License Condition 14 requires the licensee to possess and use licensed material in accordance with statements, representations and procedures contained in application dated January 22, 1975 and certain referenced documents. One of these documents, Burnside's *Radiation Safety Program Manual*, dated October 1975, establishes requirements for qualifying personnel as Radiographer's Assistants and Radiographers, *Qualifications of Personnel*, Section 3.1. Additionally, a training program is outlined, 4.0 *Training of Radiographers and Radiographer's Assistants* and is required before each trainee will be qualified as a Radiographer's Assistant, Section 4.4.2 (a minimum of four weeks of "on-the-job"

training) or Radiographer, Section 4.4.3 (completion of formal training by Radiographer's Assistant at Technical Operations School).

Contrary to the above, a review of the licensee's Utilization Log showed two individuals who had not completed the licensee's training program nor had they been instructed in and demonstrated an understanding of the subjects outlined in Appendix A of 10 CFR Part 34, worked as radiographers during various periods since April 1980. Specifically, one individual worked between April 11, 1980 and September 25, 1980, and the other worked between June 20, 1980 and July 18, 1980.

This is an infraction.  
(Civil Penalty \$1,000)

## Evaluation of Licensee's Response

In the response the licensee stated, "We do not agree that the acting radiographer during the April 11, 1980 to September 25, 1980, period was not in compliance with Burnside's *Radiation Safety Program Manual*. Although all aspects of a formal training program were not completed, this person did properly perform the duties of a radiographer with full and complete supervision of a qualified Radiation Safety Officer and Radiographer as is required."

The Burnside *Radiation Safety Program Manual* states that each trainee will:

1. Complete a minimum of four weeks of "on-the-job" training before being sent to Technical Operations' radiography course;
2. Be sent to Technical Operations for a one week formal radiography training course approved by NRC;
3. Receive a minimum of two months "on-the-job" training before becoming eligible to take the examination for Radiographer; and
4. When eligible, take and successfully complete a written, an oral and a practical examination.

It was determined during the inspection that two individuals had acted as radiographers at Burnside Steel Foundry Company between April and September 1980. Neither individual attended a one week formal radiography training course at Technical Operations or an equivalent course approved by the NRC. Neither individual demonstrated a knowledge of the subjects outlined in Appendix A of 10 CFR Part 34 as required by 10 CFR 34.31 by completing a written, an oral and a practical examination. In addition, contrary to the licensee's assertion, between March and September 1980 there were no qualified radiographers, including the Radiation Safety Officer, who supervised the radiographic operations. The qualified radiographer and Radiation Safety Officer terminated his employment in March 1980.

## Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

## Item 2

*Statement of Noncompliance*

10 CFR 34.43(b) states that a survey with a radiation survey instrument shall 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, according to statements by the licensee's Radiation Safety Officer, radiation surveys conducted after each radiographic exposure never specifically included the guide tube of each radiographic exposure device.

This is an infraction.  
(Civil Penalty—\$500)

*Evaluation of Licensee's Response*

In its response the licensee stated, "We do not agree that the radiation survey did not include the guide tube. Our radiation survey, made after each exposure, was within four feet of the source's shielded position. This area includes the guide tube."

This item of noncompliance is based on statements made to two NRC inspectors by an individual acting as a licensee radiographer during an inspection on October 1, 1980. On that date, the radiographer stated he did not survey the guide tube after each radiographic exposure. The survey requirements of 10 CFR 34.43(b) as they apply to guide tubes means that a survey shall be made of the entire length of the guide tube unless the guide tube is inaccessible. The Statements of Consideration for 10 CFR 34.43 emphasize that only in circumstances where the source guide tube is inaccessible, e.g., where the cable runs through a shielded wall in a permanent installation, or where the guide tube is suspended on a scaffold, may other techniques be used to demonstrate adequately that the source has returned to its shielded position. In such circumstances, one need only survey to the shielded wall or survey from the ground without climbing the scaffolding. But when the guide tube is accessible, as it was in this case, a survey of an area in which the guide tube is located does not meet this requirement. The survey must be made up against the guide tube along its entire accessible length.

*Conclusion*

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

## Item 3

*Statement of Noncompliance*

10 CFR 34.28(b) states in part that 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.

Contrary to the above, quarterly inspections and maintenance of radiographic exposure devices have not been performed since December 13, 1979.

This is an infraction.  
(Civil Penalty—\$500)

*Evaluation of Licensee's Response*

In the response the licensee stated, "We do not agree that a program for inspection and maintenance of radiographic exposure devices, storage containers and source changers at intervals not to exceed three months did not exist."

The operation of such equipment is checked prior to usage and is recorded. Maintenance, if required, is also recorded into this log. However, a separate checklist at three month intervals was not separately recorded."

10 CFR 34.23(b) requires the licensee to conduct a program for inspection and maintenance of radiographic equipment at intervals not to exceed three months to assure proper functioning of components important to safety. The licensee's Operating and Emergency Procedure Manual, paragraph 10.3, submitted by letter dated October 30, 1975, prescribes that a quarterly maintenance and inspection of equipment shall be performed, under the surveillance of the Radiation Safety Officer, and shall include; e.g., disassembling the crank unit, cleaning all parts and inspecting for worn or damaged parts. Details of the procedure together with pertinent comments regarding the condition of all items, parts replaced, etc., are to be recorded in a "Quarterly Maintenance Log." The last record of such a quarterly inspection and maintenance was December 13, 1979. The daily check for obvious defects of equipment prior to use required by 10 CFR 34.28(a) does not satisfy the requirements of a quarterly inspection and maintenance program.

*Conclusion*

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

## Item 4

*Statement of Noncompliance*

10 CFR 34.26 states in part that each licensee shall conduct a quarterly physical inventory to account for all sealed sources received and possessed under his license.

Contrary to the above, inventories have not been performed since the last reinspection on February 1, 1977.

This is an infraction.  
(Civil Penalty—\$500)

*Evaluation of Licensee's response*

In the response the licensee stated, "We do not agree that a quarterly physical inventory to account for all sealed sources received and possessed under license was not recorded. 10 CFR 34.26 continues by stating that the quarterly inventory 'include the quantities and kinds of by-product material, location of sealed sources, and date of inventory.' Our source containers are in a fixed non-portable container below ground and always in one location. The utilization log, which is kept directly outside the exposure room, contains exposure dates with source quantities and kinds used. Also, the utilization log states 'the two sources are to be used in Radiographic Room #2 only.'"

Therefore, we believe the information in the utilization log covers a quarterly inventory.

During the October 1, 1980 inspection, the RSO informed two NRC inspectors that no quarterly inventory was made to account for sealed sources received and possessed under this license. Also, during a meeting on November 6, 1980, between the President of Burnside Steel Foundry Company and members of the NRC, Region III staff, the President agreed that a quarterly inventory as required by 10 CFR 34.26 was not being made. In the response, the licensee stated that the Utilization Log contained all information required by a quarterly inventory. Since this is a fixed facility and the exposure devices never leave the exposure room, we concur that the Utilization Log does satisfy the requirements of a quarterly inventory.

*Conclusion*

Since we agree that, in this instance, the Utilization Log is equivalent to a quarterly inventory, this item of noncompliance will be deleted from our records. Accordingly, the information presented in the licensee's response provides a basis for remission of the proposed penalty for this item.

## Items 5, 6, and 7

*Statements of Noncompliance*

## Item 5

10 CFR 20.408 states in part that when an individual terminates employment, a report of the individual's exposure to radiation shall be furnished to the Commission within 30 days after the exposure of the individual has been determined by the licensee or 90 days after the date of termination of employment, whichever is earlier.

Contrary to the above, the licensee at the time of the inspection had not furnished the required report to the Commission for an individual whose employment was terminated in March 1980.

This is a deficiency.  
(Civil Penalty—\$50)

## Item 6

10 CFR 19.13(d) states in part that when a licensee is required pursuant to 10 CFR 20.408 to report to the Commission any exposure of an individual to radiation, the licensee shall also provide the individual a report of his exposure.

Contrary to the above, the licensee did not provide the required report to a radiographer whose employment was terminated in March 1980.

This is a deficiency.  
(Civil Penalty—\$50)

## Item 7

10 CFR 20.407 states in part that the licensee shall submit to the Commission within the first quarter of each calendar year a report of exposures recorded for each individual for whom personnel monitoring was provided during the previous calendar year.

Contrary to this requirement, as of October 1, 1980, no reports were submitted by the

licensee for the calendar years 1977, 1978, and 1979.

This is a deficiency.  
(Civil Penalty—\$50)

#### *Evaluation of Licensee's Response*

In the response the licensee stated, "These three inadvertent and minor deficiencies have been corrected by submitting the necessary reports to the proper persons."

The licensee's response that Item Nos. 5, 6, and 7 have been corrected does not alter the fact that these items of noncompliance occurred. Corrective action is always required of licensees and does not ordinarily serve as a basis for mitigation of a civil penalty.

#### *Conclusion*

The items as stated are items of noncompliance. The information presented by the licensee does not provide a basis for modification of these enforcement actions.

[FR Doc. 81-10730 Filed 4-8-81; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket No. 50-237]

### **Commonwealth Edison Co.; Issuance of Amendment To Provisional Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Provisional Operating License No. DPR-19 issued to Commonwealth Edison Company (the licensee), which revised the license and Technical Specifications for operation of the Dresden Nuclear Power Station, Unit No. 2, located in Grundy County, Illinois. The amendment is effective as of the date of issuance.

The amendment (1) authorizes changes to the Technical Specifications to support review of future reloads for Dresden Unit 2 under provisions of 50.59 and (2) modifies license condition 3.F to assure a conservative MCPR operating limit during coastdown operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazard consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need

not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated January 28, 1981; (2) Amendment No. 58 to License No. DPR-19, 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, NW, Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. 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 31st day of March, 1981.

For the Nuclear Regulatory Commission,

**Dennis M. Crutchfield,**  
*Chief, Operating Reactors Branch No. 5,*  
*Division of Licensing.*

[FR Doc. 81-10731 Filed 4-8-81; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket No. 50-369]

### **Duke Power Co.; Issuance of Amendment to License No. NPF-9 for Fuel Loading and Zero Power Testing**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to License No. NPF-9 for Fuel Loading and Zero Power Testing for the McGuire Nuclear Station, Unit 1. This amendment was issued to Duke Power (licensee) to correct several typographical errors, revise reactor coolant system testing requirements and make minor changes to reflect revisions to the Westinghouse Standard Technical Specifications. The McGuire Nuclear Station, Unit 1 is located near Charlotte, North Carolina in Mecklenburg County. This amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's requirements. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards considerations.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and

environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated February 23, 1981; (2) Amendment No. 2 to License NPF-9 for Fuel Loading and Zero Power Testing; and (3) the Commission's related Safety Evaluation. All of these documents are available for public inspection at the Commission's Public Document Room, located at 1717 H Street N.W., Washington, D.C. 20555 and at the Atkins Library, University of North Carolina Charlotte (UNCC Station) North Carolina 28223 or may be requested by writing to U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 2nd day of April 1981.

For the Nuclear Regulatory Commission,

**B. J. Youngblood,**  
*Chief, Licensing Branch No. 1, Division of Licensing.*

[FR Doc. 81-10734 Filed 4-8-81; 8:45 am]

BILLING CODE 7590-01-M

#### [Docket Nos. 50-3 and 50-247]

### **Consolidated Edison Company of New York, Inc.; Issuance of Amendments to Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Provisional Operating Licenses No. DPR-5, and Amendment No. 68 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Station, Unit No. 1 and the Indian Point Nuclear Generating Unit No. 2 (the facilities) located in Buchanan, Westchester County, New York. The amendments are effective as of the date of issuance.

The amendments make organizational and administrative changes to the Technical Specifications that the licensee developed after reviewing events leading to the accumulation of water inside the Indian Point 2 containment.

The application for the amendments comply with the standards and requirements of 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 did 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 March 11, 1981, (2) Amendment Nos. 29 and 68 to License No. DPR-5 and No. DPR-26, respectively, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York. 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,  
Steven A. Varga,  
Chief, Operating Reactors Branch #1,  
Division of Licensing.

[FR Doc. 81-10732 Filed 4-8-81; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-155]

**Consumers Power Co.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment incorporates in the Technical Specifications surveillance testing for additional d-c power sources used for the plant safety systems, clarifies existing emergency power supply Limiting Conditions of Operation, and modifies existing surveillance requirements for the diesel fire pump batteries.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 11, 1978, (2) Amendment No. 42 to License No. DPR-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 Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. 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 31st day of March, 1981.

For the Nuclear Regulatory Commission,  
Dennis M. Crutchfield,  
Chief, Operating Reactors Branch No. 5,  
Division of Licensing.

[FR Doc. 81-10733 Filed 4-8-81; 8:45 am]  
BILLING CODE 7590-01-M

[Docket Nos. 50-250-SP and 50-251-SP]

**Florida Power and Light Co. (Turkey Point Nuclear Generating, Units 3 and 4); Proposed Amendments to Facility Operating License To Permit Steam Generator Repairs; Prehearing Conference**

April 3, 1981.

Pursuant to Notice of Prehearing Conferences (Supplements to Schedule) dated March 10, 1981 (46 FR 17318), notice is hereby given that a prehearing conference to consider summary disposition motions and other pending motions and matters will be held in Homestead, Florida on April 27-28, 1981.

This prehearing conference will commence on Monday, April 27, 1981, at

1:30 p.m., local time, in the Council Chambers of the Homestead City Hall, located at 790 North Homestead Boulevard, Homestead, Florida. On Tuesday, April 28, 1981, proceedings will be resumed at 10:00 a.m., local time, in the Homestead Branch Court, located at 715 Northeast First Road, Homestead, Florida.

It is so ordered.

Dated at Bethesda, Maryland this 3rd day of April, 1981.

For the Atomic Safety and Licensing Board,  
Marshall E. Miller,  
Administrative Judge.

[FR Doc. 81-10738 Filed 4-8-81; 8:45 am]  
BILLING CODE 7590-01-M

[Docket Nos. STN 50-498 OL; STN 50-499 OL]

**Houston Lighting and Power Company, et al. (South Texas Project, Units 1 and 2); Evidentiary Hearing**

April 3, 1981.

Please take notice that, in accordance with the Licensing Board's Third Prehearing Conference Order, dated April 1, 1981, an evidentiary hearing in this proceeding will commence at 1:30 p.m. on Tuesday, May 12, 1981, in the Center Ballroom, Holiday Inn, Highway 35 West, Bay City, Texas 77414. Further sessions of the hearing will be held at the same location in Bay City on May 13-16, 1981, beginning at 9:00 a.m. (The session on May 12, 1981 will run until 9:00 p.m., with a break for dinner; the session on Saturday, May 16, 1981 will conclude by 1:00 p.m.)

The hearing will continue at Rice University, Houston, Texas, at 9:30 a.m. on Monday, May 18, 1981, and will continue, beginning at 9:00 a.m., on May 19-22 and June 1-4. There will be one evening session during the week of May 18-22, and the session on Friday, May 22, will terminate no later than 3:30 p.m. The hearing will then continue, to the extent necessary, during the period June 15-20 and June 22-26, probably at a location in San Antonio, Texas. The exact location of the hearing at Rice University, and the location and time of the hearing in San Antonio, will be announced in a subsequent order.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Domestic Licensing of Production and Utilization Facilities," Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection," and Part 2, "Rules of Practice for Domestic Licensing Proceedings," notice is hereby

given that the said evidentiary hearing will be held to consider the application filed under the Act by Houston Lighting and Power Co., the City of San Antonio, Texas, Central Power and Light Co., and the City of Austin, Texas (Applicants), to possess, use and operate the South Texas Project, Units 1 and 2, two pressurized nuclear reactors located approximately 15 miles southwest of Bay City on the west side of the Colorado River in Matagorda County, Texas. The hearing sessions listed above will consider quality assurance/quality control (QA/QC) issues, including those encompassed by the Commission's Memorandum and Order dated September 22, 1980, CLI-80-32, 12 NRC 281. The hearing will be conducted by an Atomic Safety and Licensing Board designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board's membership consists of the following Administrative Judges: Dr. James C. Lamb, Mr. Ernest E. Hill and Mr. Charles Bechhoefer, Chairman.

In 1977 and 1978, the Applicants submitted information supporting their applications for facility operating licenses. A Notice of Opportunity for Hearing was published on August 2, 1978 (43 FR 33968). Petitions for leave to intervene filed by Citizens Concerned About Nuclear Power, Inc. (CCANP) and Citizens for Equitable Utilities, Inc. (CEU), and a petition by the State of Texas to participate as an "interested State" were subsequently granted and a Notice of Hearing was published on April 9, 1979 (44 FR 21090). In accordance with the provisions of 10 CFR 2.760a, the hearing will be limited to the consideration of matters put into controversy by the parties to the proceeding and which have been determined by the Board to be issues in the proceeding, together with other issues, if any, where the Board has determined that a serious safety, environmental, or common defense and security matter exists. These issues include the questions identified by the Commission in CLI-80-32 and further delineated by the Licensing Board in its December 2, 1980 Second Prehearing Conference Order. Depending on the resolution of these issues, the Director of Nuclear Reactor Regulation, after making the requisite findings, will issue, deny, or appropriately condition the sought operating licenses.

Any person who has not been admitted as a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715(a). A person making a limited appearance may make an oral or written statement on the

record. He or she does not become a party but may state a position and raise questions which he or she would like to have answered, to the extent that the questions are within the purview of matters which may be considered in an operating license proceeding, as specified by 10 CFR 2.104(c). Limited appearances will be permitted at this evidentiary hearing, within such limits and on such conditions as may be fixed by the Board. It is presently contemplated that oral limited appearance statements will be taken in Bay City on May 12 and (to the extent necessary) May 13-16, and in Houston on May 18 and at the evening session to be scheduled that week. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, ATTN: Docketing and Service Branch.

Dated at Bethesda, Maryland, this 3rd day of April, 1981.

For the Atomic Safety and Licensing Board,

**Charles Bechhoefer,**  
*Chairman, Administrative Judge.*

[FR Doc. 81-10739 Filed 4-8-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

**Metropolitan Edison Co. et al.;  
Issuance of Amendment to Facility  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications for the facility by revising the testing limits for the special nuclear material sealed sources, clarifying the surveillance requirements and establishing reporting requirements for the sealed source tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act); and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice

of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 9, 1978, (2) Amendment No. 64 to License No. DPR-50, 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, NW., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Street, Harrisburg, Pennsylvania 17126. 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 31st day of March 1981.

For the Nuclear Regulatory Commission,

**John F. Stolz,**  
*Chief, Operating Reactors Branch No. 4,  
Division of Licensing.*

[FR doc. 81-10740 Filed 4-8-81; 8:45 am]

BILLING CODE 7590-01-M

**Pharmatopes, Incorp.; Order Imposing  
Civil Monetary Penalties**

[Byproduct Material; License No. 08-18308-01MD; EA 81-03]

I

Pharmatopes, Incorporated, Washington, D.C. (the "licensee") 4545 43rd Street N.W. Washington, 20016 is the holder of Byproduct Material License No. 08-18308-01MD (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to possess and distribute byproduct material to persons licensed pursuant to Sections 35.14 and 35.100 of 10 CFR 35 or under equivalent licenses of Agreement States in accordance with the conditions specified therein. The license was issued on December 12, 1978, and has an expiration date of December 31, 1983.

## II

A routine inspection was conducted of licensed activities under the license on August 29 and September 25, 1980. As a result of this inspection, it appeared that the licensee had not conducted its activities in full compliance with the conditions of the license and with the requirements of the Nuclear Regulatory Commission's "Standards for Protection against Radiation", Part 20, "Rules of General Applicability to Domestic Licensing of Byproduct Material", Part 30, and "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," Part 71, Title 10, Code of Federal Regulations.

A written Notice of Violation was served upon the licensee by letter dated December 15, 1980, specifying the items of noncompliance in accordance with 10 CFR 2.201. A Notice of Proposed Imposition of Civil Penalties was served concurrently upon the licensee in accordance with Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282), and 10 CFR 2.205, which incorporated by reference the Notice of Violation. An answer from the licensee to the Notice of Violation and the Notice of Proposed Imposition of Civil Penalties was received on January 12, 1981.

## 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 items of noncompliance, except for Item D, designated in the Notice of Violation should be imposed.

## IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 USC 2282), and 10 CFR 2.205, It is hereby ordered that:

The licensee pay civil penalties in the total amount of Seven Thousand Fifty Dollars 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 a hearing shall be:

- a. whether the licensee was in noncompliance with the commission's regulations and the conditions of the license as set forth in the Notice of Violation with the exception of Item D, referenced in Sections II and III above; and
- b. whether on the basis of such items of noncompliance, this Order should be sustained.

Dated at Bethesda, Maryland this 30th day of March 1981.

For The Nuclear Regulatory Commission.

**Victor Stello, Jr.**

*Director, Office of Inspection and Enforcement.*

Dated at Bethesda, Maryland this 30th day of March 1981.

For The Nuclear Regulatory Commission.

**Victor Stello, Jr.**

*Director, Office of Inspection and Enforcement.*

## Appendix A

*Evaluations and Conclusions*

For each item of noncompliance and associated civil penalty identified in the Notice of Violation, the original item of noncompliance is restated and the Office of Inspection and Enforcement's evaluation and conclusion regarding the licensee's response to each item contained in Exhibit A to Pharmatopes, Inc. letter dated January 6, 1981 is presented. The response to the licensee's general arguments in support of mitigation of the penalty are provided at the end of this Appendix after the discussion of the individual items of noncompliance.

*1. Statement of Noncompliance for Item A*

10 CFR 20.101(a), "Radiation dose standards for individuals in restricted areas," limits the dose to hands and forearms, feet and ankles of an individual working in a restricted area to 18.75 rems per calendar quarter.

Contrary to the above, an individual working in a restricted area received a

dose of approximately 20.3 rem to the hand during the fourth calendar quarter of 1979.

This is an infraction. (Civil Penalty—\$500)

*Evaluation of Licensee's Response to Item A*

The licensee admits noncompliance and, by way of explanation, states that the individual in question was hired on the basis of qualifications and education and that it was felt that he would function fairly well with minimal supervision. The licensee recognizes, however, that the individual's qualifications and education alone do not assure that overexposures will not occur. Greater attention to radiation safety requirements, such as those cited in the Notice of Violation, is necessary by the licensee in its conduct of licensed activities.

*Conclusion*

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

*2. Statement of Noncompliance for Item B*

10 CFR 20.405, "Reports of overexposures and excessive levels and concentrations," requires the submission of a report to the Commission within 30 days of each exposure to radiation in excess of the limits of 10 CFR 20.101. 10 CFR 20.409, "Notifications and reports to individuals," requires notification within 30 days to individuals who received exposures which were the subject of reports submitted to the Commission under 10 CFR 20.405.

Contrary to the above, subsequent to the exposure of an individual's hand to a radiation dose in excess of the limits of 10 CFR 20.101 during the fourth calendar quarter of 1979, neither the Commission nor the individual was notified within 30 days.

This is an infraction. (Civil Penalty—\$500)

*Evaluation of Licensee's Response to Item B*

The licensee admits noncompliance in failure to report the overexposure to the Commission and denies noncompliance in not reporting the overexposure to the individual. The licensee explains that failure to report the overexposure to the Commission resulted from the false impression that the film badge supplier would notify the Commission. The licensee also states that the exposure

was discussed with the employee before termination of his employment.

While the licensee denies noncompliance with regard to 10 CFR 20.409 because the individual was notified orally at the time of his termination, the regulation requires that the individual be notified in writing within 30 days of the exposure. Even the oral notification did not fall, apparently, within the 30 day period. This notification of the individual in writing was finally made in a letter dated December 29, 1980.

#### Conclusion

The item as stated is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

#### 3. Statement of Noncompliance for Items C.1, C.2, and C.3

10 CFR 20.201, "Surveys," requires that such surveys be made as necessary to comply with all sections of Part 20. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment and measurements of levels of radiation or contamination of radioactive material present.

1. Contrary to the above, the licensee failed to make such surveys as were necessary to assure compliance with 10 CFR 20.101, "Radiation dose standards for individuals in restricted areas." Specifically, on six occasions between January and July 1980, involving four individuals, TLD ring badges were issued but were not evaluated by the licensee.

Further, the licensee failed to evaluate the exposure to the hands of one individual for a period when the individual's TLD ring badge was damaged and could not be read.

This is an infraction. (Civil Penalty—\$500)

2. Contrary to the above, surveys were not made to assure compliance with 10 CFR 20.103, "Exposure of individuals to concentrations of radioactive materials in air in restricted areas." Specifically, surveys of airborne radioactivity were not conducted during the routine handling of up to 50 millicuries quantities of iodine-131 in liquid form.

This is an infraction. (Civil Penalty—\$500)

3. Contrary to the above, as of September 25, 1980, surveys were not

made to assure compliance with 10 CFR 20.106, "Radioactivity in effluents to unrestricted areas." Specifically, no surveys were made of the concentrations of radioactive materials in the effluent air discharged to unrestricted areas from a hood where up to 50 millicuries of iodine-131 in liquid form were routinely handled.

This is an infraction. (Civil Penalty—\$500)

#### Evaluation of Licensee's Response to Item C.1

The licensee admits the item of noncompliance and explains that administrative failures caused the item of noncompliance.

#### Conclusion

The item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

#### Evaluation of Licensee's Response to Items C.2 and C.3

The licensee admits both items of noncompliance, but explains that mechanical procedures for handling of I-131 solution were discussed during two previous NRC inspections.

NRC inspections are audits in nature and do not include examining every aspect of a licensee's activities. The failure to find noncompliance does not bar the finding of noncompliance during some future inspection or the imposition of civil penalties when noncompliance is found.

#### Conclusion

The items, as stated, are items of noncompliance. The information given does not provide a basis for modification of this enforcement action.

#### 4. Statement of Noncompliance for Item D

10 CFR 19.12, "Instructions to Workers," requires that all individuals working in restricted areas be instructed in the precautions or procedures to minimize exposure to radioactive materials, in the purpose and functions of protective devices employed, and in the applicable provisions of the Commission's regulations and licenses for the protection of personnel from exposure to radiation or radioactive materials.

Contrary to the above, on August 29 and September 25, 1980, individuals working in a restricted area apparently were not instructed in the precautions and procedures to minimize exposure to radioactive materials and the requirements of the license, including

the requirements to use protective devices (syringe shields, lab coats and gloves) and perform tests for monitoring hand contamination.

This is an infraction. (Civil Penalty—\$500)

#### Evaluation of Licensee's Response to Item D

The licensee denies the item of noncompliance and states that the individuals were trained although they did not perform in conformance with the instruction given. The licensee intends to place greater emphasis on monitoring individual compliance.

Although the licensee's response indicated training was provided to employees, the pharmacist's failure to follow procedures listed in the Notice of Violation (see item F) and lack of knowledge of some procedures indicated that the training program was apparently not entirely effective to ensure personnel adherence to procedures. However, in view of the fact that the licensee had provided training and intends to place greater emphasis on monitoring individual compliance, we are remitting the penalty for item D in its entirety. In this regard, we intend to examine the licensee's training program and its effectiveness in more detail during future inspections.

#### Conclusion

The penalty for this item of noncompliance is remitted in its entirety.

#### 5. Statement of Noncompliance for Item E

10 CFR 71.5, "Transportation of licensed material," requires that transportation of licensed material be made in accordance with the applicable requirements of the Department of Transportation in 49 CFR 170-189, insofar as such regulations relate to the packaging of byproduct, source or special nuclear material, marking and labeling of the packages, loading and storage of packages, placarding of the transportation vehicles, monitoring requirements and accident reporting.

49 CFR 173.393, "General packaging and shipment requirements," requires that, prior to each shipment of any package, the shipper insure by examination or appropriate test that the packaging is in an unimpaired physical condition, each closure device of the packaging is properly installed and secured, and external radiation and contamination levels are within allowable limits.

Contrary to the above, on August 29, 1980, prior to shipping packages

containing radioactive materials, the licensee failed to survey the packages for external radiation and contamination levels, failed to assure that each package was in an unimpaired physical condition, and failed to ensure that each package was properly sealed and secured.

This is an infraction. (Civil Penalty—\$500)

#### *Evaluation of Licensee's Response to Item E*

The licensee admits the failure to survey the packages for external radiation and contamination levels, but denies the failure to assure that each package was in an unimpaired physical condition and that each package was properly sealed and secured. The licensee states that the syringe containers are hand-packed and closed in a positive locking latch type attache case and that little more can be done to ensure that they are in an unimpaired physical condition and are properly sealed and secured.

The licensee also states that previous NRC inspections failed to identify a problem in surveying cases and therefore, the licensee assumed that its procedures were adequate.

Once again, it should be noted that inspections are essentially audits of the licensee's activities, not complete reviews of every aspect of the licensee's operations. The fact that a particular inspection results in no findings of noncompliance does not constitute a finding that the licensee's activities are wholly in compliance with all requirements.

With respects to the failure of previous inspections to identify such noncompliances, the licensee should note that NRC inspectors do not ordinarily examine every facet of a licensee's activities. Licensees are expected to comply with all NRC requirements, regardless of whether all of the licensee's activities are examined during each inspection.

The licensee's reply to the failure to assure that each package was in an unimpaired physical condition, and was properly sealed and secured, indicates a possible misunderstanding of the citation.

On August 25, 1980, the inspectors observed that one attache case used for shipping of radioactive materials had a sizeable hole in the corner. In addition, the inspectors also noted that one package was shipped while missing the required security seal. These observations indicated that the licensee had not assured that each package was in an unimpaired physical condition and was properly sealed and secured.

#### *Conclusion*

The item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of the enforcement action.

#### *6. Statement of Noncompliance for Items F.1, F.2, F.3, F.4, F.5, F.6, and F.7*

Condition 20 of License No. 08-18308-01MD requires that licensed materials be possessed and used in accordance with the statements, representations and procedures contained in the license application dated October 5, 1979 and November 27, 1978.

1. "Laboratory Rules for the Use of Radioactive Material," attached as Item No. 15 to the license application, requires that individuals working in the restricted area wear personnel monitoring devices (film badges and TLD ring badges).

Contrary to the above, on August 29, 1980, an individual was observed working in a restricted area and was not wearing a personnel monitoring device (a film badge or a TLD ring badge).

This is an infraction. (Civil Penalty—\$500)

2. "Laboratory Rules for the Use of Radioactive Material," attached as Item No. 15 to the license application, requires that individuals use syringe shields when preparing samples of radioactive material.

Contrary to the above, on August 29, 1980, an individual was observed withdrawing a sample of technetium-99m into a syringe without using a syringe shield.

This is an infraction. (Civil Penalty—\$750)

This item of noncompliance had also been identified during a previous inspection conducted on September 13, 1979.

3. "Laboratory Rules for the Use of Radioactive Material," attached as Item No. 15 to the license application, requires that individuals monitor their hands and clothing for contamination before leaving an area where radioactive materials are used.

Contrary to the above, on August 29, 1980, and September 30, 1980, individuals were observed not monitoring their hands and clothing for contamination before leaving an area where radioactive materials were used.

This is an infraction. (Civil Penalty—\$500)

4. Item 1 of The Laboratory Rules requires that individuals wear laboratory coats at all times in areas where radioactive materials are used.

Contrary to the above, on August 29, 1980 and September 25, 1980, individuals

were observed working in areas where radioactive materials were used and were not wearing laboratory coats.

This is an infraction. (Civil Penalty—\$500)

5. Item 10 of the license application states that you will follow the procedures described in Appendix D, Section 2 of NUREG 0338 (Rev. 1) for calibration of the dose calibrator.

Items C and I of Appendix D, Section 2, require performance of a daily constancy check on each dose calibrator. Item I.9 requires that higher than normal background levels be investigated and eliminated.

Contrary to the above requirements, on August 29, 1980, it was observed that a constancy check was not performed on one dose calibrator and a high background reading was not investigated on another dose calibrator. Both calibrators were used for assaying patient doses that day.

This is an infraction. (Civil Penalty—\$500)

6. Item 17.D.3 of the license application states that the method for performing wipe tests be sufficiently sensitive to detect 100 disintegrations per minute.

Contrary to the above, as of September 25, 1980, the procedures used for analyzing wipe test samples was not sufficient to detect 100 disintegrations per minute.

This is an infraction. (Civil Penalty—\$500)

7. Item 2 of the "Procedures for Opening Packages Containing Radioactive Materials" requires that the exposure levels measured at three (3) feet from each incoming package be recorded.

Contrary to the above, as of September 25, 1980, the exposure levels for incoming molybdenum-99/technetium-99m generators were not recorded.

This is a deficiency. (Civil Penalty—\$50)

#### *Evaluation of Licensee's Response to Item F.1*

The licensee admits that this item of noncompliance occurred.

#### *Conclusion*

The item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of the enforcement action.

#### *Evaluation of Licensee's Response to Item F.2*

The licensee admits this item of noncompliance and states, in

explanation, that the individual was made nervous by the inspection. The licensee further states that it had understood, prior to the September 13, 1979 inspection, that syringe shields were required only for the preparation of reagent kits to be used for patient doses rather than for the preparation of all patient doses. As the licensee acknowledges, NRC inspectors informed the licensee during an exit interview on September 13, 1979, that syringe shields are required for preparation of all patient doses.

#### Conclusion

The item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

#### Evaluation of Licensee's Response to Item F.3

The licensee admits that this item of noncompliance occurred on August 29, 1980 but denies that it occurred on September 25, 1980. The licensee explains that, on September 25, 1980, the pharmacist left the preparation area but did do so with his hands folded in front of his chest to avoid possible contamination. The licensee also states that the frisker room monitor and two G-M monitors were being calibrated and/or repaired at the time of the inspection. Only one GM monitor was available and this was being used in the dispatcher area to survey packages on September 25, 1980.

With respect to the September 25, 1980 inspection, it should be noted that during the inspection, the inspectors observed that the drivers did not monitor themselves for contamination prior to leaving the pharmacy, which is a restricted area. These drivers had handled potentially contaminated shielded containers while they loaded the attache cases used to carry the radioactive material. These are the actions that constituted the noncompliance. The citation was not made for the pharmacist's actions that were observed during the September 25, 1980 inspection. Inspectors did observe that the pharmacist did not perform the required monitoring during the August 19, 1980 inspection.

#### Conclusion

This item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

#### Evaluation of Licensee's Response to Item F.4

The licensee admits that this item of noncompliance occurred on August 29, 1980 but denies that it occurred on September 25, 1980. The September 25, 1980 item referred to the failure of the licensee's drivers to wear lab coats. The licensee explains that it understood that drivers were not users of radioactive materials and therefore were not required to wear laboratory coats. The licensee also states that previous inspections had not alluded to drivers as being users of radioactive material.

With respect to the September 25, 1980 response, as noted above, the drivers were observed handling potentially contaminated shielded containers while they loaded the attache cases used to carry the radioactive material. The drivers were not wearing lab coats. Lab coats are required to be worn by all individuals handling radioactive materials, not just pharmacists and technicians.

#### Conclusion

The item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

#### Evaluation of Licensee's Response to Item F.5

The licensee admits the failure to perform the daily constancy check but denies the failure to investigate and eliminate higher than normal background levels. The licensee states that the individual was aware of the background level and utilized a feature of the dose calibrator which subtracts out background levels to give true readings. The licensee states that the individual indicated the high background was due to a needle cap which fell next to the ionization chamber.

The license requires that higher than normal backgrounds be investigated and eliminated. During the August 25, 1980 inspection, the pharmacist stated that in the past, such readings were due to contaminated vials and needle caps which sometimes fell between the sample chamber and shield. The pharmacist had made no investigation which would have shown whether or not his assumption was accurate. No investigation of this higher than normal background reading was undertaken until the pharmacist was questioned by the inspectors.

#### Conclusion

The item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

#### Evaluation of Licensee's Response to Item F.6

The licensee denies this item of noncompliance and explains that previous inspections had evaluated operating procedures for wipe testing and therefore they were assumed acceptable. In support of mitigation of the penalty, the licensee says that the inspection report erroneously states that the sodium iodide counting system had not been calibrated for several years and explains that it had been calibrated during its 18 months of operation.

The statement in the report about the counting system calibration was intended to place a lower limit on the system's sensitivity. No detector efficiency was in the records available to the inspectors. Even assuming a maximum efficiency of 100%, the counting technique used by the licensee was incapable of achieving the required sensitivity of 100 disintegrations per minute. The item of noncompliance was not based on the time since the last calibration, but rather the sensitivity of the method.

The licensee's response indicates a lack of understanding of the item of noncompliance. The licensee's procedures require that the licensee be able to detect 100 disintegrations per minute on the wipe sample. The procedure employed by the licensee on the day of the inspection was incapable of detecting this level of contamination. Additional shielding and relocation of the detector is unlikely to achieve the required sensitivity so long as a six-second counting time is employed.

#### Conclusion

The item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

#### Evaluation of Licensee's Response to Item F.7

The Licensee admits this item of noncompliance and states that it had mistakenly assumed that compliance with only the requirements of 10 CFR 20.205 was acceptable.

#### Conclusion

The item, as stated, is an item of noncompliance. The information presented by the licensee does not

provide a basis for modification of this enforcement action.

#### 7. Statement of Noncompliance for Item G

10 CFR 30.41, "Transfer of Byproduct Material," requires that, prior to transferring licensed material, the licensee verify that the transferee's license authorizes the receipt of the type, form and quantity of byproduct material to be transferred.

Contrary to the above, on two occasions in 1980, byproduct material was transferred to persons without verifying that those persons were authorized to receive the material.

This is an infraction. (Civil Penalty—\$750)

This item of noncompliance had also been identified during a previous inspection conducted on September 13, 1979.

#### Evaluation of Licensee's Response to Item G

The licensee admits this item of noncompliance and states that an attempt had been made by phone and letter to obtain a letter of timely renewal or new license and that the licensee had been orally assured that their customer had a valid license. While the licensee indicated that oral verification by the customers had been made, 10 CFR 30.41 requires that any oral verification be confirmed in writing within 10 days. Written verification had not been completed.

#### Conclusion

The item, as stated, is an item of noncompliance. The information presented by the licensee does not provide a basis for modification of this enforcement action.

#### Evaluation of Licensee's protest of Imposition of Civil Penalties

In Exhibit B of Pharmatopes, Inc., January 6, 1981 letter, the licensee protests the imposition of civil penalties based on "... explanations of items of noncompliance, as well as a demonstration of extenuating circumstances." In addition to the two arguments discussed below, the licensee argued that incorrect assumptions by the NRC in finding noncompliance and differing interpretations of license requirements should be considered as a basis for mitigating the civil penalties. These contentions have been addressed in the NRC's evaluation of the licensee's response to the specific items of noncompliance. The licensee also states that there are several "discrepancies" in the NRC's inspection report. The Notice

of Violation was based on the inspection findings. The cited "discrepancies" do not affect the findings used as a basis for the cited items of noncompliance.

#### 1. Organizational Problems

The licensee contends that the circumstances at the Washington, D.C. facility are not common to the Company and resulted from a recent managerial change, an increased volume of new business, and difficulties in recruiting and training new personnel.

#### NRC Evaluation

The NRC acknowledges that the licensee's managerial problems contributed to the items of noncompliance. If fact, the NRC's concerns about the licensee's radiation safety program are based in large part on this apparent breakdown in management controls. This does not, however, form the basis for remitting or mitigating any portion of the proposed civil penalties.

While the licensee may understandably experience organizational difficulties during a change in management or a period of business expansion, such difficulties cannot be allowed to interfere with strict adherence and attention to the requirements for the safe handling and use of radioactive materials. Utmost care and caution in the conduct of licensee activities must be exercised at all times. Imposition of civil penalties is important to emphasize to licensees that the Commission expects scrupulous adherence to its requirements. In this particular case, civil penalties are necessary to bring forcefully to the licensee's attention that the breakdown in control of licensed activities revealed in the items of noncompliance is unacceptable and to deter future violations.

#### 1. Failure of Previous NRC Inspections to Identify Items of Noncompliance

The licensee states, both in Exhibit B and in the replies to several specific items of noncompliance, that previous NRC inspections had failed to identify items which were cited during this inspection. The licensee makes the argument that it should "... have the opportunity to comment on these items and institute corrective measures prior to the imposition of civil penalty."

#### NRC Evaluation

An NRC licensee is responsible for ensuring that all licensed activities are conducted in accordance with NRC regulations and the conditions of the

license. There is no allowance for a licensee to be in noncompliance until the item is identified during an inspection. Escalated enforcement through the imposition of civil penalties may be, and often is, required for items of noncompliance identified for the first time. The determination as to whether civil penalties are appropriate involves consideration of a number of factors, including the nature and number of items of noncompliance as well as the recurrence of items of noncompliance. In this case, our inspections revealed a number of failures to adhere to radiation safety requirements, which demonstrated an overall weakness in Pharmatopes' control of licensed activities. In such circumstances, civil penalties are appropriate. We have considered the fact that some of the items have been cited for the first time, and have incorporated this factor in our determinations, by assessing these items with a civil penalty at the lower end of the scale that is used in making the assessment. Greater weight may be accorded for recurrent items in determining whether civil penalties should be imposed, and, as here, a higher amount on the scale for recurring items of noncompliance may be appropriate. The fact that several items were not cited during previous inspections does not form a basis for remitting or mitigating proposed civil penalties.

[FR Doc. 81-10764 Filed 4-8-81; 8:45 am]  
BILLING CODE 7590-01-M

#### [Docket No. 50-244]

#### Rochester Gas & Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Provisional Operating License No. DPR-18, to Rochester Gas and Electric Corporation (the licensee), which revised the technical specifications for operation of the R.E. Ginna Plant (facility) located in Wayne County, New York. This amendment is effective as of the date of its issuance.

The amendment incorporates limiting conditions for operation and surveillance requirements regarding degraded grid voltage protection for the Class 1E power system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 9, 1980 (transmitted by letter dated September 15, 1980), as preceded and supported by submittals dated July 21, 1977, November 21, 1977, December 16, 1977 (transmitted by letter dated December 22, 1977), July 31, 1979 (transmitted August 3, 1979—two separate submittals), and December 19, 1979, (2) Amendment No. 38 to License No. DPR-18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of March, 1981.

For the Nuclear Regulatory Commission,  
Dennis M. Crutchfield,  
Chief Operating Reactors Branch No. 5,  
Division of Licensing.

[FR Doc. 81-10767 Filed 4-9-81; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 50-312]

**Sacramento Municipal Utility District;  
Issuance of Amendment to Facility  
Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised the license and Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California. The amendment is effective as of its date of issuance.

The amendment: (1) revises the TSs regarding the reactor high pressure trip setpoint and the pressurizer electromechanical relief valve setpoint; (2) revises the TSs to include auxiliary feedwater flow path verification and system outage requirements resulting from IE Bulletin 79-05A; (3) adds three license conditions and additional TSs to incorporate certain of the Three Mile Island Unit No. 2 Lessons Learned Category "A" requirements; and (4) clarifies the TSs regarding surveillance of reactor protection system and safety feature protection instrumentation when the reactor is in cold shutdown, updates titles of plant personnel on the plant organization chart and corrects an error in operator licensing requirements.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's applications dated July 2, 1979, as supplemented October 31, 1979, and April 30, 1980; July 9, 1980 and October 8, 1980, as supplemented December 11, 1980, (2) Amendment No. 31 to License No. DPR-54, 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 Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. 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,  
John F. Stolz,  
Chief, Operating Reactors Branch No. 4  
Division of Licensing.

[FR Doc. 81-10768 Filed 4-9-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-356]

**University of Illinois; Renewal of  
Facility Operating License and  
Negative Declaration**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. R-117, issued to the University of Illinois (the licensee), which renews the license for operation of the Low Power Reactor Assembly (LOPRA) (the facility) located in Urbana, Illinois. The facility is a research reactor that has been operating at 10 kilowatts (thermal). The amendment is effective as of its date of issuance.

The amendment extends the duration of Facility License No. R-117 until November 1, 1989.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations of 10 CFR Chapter I, which are set forth in the license amendment. Notice of proposed issuance of this action was published in the Federal Register on May 2, 1980, 45 FR 29451. No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the renewal of the Facility Operating License and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1979, as supplemented by filings dated October 9, 1979 and September 29, 1980, (2) Amendments No. 3 to License No. R-117 and (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission,

Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of April 1981.

For the Nuclear Regulatory Commission,  
**James R. Miller,**

Chief Standardization & Special Projects  
Branch Division of Licensing.

[FR Doc. 81-10771 Filed 4-8-81; 8:45 am]

BILLING CODE 7590-01-M

## OFFICE OF MANAGEMENT AND BUDGET

### Agency Forms Under Review

April 6, 1981.

#### Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

#### List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available):

The office of the agency issuing this form:

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

The number of forms in the request for approval;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

#### Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

## DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

#### New

• Agricultural Marketing Service  
Information requirements of the Wheat Industry Council Contained in 7 CFR 1280.300-335 and required by 7 USC 3401-17

#### Quarterly

Businesses or other institutions  
Manuf. using an excess of 2,000 cwt. of proc. wht. per yr.

Sic: 205 204 209

Small businesses or organizations  
Agricultural research and services, 3,000 responses; 250 hours; 1 form  
Charles A. Ellett, 202-395-7340

Wheat end product manufacturers (primarily wholesale bakers) report quarterly to the Wheat Industry Council the amount of processed wheat purchased for use in the manufacture of end products and the amount of the assessment due (1 cent cwt. of processed wheat). Those wishing a refund of the assessment do so on a quarterly basis. Reports are prepared from respondents' existing records.

## DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627.

#### New

• Economic Development  
Administration  
Multi-year tracking system  
ED-461QP

Other—See SF 83

State or local governments/businesses or other institutions, business and local government loan and grant recipients

Sic: multiple

Small businesses or organizations  
Area and regional development, 1 form  
William T. Adams, 202-395-4814  
Design of a set of multi-year longitudinal tracking evaluations, to follow samples of projects in each major EDA program area.

• National Oceanic and Atmospheric  
Administration  
Application for Federal assistance—SF 424

CE 290 and CD 292

Annually

State or local governments  
All State and Territorial Governments, some Indian tribes

Sic: 091

Other Natural resources, 240 responses; 9,600 hours; \$12,500 Federal cost; 2 forms

William T. Adams, 202-395-4814

Forms are needed to determine eligibility for grants. They secure an applicant's legal assurance to meet program requirements, get sufficient information to evaluate the proposed project and evaluate final performance.

- National Oceanic and Atmospheric Administration

Application for general permits to take marine mammals

Annually

Individuals or households/businesses or other institutions, fishermen, fishing corporations—and foreign

Sic: 091

Small businesses or organizations

Other advancement and regulation of commerce, 15 responses; 800 hours; 1 form

William T. Adams, 202-395-4814

Under the Marine Mammal Protection Act (Pub. L. 92-522) the taking of marine mammals during commercial fishing operations is prohibited without a general permit and accompanying certificates of inclusion.

- National Oceanic and Atmospheric Administration

Financial reports

SF 270 and SF 269

On occasion, annually

State or local governments

All State and Territorial Governments, some Indian tribes

Sic: 091

Other natural resources, 600 responses; 600 hours; \$12,500 Federal cost; 2 forms

William T. Adams, 202-395-4814

Request for advance or reimbursement (SF-270) is required from grantees in order to receive payments under grants. Financial status report (SF-269) is required at end of project to report expenditures.

#### Extensions (Burden Change)

- International Trade Administration
- Request to dispose of commodities or technical data previously exported ITA-699P

On occasion

Businesses or other institutions

Commercial exporters

Sic: Multiple

Other advancement and regulation of commerce, 5,112 responses; 1,278 hours; \$434,500 Federal cost; 1 form

William T. Adams, 202-395-4814

The information required by this report must be submitted to OEA whenever an applicant wishes to reexport commodities or technical data that normally requires a validated license for export. The purpose of this report

is to prevent shipments of U.S.-origin commodities in violation of the Export Administration Act of 1979.

- International Trade Administration
- Project license procedure—application reporting requirements

EAR 373.2(C)

On occasion

Businesses or other institutions

Commercial exporters

Sic: Multiple

Other advancement and regulation of commerce, 40 responses; 120 hours; \$2,000 Federal cost; 1 form

William T. Adams 202-395-4814

The project license procedure was developed to provide a single license for the export of commodities needed for large-scale overseas operations. It eliminates the necessity for the filing and processing of numerous individual export license applications.

#### DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195.

#### New

- Department of the Air Force
- Application for appointment in the Air Force Medical Service Corps

AF 24

On occasion

Individuals or households

Civ. Appl. for Comm. officers in the

USAF Medical Service Corps,

Department of Defense-Military, 50 responses; 225 hours; \$2,135 Federal cost; 1 form

Edward C. Springer, 202-395-4814

Application for benefits. This is used by the Air Force Medical Service Corps Selection Committee to select those qualified individuals for direct appointment as commissioned officers in the Air Force Medical Service Corps.

#### Revisions

- Department of the Air Force
- Time compliance technical order supply data requirements (by contractors for aerospace vehicle)

AFLC 874

On occasion

Businesses or other institutions

Manufacturers of Air Force equipment

Sic: All

Small businesses or organizations,

Department of Defense—Military, 525 responses; 262 hours; \$7,088 Federal cost; 1 form

Edward C. Springer, 202-395-4814

Form is needed to insure that proper and accurate technical data is incorporated into time compliance technical orders (TCTOS). It is used to furnish supply information for the

TCTO, i.e., parts required for modification, spaces affected, and disposition of removed parts.

#### Extensions (No change)

- Departmental and Others
- DOD centralized applicant supply system application form

DD 2210

On occasion

Individuals or households

Job applicants w/DOD who have comp. civil service status

- Department of Defense-Military,
- 27,000 responses; 27,000 hours; \$716,067 Federal costs; 1 form

Kenneth B. Allen, 202-395-3785

Automates files of applications from job seekers and centralizes them at a single location. DOD employment offices located worldwide at nearly 700 sites are provided microfiche records. They no longer need to maintain manual files, reducing paper work and improving services to the public.

#### DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030).

#### New

- Office of Special Education and Rehabilitative Services
- Quarterly cumulative caseload report RSA-101

Quarterly

State or local governments

State VR agencies

Sic: 425

Elementary, secondary, and vocational education, 336 responses; 1,797 hours; \$3,000 Federal costs; 1 form

Laverne V. Collins, 202-395-6880

Used to accumulate basic caseload flow information to enable RSA to measure and evaluate the extent and effectiveness of services at the national and State agency levels. Enables RSA to answer frequently raised questions about the conduct of the program and its impact in reaching disabled individuals.

- Office of Special Education and Rehabilitative Services

VR program progress report

RSA-13

Nonrecurring

State or local governments

State VR agencies

Sic: 425

Elementary, secondary, and vocational education, 336 responses; 1,944 hours; \$15,000 Federal cost; 1 form

Laverne V. Collins, 202-395-6880

This instrument is used to collect essential information for the

allocation of the Federal funds for the trust fund and SSI programs. It provides RSA timely information for monitoring the VR programs and analyzing performance against planned goals.

• Office of Special Education and Rehabilitative Services

Quarterly cumulative report of clients in special target

Groups

RSA-102

Quarterly

State or local governments

State VR agencies

Sic: 425

Elementary, secondary, and vocational education, 336 responses; 552 hours; \$1,000 Federal costs; 1 form

Laverne V. Collins, 202-395-6880

This instrument is used to accumulate basic caseload flow information for the severely disabled to enable RSA to measure and evaluate the extent and effectiveness of services. It provides information on immediate outcomes and longer-range implications of such services.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464.

Revisions

• Departmental and Others  
Survey of uranium marketing activity, prices, and procurement

NE 491A NE 491B

Semiannually

Businesses or other institutions

Ut. w/planned or oper. nuc. plants, reac. man. and Ur. prdcrs.

Energy Supply, 232 responses; 1,740 hours; \$19,740 Federal cost; 2 forms

Jefferson B. Hill, 202-395-7340

The information collected is used by DOE to monitor the uranium supply/demand situation. This monitoring is necessary to insure that there is an adequate supply of uranium to meet future needs, to determine the effects of foreign imports, and for DOE input into sales prices and lease royalties for DOE uranium.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488.

New

• Departmental Management  
Cost allocation plans submitted by State public assistance agencies

OS-5-81

On occasion

State or local governments

State public assistance agencies

Sic: 944

Public assistance and other income supplements, 110 responses; 8,820 hours; \$1,472,000 Federal costs; 52 forms

Gwendolyn Pla, 202-395-6880

The cost allocation plans required by this regulation are used by State public assistance agencies to determine and claim administrative costs under public assistance programs authorized under the Social Security Act. The plans are reviewed by the Federal Government to ensure that they result in a proper allocation of the costs to the programs.

• Departmental Management  
Beneficiary interview questionnaire

05-4-81

Nonrecurring

Individuals or households

Benefits under Title II of the SSA Act,

Old Age, Survivors, etc.

Public assistance and other income supplements, 600 responses, 300 hours; \$423,000 Federal cost, 6 forms

Gwendolyn Pla, 202-395-6880

The data gathered from this review will help identify fraudulent and incorrect Social Security Title II payments and be the basis for development of procedures to improve payment processing controls. Without this data, the OIG cannot assess extent of fraud in Title II program or certify to accuracy of program payments.

• Human Development Services  
Referral for WIN registration (individual)

IM-3

On occasion

State or local governments

The income maintenance units of local welfare agencies which, etc.

Sic: 832

Training and employment, 40,000 responses, 2,916 hours; \$215 Federal cost, 1 form

Gwendolyn Pla, 202-395-6880

The income maintenance units (local welfare officers) are responsible for referring nonexempt AFDC recipients and volunteers to the employment and training sponsor for registration in WIN. The IM-3 is used to refer recipients, providing information on time and place of appointment, comments about registration requirement, and registrant information for E&T.

Revisions

• Alcohol, Drug Abuse, and Mental Health Administration

The NIMH epidemiologic catchment area program interview of institutionalized sample

Nonrecurring

Individuals or households

Persons who are institutionalized  
Health, 1,400 responses, 2,100 hours;  
\$950,000 Federal cost, 1 form  
Gwendolyn Pla, 202-395-6880

This project will provide basic psychiatric epidemiologic data on incidence and prevalence of mental disorders, and to assess the relationship between psychiatric disorders in the community and the use of psychiatric and general health facilities.

• Alcohol, Drug Abuse, and Mental Health Administration  
Joint AHA-NIMH inventory of general Hospital psychiatric services

ADM 25-2

Nonrecurring

Businesses or other institutions

Non-Fed. Gen. & V.A. Hosp. which provide serv. in sep., etc.

Sic: 808

Health, 5,800 responses, 1,425 hours;  
\$43,196 Federal cost, 2 forms

Gwendolyn Pla, 202-395-6880

The inventory, which is funded equally by NIMH and AHA, will collect information on separate psychiatric services in non-Federal general and V.A. hospitals. The information will be used to provide national estimates on the characteristics of these facilities and to serve as a sampling frame for future sample surveys.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

New

• Policy Development and Research  
Evaluation of the congregate housing services program: Performance and impact evaluation

Annually

Individuals or households

Resi. of pub. hsg. & sec. 202 proj., pub. hsg. & proj. mgrs.

Community Development, 4,532 responses, 3,399 hours; \$878,964 Federal cost, 1 form

Richard Sheppard, 202-395-6880

To be used in performing analyses of types of people served by the program, whether the services received are appropriate, costs of services, and impact on utilization of informal supports and maintenance of independence. These analyses were requested by Congress and OMB. A third submission will include final process instruments.

## DEPARTMENT OF LABOR

Agency Clearance Officer—Paul E. Larson—202-523-6331

## New

- Bureau of Labor Statistics  
Employer perception survey  
BLS-790PS1 and BLS-790PS2  
Nonrecurring  
Businesses or other institutions  
Indus. estab. in 4 States: Fla., Mass.,  
Tex., & Utah, etc.  
Sic: Multiple  
Small Businesses or organizations  
Other labor services, 800 responses, 400  
hours; \$75,000 Federal cost, 2 forms  
Office of Federal Statistical Policy and  
Standard, 202-673-7974

This survey will attempt to measure reasons for not reporting in the BLS-790 survey. We will try to ascertain if reporting is hampered by such reasons as: (1) availability of the data, timing of survey, 790 survey questionnaire format.

- Employment and Training Administration  
ETA summaries—UI trust fund activities  
ETA 2112, 8401, 8403, 8405, 8413, and  
8414  
Monthly  
State or local governments/businesses  
or other institutions  
State employ. security agencies, banks  
Sic: 944 602  
Small businesses or organizations  
Multiple functions, 636 responses, 15,264  
hours; \$60,000 Federal cost, 6 forms  
Arnold Strasser, 202-395-6880

To perform statistical analysis and publish financial management data with regard to monitoring trust fund activities.

## DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Winsor—202-426-1887

## New

- Coast Guard  
Recordkeeping requirement—evidence  
of U.S. citizenship or lawful alien  
status for workers on the Outer  
Continental Shelf (OCS)  
On occasion  
Businesses or other institutions  
Companies that engage in oil and gas  
extraction on the OCS  
Sic: 131 138  
Small businesses or organizations  
Water transportation, 665 responses,  
1,330 hours; 1 form  
Terry Grindstaff, 202-395-7340

Personnel working on units engaged in oil and gas extraction activities on the Outer Continental Shelf are required by 43 U.S.C. 1356 to be citizens or lawfully admitted aliens. Employers would be

required to maintain records demonstrating compliance. The information will be used by the Coast Guard for law enforcement. The effective date will be the effective date of final rule.

- Federal Highway Administration  
Educational grant programs candidate  
agreement  
FHWA 1505  
Annually  
Individuals or households  
Highway engineers and technicians  
Ground transportation, 150 responses,  
150 hours; \$1,300 Federal cost, 1 form  
Terry Grindstaff, 202-395-7340

The purpose of this form is to obtain information pertinent in processing the fellowship and scholarship awards. These awards will assist State and local highway transportation agencies and the FHWA in carrying out their transportation programs.

- National Highway Traffic Safety Administration  
Contract to trace vehicles to determine  
number of odometer rollback  
Nonrecurring  
Individuals or households/business or  
other institutions  
Motor vehicle owners (includes  
individuals, businesses)  
Small businesses or organizations  
Ground Transportation, 1,750 responses,  
675 hours; \$114,721 Federal cost, 1  
form  
Corrinne Hayward, 202-395-7340

The purpose of this requirement is to trace vehicle histories in order to ascertain the percentage of odometer rollbacks.

## CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—673-6042

## New

- Reporting required for International  
Civil Aviation Organization (ICAO)  
Appen. A, B and C of B.O. 81-3-120  
Nonrecurring  
Businesses or other institutions  
Certified air carr. providing intern.  
sched. or char. serv.  
Sic: 451  
Air Transportation, 97 responses, 409  
hours; 3 forms  
Terry Grindstaff, 202-395-7340

The data collected by this action are needed to supplement data in other Civil Aeronautics Board reports so that the United States can meet its obligation to submit data to the International Civil Aviation Organization under Article 67 of the Chicago convention December 7, 1947.

## ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Mr. Phillip Ross—202-287-0747

## New

- Survey for identifying and clarifying  
the universe of toxicological testing  
labs  
Nonrecurring  
Businesses or other institutions  
Toxicology testing laboratories  
Sic: 281 289 739 822  
Small businesses or organizations  
Unassigned, 700 responses, 700 hours;  
\$25,200 Federal cost, 1 form  
Edward H. Clarke, 202-395-7340

Under section 4 of TSCA, the EPA Administrator is mandated to consider "the reasonably foreseeable availability of the facilities and personnel needed to perform the testing required" when formulating testing rules. The information gathered in this survey will help EPA estimate the availability of toxicological testing labs.

## FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202-452-3512

## New

- Quarterly survey of number of  
selected transaction accounts and  
quarterly survey of sources of funds  
for NOW and ATS accounts  
FR 2071A and FR 2071B  
Quarterly  
Businesses or other institutions  
Sample of insur. comm. banks that offer  
ATS or NOW accounts  
Sic: 602  
Small businesses or organizations  
General government, 1,600 responses,  
600 hours; \$30,745 Federal cost, 2  
forms  
Warren Topelius, 202-395-7340

Provides information essential to monitoring the expansion of ATS and NOW accounts. This information is critical to interpreting shifts in, and setting growth targets for, the monetary aggregates.

- Survey of selected transaction  
accounts from savings and loan  
institutions  
FHLBB 1241  
Quarterly  
Businesses or other institutions  
Sample of savings and loan institutions  
Sic: 612  
Small businesses or organizations  
General government, 352 responses, 176  
hours; \$4,400 Federal cost, 1 form  
Warren Topelius, 202-395-7340

Provides information essential to monitoring the expansion of ATS and NOW accounts. This information is

critical to interpreting shifts in, and setting growth targets for, the monetary aggregates.

#### RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4692

#### Revisions

- Application and claim for unemployment benefits and employee service
- UI (ES-1) and UI-3
- On occasion
- Individuals or households
- Claimants for unempl. bene. and employ. serv. under the RR. etc
- Multiple functions, 698,250 responses, 57,161 hours; \$6,078,000 Federal cost, 2 forms
- Barbara F. Young, 202-395-6880

Section 5 of the Railroad Unemployment Insurance Act provides for payment of unemployment benefits to qualified railroad employees and for placement of the employees in suitable jobs. The application obtains information needed for payment and placement purposes.

#### SELECTIVE SERVICE SYSTEM

Agency Clearance Officer—Clarence E. Boston—202-724-0683

#### Extensions (No Change)

- Potential board member information sheet
- Nonrecurring
- Individuals or households
- U.S. citizens—18-60 years of age
- Small businesses or organizations
- Defense-related activities, 3,000 responses, 750 hours; \$100,000 Federal cost, 1 form
- Kenneth B. Allen, 202-395-3785

This proposed information sheet will be used by employees of the selective service system to assist the Governors of the several states in locating and nominating to the President citizens who volunteer to serve as local and appeal board members in the administration of the Military Selective Service Act.

#### VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

#### Extensions (Burden Change)

- Monthly statement of wages paid to trainee
- 22-1917
- Monthly
- Businesses or other institutions
- Certifying officials of training establishments
- Sic: All
- Small businesses or organizations

Veterans education, training, and rehabilitation, 12,000 responses, 3,000 hours; \$33,000 Federal cost, 1 form

Robert Neal, 202-395-6880

Required by 38 U.S.C. 1504, this form is needed for the purpose of determining or confirming the proper VA subsistence allowance rate payable to the trainee.

Volunteer interview form  
VA10-7055  
Nonrecurring  
Individuals or Households  
Indiv. per Inter. in WKRG as vol. in VA med. centers  
Hospital and medical care for veterans, 25,000 responses, 6,250 hours; \$53,100 Federal cost, 1 form

Robert Neal, 202-395-6880

The form is used to assist personnel of both voluntary organizations and the Veterans Administration (VA) in the selection, screening and placement of volunteers in the VA's care and treatment program for veteran patients.

C. Louis Kincannon,  
Assistant Administrator for Reports Management.

(FR Doc. 81-10007 Filed 4-8-81; 8:45 am)

BILLING CODE 3110-01-M

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17643; File No. SR-NASD-81-2]

#### Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on February 25, 1981, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The National Association of Securities Dealers, Inc., has proposed to amend Schedule D of its By-Laws to permit NASDAQ market makers to display size along with their quotations in NASDAQ. Furthermore, the proposed rule change will require the market makers to honor their quotations for the size displayed, or if no size is displayed, for a normal unit of trading. This enhancement to the NASDAQ System will become effective

six months after the installation date of the last Harris replacement terminal.

#### II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The purpose of the proposal is to provide NASDAQ market makers with an opportunity to display information regarding the size of quotations in NASDAQ. This proposal is consistent with the requirements of Section 15A(b)(11) of the Act.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* After close review of all comments received the Board of Governors has concluded that the proposed rule change will enhance competition by permitting market makers to attract order flow through the display of size and thus be able to compete more effectively. As such, the Association believes the proposed rule change will not result in a burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others.* In Notice to Members 80-61 (November 26, 1980), the Board of Governors solicited comments regarding the proposed rule change. Sixty-six comments were received. All comments were reviewed by the Board prior to approval of the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before May 14, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before April 30, 1981.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: March 19, 1981.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-10773 Filed 4-8-81; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 34-17685; File No. SR-PSE-80-27]

#### Self-Regulatory Organizations; Proposed Rule Change by Pacific Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on January 7, 1981, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

#### PSE's Statement of the Terms and Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend Rule V, Section 2(a) of the Rules of its Board of Governors as follows: (Italics indicate material to be added.)

#### Rule V Specialist Capital.

Sec. 2(a). Members registered as specialists shall at all times maintain for each specialist post \$100,000 in either cash or marketable securities or an amount equal to 25% of the sum of the market value of its securities position both long and short, whichever is greater; *provided, however, that a member organization operating more than one specialist post shall be deemed to meet the requirements for minimum post capital so long as the average capital per post operated by such member organization is equal to or greater than the greater of the two amounts stated above.* Such specialist post capital shall be maintained on deposit with the Pacific Clearing Corporation, except that the Board of Governors may grant an exception to such requirements for good and sufficient reasons.

PSE's basis and purpose for the proposed rule change is as follows:

The proposed rule change allows a member organization of PSE that operates more than one specialist post to meet the minimum post capital requirements of PSE on the basis of all the posts operated by the member organization averaged among such posts, rather than on a post by post basis.

The proposed rule change is consistent with Section 6(b)(5) of the Act in that it helps to prevent unfair discrimination between brokers or dealers.

Comments were neither solicited nor received on the proposed rule change.

The Exchange has determined that no burden on competition will be imposed by the proposed rule change.

#### Notice for Comments

On or before May 14, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions

will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 30, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 3, 1981.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-10756 Filed 4-8-81; 8:45 am]  
BILLING CODE 8010-01-M

#### SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0242]

#### California Partners; Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that California Partners, Two Palo Alto Square, Suite 700, Palo Alto, California 94304, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1981)) for approval of a conflict of interest transaction.

California Partners proposes to make an investment in Integrated Genetics, Inc., 23 Grenville Road, Watertown, Massachusetts. The proposed financing will be used to purchase 40,000 shares of Integrated Genetics Preferred Stock at a price of \$1.00 per share, for a total purchase price of \$40,000.

California Partners is a California partnership. Its corporate general partner is Draper Associates, Inc., of which Mr. William H. Draper III is an officer, director, and its sole shareholder. The limited partners of California Partners are members of Mr. Draper's immediate family, Mr. Draper also is one of the general partners of Sutter Hill Ventures (Sutter Hill), a California partnership. SBA deems Sutter Hill and its other general partners as Associates of California Partners. Sutter Hill, its general partners and associates of general partners propose to purchase approximately 46 percent of the voting power in Integrated Genetics. Because Sutter Hill, its partners and their associates will own more than 10

percent of the voting power of Integrated Genetics. Integrated Genetics is defined as an Associate of California Partners. Therefore, the proposed investment of California Partners in Integrated Genetics falls within the purview of § 107.1004(b)(1) of SBA Rules and Regulations and requires SBA prior written approval.

Notice is hereby given that any person may not later than April 24, 1981 submit written comments to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A similar Notice shall be published in a newspaper of general circulation in the Palo Alto, California and Watertown, Massachusetts areas.

(Catalog of Federal Assistance Programs No. 95.011, Small Business Investment Companies)

Dated: March 20, 1981.

Peter F. McNeish,  
Acting Associate Administrator for  
Investment.

[FR Doc. 81-10774 Filed 4-9-81; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

[CM-8/394]

### Establishment of the United States Section of the United States Japan Economic Relations Group

The Department of State proposes to charter the United States Section of the United States-Japan Economic Relations Group under provisions of the Federal Advisory Committee Act Pub. L. 92-463).

The Section is to serve the Secretary of State by preparing a report analyzing the current state of economic relations between Japan and the United States and presenting advice to the Secretary, the President and other agencies on issues of United States-Japan economic relations, and conferring with comparable Japanese groups to insure support for their recommendations.

The Section will provide a coordinated source of advice from the academic world and private business about issues that have often been at the heart of disputes between the United States and Japan.

For further information, please contact Mr. Jack B. Button, 2000 L Street N.W., Suite 613, Washington, D.C. 20036, telephone 202-673-6157.

Dated: April 7, 1981.

Jack B. Button,  
Executive Secretary.

[FR Doc. 81-10804 Filed 4-9-81; 8:45 am]

BILLING CODE 4710-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Certification Docket No. 81-ASW-5AC]

#### Aerospatiale Model AS350H Series Helicopters; Aircraft Certification and Availability of Documents

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Announcement of Certification Program and Type Certification Basis.

**SUMMARY:** This document announces the type certification program and type certification basis for the Model AS350H normal category helicopter. Aerospatiale Helicopter Corporation has applied for a type certificate for the Model AS350H under the provisions of § 21.21 of the Federal Aviation Regulations (FAR).

**DATES:** Comments must be received on or before June 1, 1981.

**ADDRESSES:** Comments may be mailed in duplicate to: Federal Aviation Administration, Southwest Region, Office of Regional Counsel; Attention: Certification Docket, Docket No. 81-ASW-5AC; P.O. Box 1689; Fort Worth, Texas 76101.

#### FOR FURTHER INFORMATION CONTACT:

T. A. Dragset, Airframe Section, Engineering and Manufacturing Branch (ASW-212), P.O. Box 1689, Fort Worth, Texas 76101. Telephone (817) 624-4911, extension 517.

**SUPPLEMENTARY INFORMATION:** Persons may participate in the certification proceedings by submitting their views or data. Communications must identify the regulatory docket number and be submitted in duplicate to the above address. Comments received on or before the closing date will be considered and may cause the program to be changed. Comments can be examined in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. Request for copies of this announcement must include the docket number and be submitted to the Federal Aviation Administration, Public Affairs Officer, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101. Telephone (817) 624-4911, extension 207.

#### BACKGROUND

On November 7, 1980, Aerospatiale Helicopter Corporation of Grand Prairie, Texas, applied to the FAA, Southwest Region, for type certification of the Aerospatiale Model AS350H series helicopter under the provisions of § 21.21 of the FAR. This model will be

identical to the Model AS350D (Type Certificate Data Sheet H9EU) already type certificated under the provisions of § 21.29 of the FAR. Aerospatiale plans to complete the initial type certification activity on the Model AS350H by February 14, 1982, which is within the three years permitted by § 21.17(b) of the FAR for normal category aircraft.

The Model AS350H design is a single-engine, normal category, helicopter with a single three-bladed main rotor. The maximum gross weight is 4,190 pounds. The Model AS350H has a Lycoming LTS 101-600A2 turbine engine rated 615 horsepower for take off and 590 horsepower maximum continuous. The fiberglass main rotor blade is 35 feet in diameter. The aircraft interior will accommodate six occupants. The Model AS350H will be evaluated for day, night, and VFR operations.

A preliminary type certification board meeting was held on February 11, 1981, at Aerospatiale Helicopter Corporation, Grand Prairie, Texas. Aerospatiale intends to petition the FAA for an exemption to § 21.17(a) of the FAR to maintain the same certification basis that was applied to Societe Nationale Industrielle Aerospatiale in France for the Models AS350B, AS350C, AS350D, and AS350D1 when these models were certificated under § 21.29 of the FAR. The certification basis is:

Part 27 of the Federal Aviation Regulations, effective February 1, 1965, including Amendments 27-1 through 27-10, plus FAA Special Conditions No. 27-79-EU-23, dated August 31, 1977. Equivalent safety, in lieu of direct compliance, found with respect to FAR 27.1189, shutoff means.

**Note.**—This is a nonrulemaking proceeding within the meaning of the administrative procedure provision of 5 U.S.C. 551 *et seq.* Notice of Proposed Rule Making (NPRM) will be used for the issuance of special conditions and retroactive application of previously adopted airworthiness regulations, if any.

Issued in Fort Worth, Texas, on March 30, 1981.

C. R. Melugin, Jr.,  
Director, Southwest Region.

[FR Doc. 81-10820 Filed 4-9-81; 8:45 am]

BILLING CODE 4910-13-M

[Certification Docket No. 81-ASW-4AC]

#### Bell Model 214ST Series Helicopters; Aircraft Certification and Availability of Documents

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Announcement of Certification Program and Type Certification Basis.

**SUMMARY:** This document announces the type certification program and type certification basis for the Model 214ST transport category helicopter. Bell Helicopter Textron (BHT) has applied for a type certificate for the Model 214ST.

**DATE:** The closing date for comments is May 15, 1981.

**ADDRESS:** Comments may be mailed in duplicate to: Federal Aviation Administration, Southwest Region, Office of Region Counsel, Attention: Certification Docket No. 81-ASW-4AC, P.O. Box 1689, Fort Worth, Texas 76101.

**FOR FURTHER INFORMATION CONTACT:** R. T. Weaver, Airframe Section, Engineering and Manufacturing Branch, ASW-212, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 516.

**SUPPLEMENTARY INFORMATION:** Persons may participate in the certification proceedings by submitting their views or data. Communications must identify the regulatory docket number and be submitted in duplicate to the above address. Comments received on or before the closing date will be considered and may cause the program to be changed. Comments can be examined in the Office of Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas. Request for copies of this announcement must include the docket number and be submitted to the Federal Aviation Administration, Public Affairs Officer, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101, telephone (817) 624-4911, extension 207.

**Background:** On June 23, 1977, Bell applied to the FAA, Southwest Region, for certification of the Bell Model 214ST series helicopter. Bell plans to complete the initial type certification activity on the Model 214ST by June 1982 which is within the five years permitted for transport category aircraft by section 21.17(b).

The Model 214ST series design is a twin engine transport helicopter with a single two-bladed main rotor. The maximum gross weight will be 17,200 pounds. The Model 214ST will use two General Electric CT7-2A engines which drive into a combining gearbox having a 2350 horsepower limit. The composite (fiberglass) main rotor blade will be 52 feet in diameter with a 33 inch chord. The synchronized elevator will be electrically controlled using dual actuators. An automatic flight control system will be used. The aircraft interior will accommodate 19 occupants. The Model 214ST will be evaluated for day, night, VFR, and IFR operations and for

"Ditching." Energy absorbing or attenuating seats will be available for installation. Certification will be sought for both skid and wheeled landing gear.

A preliminary type certification board meeting was held October 5, 1977. Other visits and discussion concerning the Model 214ST design have also occurred. Company flight tests are in progress to help finalize the design.

Based on the date of application of June 23, 1977, and pursuant to § 21.17(a)(1) of the Federal Aviation Regulations (FAR), the type certification basis of the Bell Model 214ST series Transport Category A and B helicopter will be:

Part 29 of the Federal Aviation Regulations, effective February 1, 1965, including Amendments 29-1 through 29-13.

Amendments 29-14 (partial), 29-15, and 29-16 as elected by Bell Helicopter Textron (BHT) under the provisions of § 21.17(a)(1)(ii) of the Federal Aviation Regulations (FAR).

"Guidelines for Helicopter Certification using Vertical Takeoff Techniques from Ground Level and elevated Heliports" vertical takeoff criteria transmitted to Bell by FAA ASW-210 letter dated February 3, 1971.

Instrument Flight Rules standards dated December 15, 1978.

Bell has petitioned the FAA for an exemption from the structural load requirements of § 29.501(f)(2)(ii) for longitudinal skid tubes and for an exemption from the air speed error requirements of §§ 29.1323(c)(1) and 29.1323(c)(2) relative to the type certification of the Model 214ST series helicopter.

**Note.**—This is a nonrulemaking proceeding within the meaning of the administrative procedure provision of 5 U.S.C. 551 *et. seq.* Notices of Proposed Rule Making (NPRM) will be used for the issuance of special conditions and retroactive application of previously adopted airworthiness regulations, if any.

Issued in Fort Worth, Tex., on March 30, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-10658 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-13-M

### Wytownia Sprzetu Komunikacyjnego "Pzl-Mielec," PZL M18 "Dromader;" Aircraft Certification and Availability of Decision Document

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of availability of documentation.

**SUMMARY:** Based on current FAA policy, the Director, Central Region, FAA, is responsible for notifying the public of the type certification by the United States of foreign-manufactured small airplanes. On January 23, 1981, the FAA issued Type Certificate A 47EU for the Polish PZL M18 "Dromader" airplane. The airplane is a new agricultural type intended for spraying, dusting and fire suppression. The PZL M18 has nonretractable landing gear with conventional tailwheel and is powered by the PZL Kalisz ASz-621R 9-cylinder supercharged radial air-cooled engine.

The Director, Europe, Africa and Middle East Office, FAA, has examined the decision document and has reviewed the findings of the FAA certification team. Based on this information and the Polish People's Republic, Ministry of Transport, Central Administration of Civil Aviation (CACA) certifying statement that the Wytownia Sprzetu Komunikacyjnego "PZL-Mielec" PZL M18 "Dromader" airplane has been examined, tested, and found to meet the applicable airworthiness requirements as required by the Federal Aviation Regulations, as outlined in paragraph 2 of the Bilateral Agreement between the United States of America and the Polish People's Republic, effected 8 November 1976, for Certificate of Airworthiness for imported aircraft products, the Director of the FAA Europe, Africa and Middle East Office has determined that Wytownia Sprzetu Komunikacyjnego is entitled to a type certificate under the provisions 14 CFR 21.29.

A decision document has been prepared which contains the basis upon which the final recommendations for type certification for this airplane were made including, but not limited to, the certification basis, discussions of design features, significant type certification issues and their resolution, type certification board minutes, and type inspection results.

A copy of the decision basis document is on file in the FAA Rules Docket. The bulk of the decision basis reviews the purpose, structure, conduct, and significant highlights of the certification program to demonstrate compliance with the applicable Federal Aviation Regulations.

The report is available for examination and copying at the Rules Docket, Office of the Regional Counsel, Central Region, 601 East 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on April 2, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-1080 Filed 4-9-81; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-10]

**Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petitions for exemptions received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition

of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before: April 29, 1981.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief

Counsel. Attn: Rules Docket and are available for examination in the Rules Docket (AGC-204), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 6, 1981.

Edward P. Faberman,

Assistant Chief Counsel, Regulations and Enforcement Division.

**Petitions For Exemptions**

Docket No.	Petitioner	Regulations affected	Description of relief sought
21357	Bendix Instruments and Life Support Division	14 CFR 21.613	To permit termination of several obsolete TSOs without the expense of reproducing and shipping files to the FAA.
18573	Gates Learjet Corp. (GLC)	14 CFR 91.32(b)(1)(ii)	To extend exemption 2889 to all operators of applicable Learjet aircraft regardless of the name of the owners and operator and the expiration date until Dec. 31, 1982. The present exemption allows the operation of the aircraft, owned or operated by GLC, above flight level 410 without either pilot wearing an oxygen mask so long as there are two pilots at the controls and each pilot has quick-donning type of oxygen mask.
21257	Trans World Airlines (TWA)	14 CFR 121.291	To permit TWA to increase the full-seating capacity of its B-727-100 airplanes from 102 to 116 passengers and to commence operation with a 116-passenger seating capacity aircraft without first conducting a full-seating capacity emergency evacuation demonstration.
21365	Thomas Scott Hattaway	14 CFR 65.71(a)(2)	To permit petitioner to become eligible for a mechanic certificate without being able to speak the English language.
21358	Christopher J. Sidenwicz	14 CFR 61.151(a)	To permit petitioner to obtain an Airline Transport Pilot's Certificate before reaching his 23rd birthday.
21550	Western Airlines	14 CFR 121.291(a)(2)(i)	To allow petitioner to increase the seating capacity on its Boeing 727-247 aircraft from 146 passengers to 160 passengers without conducting a full emergency demonstration.
21350	Coastal Corp.	14 CFR 61.58(c)	To allow accomplishment of the entire 24-month pilot-in-command proficiency check in an FAA-approved simulator.
21555	Airborne Express, Inc.	14 CFR 121.583(a)(8)	To permit petitioner to transport dependents of its employees on its fleet aircraft on any or all flights.
21549	Aerostar	14 CFR 121.291	To permit petitioner to initially introduce B-727-25 airplanes into passenger-carrying operations without first conducting a full-seating capacity emergency evacuation and ditching demonstration.
18501	James R. Payne	14 CFR 135.243(b)(3)	To permit petitioner to operate an airplane as pilot in command under Part 135 without holding an instrument rating or an airline transport pilot certificate with an airplane category rating.
21411	People Express Airlines, Inc.	14 CFR 121.291	To introduce B-737-100 airplanes into passenger-carrying operations with a passenger-seating capacity of 118 passenger seats without first conducting a full-seating capacity emergency evacuation demonstration. <i>Granted Apr. 1, 1981.</i>
18881	International Aerobatic Club (IAC)	14 CFR 91.22(a)(1)	Extension of exemption 2689A which allows petitioner's members to practice for and participate in aerobatic competitions sanctioned by the IAC without being required to meet the fuel reserve requirement for flight under visual flight rules. <i>Granted Apr. 1, 1981.</i>
8429	Northern Air Cargo	14 CFR 91.39 and 121.157	Extension and amendment of exemption 770K which allows petitioner to use its restricted category C-82 airplanes to carry cargo for compensation or hire subject to certain conditions and limitations. Relief from certain conditions and limitations was requested. <i>Partial grant Mar. 31, 1981.</i>
20781	World Airways, Inc.	14 CFR 121.291	To permit the introduction of petitioner's B-747-200C aircraft into service with a 520 passenger seat configuration without first conducting the required full-seating capacity emergency evacuation demonstration. <i>Granted Apr. 1, 1981.</i>
20856	Rio Airways, Inc.	14 CFR 135.261(b)	To reduce the 10-hour rest period to 8 hours. <i>Denied Mar. 25, 1981.</i>
20165	British Midland Airways, Ltd.	14 CFR Parts 21 and 91	To extend the termination date of Exemption No. 2931 to March 31, 1982. The present exemption enables petitioner to operate a leased Boeing 707 U.S.-registered aircraft using the FAA-approved MMEL. <i>Granted Mar. 30, 1981.</i>
18617	Alaska Air Carriers Association	14 CFR 135.203(a)(1)	To extend expiration date of Exemption No. 2686A which allows petitioner's members to conduct day Visual Flight Rule operations below 500 feet Mean Sea Level when outside controlled airspace. <i>Granted Mar. 31, 1981.</i>
17399	Flying Tiger Line Inc.	14 CFR 121.583(a)(8)	A 2-year extension of exemption 2520A which permits petitioner to transport employees/dependents on its DC-8 cargo flights. <i>Granted Mar. 27, 1981.</i>

## Petitions For Exemptions—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought
20954	Sky File, Inc.	14 CFR 135.89(b)(3)	To amend Exemption No. 3005 to allow addition of petitioner's newly acquired Lear 25 aircraft to the exemption. The present exemption allows relief from the pilot requirements—use of oxygen. <i>Granted Mar. 27, 1981.</i>
2092	Commercial Helicopters	14 CFR 43.3(h)	To allow appropriately trained airmen to remove, inspect, and replace magnetic chip detector plugs on certain types of turbine-powered helicopters. <i>Granted Mar. 31, 1981.</i>
20600	New Mexico Aerial Surveys, Inc.	14 CFR 91.169(a)(1)	A one-time delay of the annual inspection on petitioner's aircraft from August to December 1981. <i>Denied Mar. 26, 1981.</i>

[FR Doc. 81-10802 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-13-M

## Federal Highway Administration

Environmental Impact Statement;  
Fajardo, Ceiba Naguabo and Humacao;  
Puerto Rico

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in the municipalities of Fajardo, Ceiba, Naguabo and Humacao; Puerto Rico.

**FOR FURTHER INFORMATION CONTACT:**

Juan O. Cruz, Assistant Division Administrator, Federal Highway Administration, Federico Degetau Federal Building & U.S. Courthouse, Carlos Chardón Street Hato Rey, Puerto Rico, Telephone: (809) 753-4600 or Néstor Quevedo, Chief Environmental Studies Division, Puerto Rico Department of Transportation and Public Works, Box 51269, Minillas Station, Santurce, Puerto Rico 00940, Telephone: (809) 726-7060.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Puerto Rico Department of Transportation and Public Works will prepare an environmental impact statement (EIS) on a proposal for the relocation of Route PR-3, Fajardo-Humacao, Puerto Rico.

The proposed action includes the relocation of about 35 kilometres of PR-3 as a full access controlled route from Km. 43.7 of the existing PR-3 in the municipality of Fajardo, through the municipalities of Fajardo, Ceiba, Naguabo and Humacao in the eastern region of Puerto Rico to about one kilometre south of the city of Humacao, where it intersects the proposed extension of Route PR-30 (Humacao South By-Pass), which is also included as part of the project.

The proposed roadway section will consist of four lanes (two in each direction) of 3.65 metres each, paved

shoulders at both sides of 3.00 metres and a median of approximately 15 metres. The right of way to be acquired will vary from 60 to 90 metres. The speed limit will be of 55 MPH.

The undertaking will include major interchanges at PR-975 (Machos Ward, Ceiba), PR-979 (south entrances to Roosevelt Roads Naval Reservation), PR-973 (Mariana Ward, Naguabo), PR-3 (Río Abajo Ward, Humacao) and PR-30 (Cataño Ward, Humacao). Construction of structures over several rivers and creeks is also included as part of this proposal.

The proposed action is necessary for the improvement of the transportation service provided by existing PR-3, which ties the principal urban centers of the eastern region of Puerto Rico; providing for the existing and projected traffic demand. Existing PR-3 lacks safety and service capacity.

Alternatives under consideration include: (1) taking no action; (2) widening of existing PR-3; (3) construction of four lanes freeway on a new location.

Early coordination with all concerned agencies has been made through a consultation process by means of letters. A brief description of the project and an illustration of its alignment was provided to the concerned agencies in order to obtain from them comments and recommendations. All comments and recommendations made by federal and local agencies will be properly considered in the Environmental Impact Statement. Meetings with the regulatory and/or cooperating agencies are being contemplated in case that they are necessary.

In order to assure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action should be directed to the FHWA at the address provided above.

**Juan O. Cruz,**  
Assistant Division Administrator, San Juan,  
Puerto Rico.

[FR Doc. 81-10672 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety  
Administration

[Docket No. IP81-8; Notice 1]

Toyota Motor Co., Ltd.; Petition for  
Exemption From Notice and Remedy  
for Inconsequential Noncompliance

Toyota Motor Co., Ltd. of Secaucus, New Jersey, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.101-80, Motor Vehicle Safety Standard No. 101-80, *Controls and Displays*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the Act (15 U.S.C. 1417) and does not represent any agency decision or exercise of judgment concerning the merits of the petition.

Paragraph S5.2.3 and Table 2 of Standard No. 101.80 require that certain internal displays on any passenger car manufactured on or after September 1, 1980, be identified with the appropriate International Standards Organization (ISO) symbol. At its option, the manufacturer may also provide identifying words. Use of an identifying word was mandatory before September 1, 1980, and no symbols were required.

Toyota has produced over 6,200 of its Celica Supra models since September 1, 1980, in which the seat belt tell-tale and high beam tell-tale are identified only by words, compliant with Standard No. 101, but noncompliant with Standard No. 101-80. The noncompliance resulted from the inadvertent use of the display panel employed before September 1, 1980. Toyota argues that use of the previously acceptable wording creates no safety hazard as it is readily understandable by the public.

Interested persons are invited to submit written data, views and arguments on the petition of Toyota Motor Co., Ltd. described above. Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic

Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and all comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the Federal Register pursuant to the authority indicated below.

The engineer and attorney responsible for this notice are John Carson and Taylor Vinson, respectively.

Comment closing date: May 11, 1981

[Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8]

Issued on April 1, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-10623 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-59-M

#### National Highway Traffic Safety Administration Contract Briefing; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on April 24, 1981, to present the results of the first task of a study entitled, "Heavy Truck and Bus Speed Control Development/Demonstration Program." This study is sponsored by the Joint Industry-Government Voluntary Truck and Bus Fuel Economy Program, managed by the National Highway Traffic Safety Administration and is designed to help heavy truck and bus fleets identify and implement cost-effective road speed-limiting systems to conserve fuel. This first task, carried out by AMAF Industries, Inc., as contractor to the National Highway Traffic Safety Administration, has been to identify truck and bus fleets using the presently available types of road-speed governors or other speed-limiting or controlling systems and designs, and to recommend whether the Government should conduct an experimental "real world" truck and bus fleet demonstration program.

The meeting will be held in Room 3200 at Department of Transportation Headquarters Building, 400 Seventh Street, Southwest, from 10:00 a.m. to 12:00 noon. The briefing, to be presented by AMAF Industries will present the relevant results of the available data and experience from vehicles using road-speed governors or other speed-control strategies to encourage drivers to conserve fuel, and an opportunity for audience questions.

Additional information may be obtained from William J. Sulak, (202)

426-9502, the Contract Technical Manager, or Mr. Henry Seiff, (202) 426-4560, Acting Manager of the Voluntary Program.

Issued in Washington, D.C., on April 3, 1981.

R. Rhoads Stephenson,

Associate Administrator for Research and Development.

[FR Doc. 81-10775 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-59-M

#### Saint Lawrence Seaway Development Corporation Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. Law 92-463); 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 1:30 p.m. April 24, 1981, in the Offices of the Corporation at 800 Independence Avenue, S.W., Washington, D.C. 20591. The agenda for this meeting is as follows: Opening Remarks; Approval of Minutes; Administrator's Report; Review of Programs; Closing Remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than April 21, 1981, and information may be obtained from Robert D. Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202/426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued in Washington, D.C. on April 3, 1981.

D. W. Oberlin,

Administrator.

[FR Doc. 81-10782 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-61-M

#### Office of the Secretary

##### Minority Business Resource Center Advisory Committee; Meeting

Pursuant to Section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463); 5 U.S.C. App. I, notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held April 16, 1981, at 10:00 a.m. until 12:00 noon in Room 10234 at the Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590. The agenda for the meeting is as follows:

—Minority Business Resource Center Advisory Committee Annual Report

Attendance is open to the interested public but limited to the space available.

With the approval of the Chairman, Members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Office of the Secretary, 400 7th Street, S.W., Washington, D.C. 20590, telephone (202) 426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C., on March 31, 1981.

Melvin Humphrey,

Director, Office of Small and Disadvantaged Business Utilization.

[FR Doc. 81-10405 Filed 4-8-81; 8:45 am]

BILLING CODE 4910-06-M

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

##### Crude Oil Windfall Profit Tax; Publication of Inflation Adjustment Factor and Reference Prices for Calendar Year 1980

AGENCY: Internal Revenue Service, Treasury.

ACTION: Publication of inflation adjustment factor and reference prices for calendar year 1980 as required by section 44D(d)(2)(A) of the Internal Revenue Code (26 U.S.C. 44D(d)(2)(A)).

SUMMARY: The inflation adjustment factor and reference prices are used in determining the availability of the tax credit for production of fuel from nonconventional sources under section 44D of the Internal Revenue Code.

DATE: The 1980 inflation adjustment factor and reference prices apply to qualified fuels produced and sold during calendar year 1980.

##### FOR FURTHER INFORMATION CONTACT:

Joseph A. Schifrin, PR:L, Room 3235, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Telephone No. 202-566-3234 (not a toll-free number).

The inflation adjustment factor for calendar year 1980 is 1.0896.

The reference price for qualified fuels other than gas from Devonian shale is \$33.03 for the 1980 calendar year.

For gas from Devonian shale, the reference price is \$2.80 for the 1980 calendar year.

Gerald G. Portney,

Assistant Commissioner.

[FR Doc. 81-10850 Filed 4-7-81; 11:08 am]

BILLING CODE 4830-01-M

# Sunshine Act Meetings

Federal Register

Vol. 46, No. 68

Thursday, April 9, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### 1

#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 11:00 a.m., Friday, April 17, 1981.

**PLACE:** 2033 K Street, N.W., Washington, D.C., eighth floor conference room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Surveillance Briefing.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-5314.

[S-562-81 Filed 4-7-81; 10:37 am]

**BILLING CODE** 6351-01-M

### 2

#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 10:45 a.m., April 14, 1981.

**PLACE:** 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** Enforcement Matter.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-6314.

[S-565-81 Filed 4-7-81; 10:57 am]

**BILLING CODE** 6351-01-M

### 3

#### COMMODITY FUTURES TRADING COMMISSION.

**TIME AND DATE:** 10 a.m., April 14, 1981.

**PLACE:** 2033 K Street, N.W., Washington, D.C., fifth floor hearing room.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

Sponsorship of Associated Persons and Fingerprinting

The Commission will consider the recommendation of the Division of Trading and Markets for the adoption of registration forms and additional regulations necessary to implement the sponsorship of associated persons and fingerprinting.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Jane Stuckey, 254-5314.

[S-373-81 Filed 4-7-81; 10:57 am]

**BILLING CODE** 6351-01-M

### 4

#### FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 6, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Security Trust Company, a proposed new bank, to be located at 321 Bush Street, San Francisco, California, for Federal deposit insurance, for consent to establish a branch at 624 South Grand Avenue, Los Angeles, California, and for consent to exercise limited trust powers.

Recommendations regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania. 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. 44,725-NR (Addendum)—United States National Bank, San Diego, California Memorandum and Resolution re: United States National Bank, San Diego, California Memorandum and Resolution re: State Bank of Clearing, Chicago, Illinois

Memorandum and Resolution re: Banco Credito y Ahorro Ponceño, Ponce, Puerto Rico

Grievance Officer's reports and recommendations with respect to the formal grievances of Corporation employees.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

In voting to add to the agenda for consideration at the April 6, 1981 meeting the Grievance Officer's reports and recommendations with respect to the formal grievances of Corporation employees, the Board also determined, by the same majority vote, that Corporation business required the withdrawal of those matters, on less than seven days' notice to the public, from the agenda for consideration at the closed Board of Directors meeting scheduled for April 13, 1981, and that no earlier notice of such changes in the subject matter of the April 13, 1981 meeting was practicable.

Dated: April 6, 1981.

Federal Deposit Insurance Corporation.  
Hoyle L. Robinson.

*Executive Secretary.*

[S-563-81 Filed 4-7-81; 10:51 am]

**BILLING CODE** 6714-01-M

### 5

#### FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection(e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, April 6, 1981, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Paul M. Homan, acting in the place and stead

of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum proposing that the Corporation enter into an agreement to reserve the option to purchase certain space to house the Corporation's San Francisco Regional Office.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: April 6, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-504-81 Filed 4-7-81; 10:52 am]

BILLING CODE 6714-01-M

6

**FEDERAL ELECTION COMMISSION.**

**DATE AND TIME:** Tuesday, April 14, 1981 at 10 a.m.

**PLACE:** 1325 K Street, N.W., Washington, D.C.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Personnel. Compliance. Litigation. Audits. Labor/Management Relations.

**DATE AND TIME:** Thursday, April 16, 1981 at 10 a.m.

**PLACE:** 1325 K Street, N.W., Washington, D.C.

**STATUS:** This meeting will be open to the public (fifth floor).

**MATTERS TO BE CONSIDERED:**

Setting of dates for future meetings  
Correction and approval of minutes  
Certifications

Advisory opinion 1981-14: Henry L. Smith, Jr.,  
The El Paso Company Political Action  
Committee

Pending legislation

Appropriations and budget: Budget Execution  
Report

Classification actions

Routine administrative matters

**PERSON TO CONTACT FOR INFORMATION:**

Mr. Fred Eiland, Public Information  
Officer; telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-570-81 Filed 4-7-81; 2:12 pm]

BILLING CODE 6715-01-M

7

**FEDERAL HOME LOAN BANK BOARD.**

"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 Bank  
Board meeting scheduled for  
Wednesday, April 8, 1981, 10 a.m. has  
been cancelled.

No. 475, April 6, 1981.

[S-560-81 Filed 4-8-81; 4:16 pm]

BILLING CODE 6720-01-M

8

**FEDERAL TRADE COMMISSION.**

**TIME AND DATE:** 2 p.m., Tuesday, April  
14, 1981.

**PLACE:** Room 432, Federal Trade  
Commission Building, 6th Street and  
Pennsylvania Avenue, N.W.,  
Washington, D.C. 20580.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**  
Consideration of Used Car Trade  
Regulation Rule.

**CONTACT PERSON FOR MORE  
INFORMATION:** Susan B. Ticknor, Office  
of Public Information: (202) 523-1892;  
Recorded Message: (202) 523-3806.

[S-567-81 Filed 4-7-81; 11:02 am]

BILLING CODE 6750-01-M

9

(USITC ERB-81-2)

**INTERNATIONAL TRADE COMMISSION.**

Executive Resources Board (ERB)

**TIME AND DATE:** 10 a.m., Tuesday, April  
21, 1981.

**PLACE:** Room 117, 701 E Street, N.W.,  
Washington, D.C. 20436.

**STATUS:** Open to the public.

**MATTERS TO BE CONSIDERED:** Old  
Business:

- a. Manpower Planning.
- b. Critical Elements and Standards.

**CONTACT PERSON FOR MORE  
INFORMATION:** Kenneth R. Mason,  
Secretary (202) 523-0161.

[S-566-81 Filed 4-7-81; 11:00 am]

BILLING CODE 7020-02-M

10

**NATIONAL COMMISSION ON LIBRARIES  
AND INFORMATION SCIENCE.**

**MEETING:** Public/Private Sector Task  
Force.

**TIME AND DATE**

9 a.m.-5 p.m., Wednesday, April 15, 1981.

9 a.m.-5 p.m., Thursday, April 16, 1981.

**PLACE:** Room 155, Russell Senate Office  
Building.

**STATUS:** Open.

**MATTERS TO BE DISCUSSED:** Final  
Meeting of the Task Force. Presentation  
of the Task Force Recommendations to  
the National Commission. Preparations  
for the Final Report, and Specific  
Recommendations to the Office of  
Management and Budget.

April 6, 1981.

Toni Carbo Bearman,

Executive Director, NCLIS.

[S-561-81 Filed 4-7-81; 9:30 am]

BILLING CODE 7527-01-M

11

**NATIONAL COUNCIL ON THE  
HANDICAPPED.**

**TIME AND DATE:**

9 a.m.-5 p.m., Monday, May 4, 1981

9 a.m.-5 p.m., Tuesday, May 5, 1981

9:30 a.m.-11 a.m., Wednesday, May 6, 1981

\*\*1 p.m.-4 p.m., Wednesday, May 6, 1981

**PLACE:** Capitol Holiday Inn, (202) 479-  
4000, 550 C Street, S.W. (Saturn/Venus  
Room), Washington, D.C. 20024.

**STATUS:** Open meeting.

**MATTERS TO BE CONSIDERED:**

1. Review and discuss research and service  
programs in the Office of Special Education  
and the Administration on Developmental  
Disabilities.

2. Research updates by the Office of  
Technology Assessment, Office of Federal  
Statistical Policy and Standards and Bureau  
of Social Science Research.

3. Reports from working committees and  
task forces.

\*\*4. *Public Forum* on "The Place of  
Disabled Individuals in our Economy." The  
National Council on the Handicapped will  
continue its meeting at the Washington-  
Hilton, 1919 Connecticut Avenue, N.W.,  
Washington, D.C. 20009, (202) 483-3000. For  
further information, please reference *Federal  
Register*/Vol. 46, No. 60/Monday, March 30,  
1981, page 19294.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Carol Berman, National  
Council on the Handicapped, (202) 245-  
3498.

Carol Berman,

Executive Director.

[S-569-81 Filed 4-7-81; 2:02 pm]

BILLING CODE 4000-01-M

12

(NM-81-11)

**NATIONAL TRANSPORTATION SAFETY  
BOARD.**

"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT: 46 FR 19644,  
March 31, 1981.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 9 a.m., Friday, April 10, 1981.

**CHANGE IN MEETING:** A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. *Letter to Air Line Pilots Association* regarding Petition for Reconsideration of Probable Cause, National Airlines, Inc., Boeing 727, NA7444A, Escambia Bay, Pensacola, Florida, May 8, 1978.

2. *Special Study Proposal: Excess Flow Valves in Gas Distribution Systems.*

**CONTACT PERSON FOR MORE INFORMATION:** Sharon Flemming, 202-472-6022.

April 7, 1981.

[S-4910-58 Filed 4-7-81; 2:59 pm]

**BILLING CODE 4910-58-M**

13

[NM-81-12]

**NATIONAL TRANSPORTATION SAFETY BOARD.**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 46 FR 20816, April 7, 1981.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** 9 a.m., Tuesday, April 14, 1981.

**CHANGE IN MEETING:** A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

**STATUS:** The first two items will be open to the public; the last three items will be closed under Exemption 10 of the Government in the Sunshine Act.

1. *Marine Accident Report: Collision of U.S. Mississippi River Steamer NATCHEZ and U.S. Tankship SS EXXON BALTIMORE, New Orleans, Louisiana, March 29, 1980; and Letters of Recommendation to the U.S. Coast Guard and New Orleans Steamboat Company.*

2. *Recommendation to the Federal Aviation Administration regarding Dissemination of Information on Dynamic Rollover Characteristics of Single-Rotor Helicopters.*

3. *Opinion and Order: Administrator v. Will Banks, Docket SE-4284.*

4. *Opinion and Order: Petition of Meyer, Docket SM-2193.*

5. *Opinion and Order: Commandant, U.S. Coast Guard v. William Lingley, Docket ME-80.*

**CONTACT PERSON FOR MORE INFORMATION:** Sharon Flemming, 202-472-6022.

April 7, 1981.

[S-572-81 Filed 4-7-81; 2:59 pm]

**BILLING CODE 4910-58-M**

14

**OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.**

**TIME AND DATE:** 2 p.m. on April 16, 1981.

**PLACE:** Room 1101, 1825 K Street, N.W., Washington, D.C.

**STATUS:** Open meeting.

**MATTERS TO BE CONSIDERED:** A discussion of proposed changes in various Review Commission Rules of Procedure.

**CONTACT PERSON FOR MORE INFORMATION:** Mrs. Patricia Bausell (202) 634-4015.

Dated: April 7, 1981.

[S-588-81 Filed 4-7-81; 11:13 am]

**BILLING CODE 7600-01-M**

# **federal register**

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Thursday  
April 9, 1981

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## **Part II**

### **Department of Housing and Urban Development**

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**Office of Assistant Secretary for  
Community Planning and Development**

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**Urban Development Action Grants;  
Revised Minimum Standards for Physical  
and Economic Distress for Small Cities**

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

**Office of Assistant Secretary for  
Community Planning and Development**

[Docket No. N-81-1066]

**Urban Development Action Grants;  
Revised Minimum Standards for  
Physical and Economic Distress for  
Small Cities**

**AGENCY:** Department of Housing and  
Urban Development.

**ACTION:** Notice.

**SUMMARY:** The Department is providing Notice of the most current minimum standards of physical and economic distress for small cities for the Urban Development Action Grant program, based on new data from the Bureau of the Census as required by § 570.452(b)(2), as published on June 8, 1979, (44 FR 33372). We are also providing a list of those small cities which meet the minimum standards of physical and economic distress, a list of those small cities which meet the minimum standards for the first time, and a list of those small cities which no longer meet the minimum standards.

**EFFECTIVE DATE:** This Notice replaces the October 30, 1979 Notice which listed the small cities which passed the previous minimum standards.

**FOR FURTHER INFORMATION CONTACT:** Frank Ridenour, Office of Urban Development Action Grants, 451 Seventh Street, S.W., Washington, D.C. (202) 472-3980.

**SUPPLEMENTARY INFORMATION:** On June 8, 1979 (44 FR 33372), the Department published interim regulations deleting the specific minimum standards for physical and economic distress for Fiscal Year 1978 for small cities. Section 570.452(b)(2) was thereby amended to require that HUD issue, from time to time, in Notice form the minimum standards for each category of distress. This Notice accommodates that requirement.

As a result of new data from the Bureau of the Census showing revised population estimates and recent annexation changes, three of the four standards relying on Census data have changed. The standard for age of housing constructed prior to 1940 is revised from 33.77 percent to 33.38 percent. The present of the population which is at or below the poverty level is changed from 11.07 percent to 10.92 percent. Population lag/decline, which accounts for the percentage rate of population change is revised from + 0.32 to + 0.20. Lastly, the category of

per capita income change is revised to include a newly available 1977 per capita income data. The per capita income change standard is revised from \$1762 to \$2694. With updated retail and manufacturing employment data for 1977 the job lag standard is revised from 7.08 percent to 6.74 percent.

Furthermore, the Department wishes to call to the attention of all small cities the interim rule published October 30, 1978 (43 FR 50668). Section 570.452(c) added a provision allowing those cities and urban counties which become ineligible due to changes in the data to submit an Action Grant application during the two quarters following the announcement of a change in the data used to establish minimum standards of distress.

The following Notice is published to S. 570.452(b)(2) (44 FR 33372): I. 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 were constructed prior to 1940, based on U.S. Census data.

**B. Per capita income.** The net increase in per capita income for the period 1969-1977 was \$2694 or less, based on U.S. Census data.

**C. Poverty.** Based on 1978 population data and 1970 poverty data from the U.S. Census, 10.92 percent or more of the persons within the applicant's jurisdiction are at or below the poverty level.

**D. Population lag/decline.** For the period 1979-1978 the percentage rate of population growth was 0.20 or less, based on U.S. Census data.

**E. Job lag/decline.** The rate of growth in retail and manufacturing employment for the base period 1972-1977 was 6.74 percent or less, based on U.S. Census data. If only retail data are available, then the standard will be the median of the retail employment for those cities where both data sources are available (11.8 percent or less). If neither data source is available, this standard will not be considered. II. The following small cities meet the current minimum standards of physical and economic distress appropriate to their class:

**Alabama**

Abbeville	Babbie	Boligee
Akron	Baileyton	Branchville
Aliceville	Banks	Brantley
Altoona	Bayou La Batre	Brent
Andalusia	Bear Creek	Bridgeport
Ardmore	Beatrice	Brighton
Ariton	Beaverton	Brilliant
Ashford	Benton	Brookside
Ashland	Berry	Brundidge
Ashville	Bessemer	Camp Hill
Atmore	Billingsley	Carson Hill
Attalla	Black	Cardiff
Autaugaville	Blue Springs	Carolina

Carrollton	Guwin	Phenix City
Castleberry	Hackleburt	Phil Campbell
Cedar Bluff	Haleburg	Pickensville
Centre	Haleyville	Piedmont
Centreville	Hammondville	Pinckard
Clanton	Harpersville	Pine Apple
Clayhatchee	Hartford	Pine Hill
Clayton	Hayden	Pollard
Clio	Hayneville	Powells
Coffee Springs	Headland	Crossroads
Collinsville	Heflin	Prichard
Columbia	Hillsboro	Providence
Coosada	Hobson City	Rainsville
Cardova	Hodges	Red Bay
Cottonwood	Hurtsboro	Reform
County Line	Ider	Repton
Courtland	Kansas	Ridgeville
Cowarts	Kennedy	River Falls
Cuba	Kinsey	Riverside
Dadeville	Kinston	Riverview
Daleville	Lafayette	Roanoke
Daphne	Lanett	Rockford
Dayton	Leesburg	Roosevelt City
Demopolis	Leighton	Rosa
Detroit	Lester	Russellville
Dora	Libertyville	Rutledge
Douglas	Lincoln	Samson
Dozier	Linden	Sanford
Eclectic	Lineville	Section
Edwardsville	Lipscomb	Selma
Elba	Lisman	Sheffield
Eldridge	Livingston	Shilo
Elkmont	Loachapoka	Silas
Epes	Lockhart	Sipsey
Ethelsville	Louisville	Slocomb
Eufaula	Luverne	Somerville
Eunola	Lynn	Stevenson
Eataw	Madrid	Sulligent
Eva	Malvern	Summerdale
Evergreen	Maplesville	Sylacauga
Fairfield	Margaret	Talladega
Fairview	Marion	Talladega
Faunsdale	McKenzie	Springs
Fayette	McMullen	Tallassee
Five Points	Memphis	Tarrant City
Flomaton	Mentone	Thomaston
Floral	Midland City	Thomasville
Forkland	Midway	Town Creek
Fort Deposit	Millport	Toxey
Fort Payne	Millry	Trafford
Franklin	Monroeville	Triana
Frisco City	Mooreville	Troy
Fruithurst	Mosses	Tuscumbia
Fulton	Moundville	Tuskegee
Gainesville	Mountainboro	Union
Gantt	Mulga	Union Grove
Garden City	Myrtlewood	Union Springs
Gaylesville	Nauvoo	Uniontown
Geiger	New Brockton	Valley Head
Geneva	Newbern	Vina
Georgiana	Newville	Vincent
Gilbertown	North Johns	Vredenburgh
Glen Allen	Notasulga	Wadley
Glenwood	Oak Hill	Walnut Grove
Goldville	Oakman	Waterloo
Goodwater	Ohatchee	Waverly
Gordo	Opp	Wedowee
Gordon	Orville	West Blocton
Graysville	Owens Cross	West Point
Greensboro	Roads	Wilmer
Greenville	Paint Rock	Wilton
Grimes	Parrish	Winfield
Grove Hill	Pell City	Woodland
Gunterville	Pennington	York
Gurley	Petrey	

**Alaska**

Akhiok	Anaktuvuk Pass	Chuathbaluk
Akiachak	Angeon	Deering
Akiak	Aniak	Eek
Akolmiut	Anvik	Ekwok
Alakanuk	Brevig Mission	Elim
Aleknagik	Buckland	Emmonak
Allakaket	Chefornak	Fort Yukon
Ambler	Chevak	Fortuna Ledge





Gladstone	Lanark	Newman	Royalton	Stewardson	Victoria	Leavenworth	Newtown	Shoals
Glasgow	Lawrenceville	Newton	Ruma	Stockton	Vienna	Leesburg	North Grove	Sidney
Golconda	Leaf River	Nilwood	Rushville	Stonefort	Viola	Liberty	North Judson	Silver Lake
Golden	Lebanon	Noble	Russellville	Stonington	Virginia	Ligonier	North	Somerville
Golden Gate	Lemont	Nokomis	Rutland	Strasburg	Walnut Hill	Linton	Manchester	Spencer
Good Hope	Lewistown	Nora	Sailor Springs	Strawn	Waltontville	Livonia	North Salem	Spurgeon
Gorham	Lima	Norris	Salem	Streator	Wamac	Logansport	North Webster	St. Joe
Grafton	Lincoln	Norris City	Sandoval	Stronghurst	Warren	Loogootee	Oakland City	St. Paul
Grand Tower	Litchfield	North City	Saunemin	Sublette	Warsaw	Losantville	Oaktown	Staunton
Granite City	Little York	North	Savanna	Sullivan	Washington	Lynn	Odon	Stinesville
Grantfork	Livingston	Henderson	Schram City	Summerfield	Washington	Lyons	Oldenburg	Sullivan
Granville	Lomax	Oakford	Sciota	Summit	Park	Mackey	Oriand	Sulphur Springs
Grayville	London Mills	Oakland	Scottville	Sumner	Waterman	Macy	Osgood	Sunman
Greenfield	Longview	Oblong	Seatonville	Table Grove	Watseka	Madison	Otterbein	Syracuse
Greenup	Lorainé	Oconee	Sesser	Tamaroa	Watson	Marengo	Owensville	Tell City
Greenview	Loatant	Odell	Shawneetown	Tamms	Waverly	Marion	Oxford	Tennyson
Greenville	Louisville	Odin	Sheffield	Taylor Springs	Wayne City	Marshall	Palmyra	Thornfown
Griggsville	Lovington	Ogden	Shelbyville	Tennessee	West City	Matthews	Paoli	Tipton
Hamburg	Lyndon	Oglesby	Sheldon	Thawville	West Frankfort	Mauckport	Patoka	Trafalgar
Hamel	Macedonia	Ohio	Shumway	Thayer	West Point	Mellott	Patriot	Troy
Hamletsburg	Madison	Ohlman	Sibley	Thompsonville	West Salem	Medora	Perrysville	Union City
Hammond	Maeystown	Old Ripley	Sidell	Thomson	Westfield	Mellott	Peru	Universal
Hanaford	Magnolia	Old	Simpson	Tilden	Wheeler	Mentone	Petersburg	Utica
Hanover	Malta	Shawneetown	Sims	Tilton	White City	Merom	Pierceton	Veederburg
Hardin	Manchester	Olmstead	Smithboro	Tiskilwa	White Hall	Michigan City	Pine Village	Vera Cruz
Harrisburg	Mansfield	Olney	Smithfield	Toledo	Williamsfield	Milan	Plainville	Vevay
Hartford	Mantend	Omaha	Sorento	Toluca	Williamson	Millford	Poneto	Vincennes
Hartsburg	Marietta	Onarga	South Beloit	Tonica	Milton	Willow Hill	Portland	Wabash
Harvel	Mark	Oouawka	Sparland	Toulon	Wilsonville	Mitchell	Poseyville	Walkerton
Harvey	Marshall	Orangeville	Spillertown	Tovey	Winchester	Monon	Princeton	Wallace
Havana	Martinsville	Oregon	Spring Bay	Tower Hill	Windsor	Monroe City	Redkey	Warren
Herrick	Martinton	Orient	Spring Valley	Ullin	Winslow	Monterey	Reynolds	Washington
Herrin	Mason City	Palestine	Springerton	Union Hill	Witt	Montezuma	Richmond	Waterloo
Hettick	Mattoon	Palmyra	St. Anne	Valier	Wood River	Montgomery	Ridgeville	Waveland
Highwood	Maunie	Pana	St. David	Valley City	Woodhull	Montpelier	Riley	West Baden
Hillsboro	Maywood	Papineau	St. Elmo	Vandalia	Woodlawn	Morgantown	Roachdale	West College
Hillview	Mccook	Paris	St. Francisville	Venedy	Worden	Mount Auburn	Rochester	Corner54
Hindaboro	Mclean	Parkersburg	St. Jacob	Venice	Wyandot	Mount Ayr	Rockport	West Harrison
Hoopeston	Mcleansboro	Patoka	St. Johns	Vergennes	Wyoming	Mount Carmel	Rockville	West Lebanon
Hoyleton	Medora	Paxton	St. Peter	Vermilion	Xenia	Mount Vernon	Rosedale	West Terre
Hull	Mendon	Pearl	Standard City	Vermont	Yale	Mulberry	Royal Center	Haute
Hume	Mendota	Pearl City	Stanton	Versailles	Zeigler	New Albany	Rushville	Westport
Hurst	Metcalf	Pecatonica	St. Marie			New	Russellville	Wheatland
Hutsouville	Metropolis	Pembroke				Amsterdam	Salem	Williamsport
Illiopolis	Millford	Perry				New Castle	Saltito	Winamac
Ina	Mill Creek	Peru				New Harmony	Sanborn	Winchester
Indianola	Mill Shoals	Petersburg	Advance	Centerville	Grandview	New	Seelyville	Windfall City
Industry	Milledgeville	Phoenix	Akron	Chrisney	Greencastle	Middletown	Shamrock Lakes	Wingate
Iola	Milton	Pierron	Alamo	Clay City	Greensboro	New Pekin	Shelburn	Winona Lake
Ipava	Modesto	Pinkneyville	Alton	Claypool	Greensburg	New Providence	Shelbyville	Winslow
Irving	Momence	Pingree Grove	Ambia	Clinton	Griffin	Newberry	Sheridan	Worthington
Iuka	Monmouth	Piper City	Amboy	Colfax	Hagerstown	Newport	Shirley	
Jacksonville	Morrison	Pittsburg	Angola	Connersville	Hamlet			
Jerseyville	Morrisonville	Pittsfield	Argos	Crandall	Hardinsburg			
Jewett	Mound	Plainville	Aurora	Cromwell	Harford City			
Johnsonville	Mound City	Pleasant Hill	Austin	Crothersville	Hartsville			
Johnston City	Mound Station	Plymouth	Bedford	Culver	Haubstadt			
Jonesboro	Mount Auburn	Pocahontas	Bethany	Cynthiana	Hazletton			
Joppa	Mount Carroll	Pontoosuc	Bicknell	Dana	Holland			
Joy	Mount Clare	Potomac	Birdseye	Dayton	Holton			
Junction	Mount Morris	Prairie Du	Bloomfield	Decatur	Hudson			
Junction City	Mount Olive	Rocher	Dillingboro	Decker	Huntington			
Kampsville	Mount Palaski	Pulaski	Dublin	Dillsboro	Hymera			
Kane	Mount Sterling	Quincy	Dugger	Dublin	Ingalls			
Kangley	Mount Vernon	Radom	Booneville	Dunkirk	Jamesonville			
Kansas	Mulberry Grove	Raleigh	Boswell	Dunreith	Judsonville			
Kappa	Muncie	Ramsey	Brazil	Dupont	Judson			
Karnak	Murphysboro	Raritan	Brook	Earl Park	Kempton			
Kaskaskia	Naples	Raymond	Brooksborg	East	Kendallville			
Keenes	National City	Redmon	Brookville	Germantown	Kennard			
Keithsburg	Nauvoo	Richmond	Bruceville	Eaton	Kewanna			
Kempston	Nebo	Richview	Bunker Hill	Economy	Kingman			
Kenney	Neoga	Ridge Farm	Burnettsville	Edwardsport	Kingsbury			
Kewanee	Neponset	Ridgway	Butler	Elnora	Knightstown			
Keyesport	New Baden	Ridott	Cadiz	Elwood	Knightsville			
Kilbourne	New Bedford	Ripley	Cambridge City	English	Knox			
Kincaid	New Berlin	Robbins	Campbellsburg	Farmersburg	La Paz			
Kinderhook	New Boston	Rock Falls	Cannelburg	Farmland	Laconia			
Kinmundy	New Burnside	Rockwood	Cannelton	Fountain City	Ladoga			
Kirkwood	New Canton	Roodhouse	Carbon	Frankfort	Lagrange			
La Fayette	New Douglas	Rose Hill	Carefree	Fredericksburg	Lagro			
La Harpe	New Grand	Roseville	Carthage	French Lick	Lake Hart			
La Moille	Chain	Rosiclare	Cayuga	Geneva	Lakeville			
La Prairie	New Haven	Rossville	Cedar Grove	Gospport	Larwill			
La Salle	New Minden	Royal Lakes			Laurel			
					Lawrenceburg			

## Indiana

## Iowa

Chelsea	Exline	Kanawha	Maynard	Pleasantville	St. Marys	Kansas		
Cherokee	Fairfield	Kellerton	McGregor	Plover	St. Olaf	Abilene	Collyer	Hamlin
Chester	Farley	Kensett	McIntire	Plymouth	Stacyville	Admire	Colony	Hanover
Chillicothe	Farmersburg	Kent	Melcher	Pocahontas	Stanhope	Agenda	Columbus	Hanson
Churdan	Farmington	Keokuk	Melrose	Pomeroy	Stanley	Agra	Concordia	Hardtner
Cincinnati	Farnhamville	Keosauqua	Melvin	Popejoy	Stanton	Alden	Conway Springs	Harris
Clare	Fayette	Keota	Meriden	Portsmouth	Stanwood	Alexander	Coolidge	Hartford
Clarinda	Fertile	Keswick	Merrill	Postville	Steamboat Rock	Alma	Corning	Harveyville
Clarion	Floris	Keystone	Meservey	Prairieburg	Stockport	Almena	Cottonwood	Havana
Clarksville	Floyd	Kimballton	Miles	Prescott	Stratford	Alta Vista	Falls	Havensville
Clayton	Fonda	Kingsley	Millford	Preston	Strawberry	Altamont	Council Grove	Haviland
Clearfield	Fort Dodge	Kiaross	Millersburg	Pringhar	Point	Alton	Courtland	Hepler
Clemons	Fremont	Kirkman	Millerton	Promise City	Stuart	Altoona	Coyville	Herington
Clermont	Fruitland	Kirkville	Millville	Protivin	Sully	Anthony	Cuba	Hernon
Clinton	Galt	Klemme	Milton	Pulaski	Sumner	Arcadia	Cullison	Hiawatha
Clio	Galva	Krinerim	Minburn	Quasqueton	Superior	Arkansas City	Cunningham	Highland
Clutier	Garber	Knoxville	Mingo	Quimby	Sutherland	Arlington	Damar	Hillsboro
Colesburg	Garden Grove	La Porte City	Missouri Valley	Radcliffe	Swaledale	Arma	Danville	Hollenberg
Colfax	Garnaville	Lacona	Mitchell	Rake	Swea City	Ashland	Deerfield	Holton
Collins	Garrison	Ladora	Moneta	Ralston	Tabor	Atchison	Delia	Holyrood
Columbus	Garwin	Lake City	Monmouth	Randalia	Tama	Athol	Delphos	Hope
Junction	Geneva	Lake Park	Monticello	Randolph	Templeton	Atlanta	Denison	Horton
Conway	Gilmore City	Lake View	Montour	Rathbun	Terril	Attica	Dexter	Howard
Coon Rapids	Glidden	Lakota	Montrose	Red Oak	Thayer	Axtell	Douglass	Hunnnewell
Corning	Goose Lake	Lamoni	Moorhead	Redding	Thornburg	Baldwin City	Downs	Hunter
Correctionville	Gowrie	Lamont	Moravia	Redfield	Thornton	Barnes	Dresden	Independence
Corwith	Graettinger	Lansing	Morley	Remsen	Thurman	Baxter Springs	Dunlap	Iola
Corydon	Grafton	Larrabee	Moulton	Renwick	Tingley	Bazine	Durham	Jamestown
Craig	Grand Junction	Laurens	Mount Auburn	Riceville	Titonka	Beattie	Dwight	Jennings
Cresco	Grand Mound	Lawler	Mount Ayr	Richland	Toledo	Belle Plaine	Edmond	Jetmore
Creston	Grand River	Le Mars	Mount Pleasant	Rickardsville	Toronto	Belleville	Edna	Jewell
Cromwell	Grant	Le Roy	Mount Sterling	Ricketts	Truesdale	Belpre	Edwardsville	Johnson City
Cumberland	Granville	Ledyard	Murray	Ridgeway	Truro	Belvue	Effingham	Junction City
Curlew	Cravity	Lehigh	Mystic	Ringsted	Turin	Benedict	El Dorado	Kanopolis
Cushing	Gray	Leighton	Nashua	Rippey	Udell	Benton	Elgin	Kanorado
Dakota City	Greeley	Lenox	New Albin	Riverton	Union	Bern	Elk City	Kensington
Dallas	Greenfield	Leon	New Hampton	Rock Rapids	Unionville	Beverly	Elk Falls	Kincaid
Dallas Center	Greenville	Lester	New Hartford	Rock Valley	University Park	Bird City	Ellis	Kingman
Dana	Griswold	Lewis	New Market	Rockwell	Ute	Bison	Ellsworth	Kiowa
Danbury	Guernsey	Libertyville	New Sharon	Rockwell City	Vail	Blue Mound	Elmdale	Kirwin
Davis City	Guthrie Center	Lidderdale	New Vienna	Rodman	Van Horne	Blue Rapids	Elsmore	La Crosse
Dawson	Guttenberg	Line Springs	Newell	Roland	Van Wert	Bluff City	Elwood	La Harpe
Decatur City	Hamburg	Lineville	Newton	Rolle	Varina	Bogue	Emmett	Labette
Decorah	Hamilton	Liscomb	Nichols	Rome	Ventura	Bronson	Englewood	Lancaster
Deedham	Hancock	Little Rock	Nodaway	Rose Hill	Villisca	Brownell	Ensign	Lane
Deep River	Hansell	Little Sioux	Nora Springs	Rossie	Vinton	Bucklin	Erie	Le Roy
Defiance	Harcourt	Littleport	North Buena	Rowan	Volga	Buffalo	Esbon	Leavenworth
Delaware	Hardy	Livermore	Vista	Royal	Wadena	Bunker Hill	Eskridge	Lebanon
Delhi	Harper	Lockridge	North English	Rudd	Walker	Burden	Eureka	Lebo
Delmar	Harpers Ferry	Logan	Northboro	Russell	Wall Lake	Burdett	Fairview	Lecompton
Deloit	Harris	Lohrville	Numa	Ruthven	Wallingford	Burlingame	Fall River	Lehigh
Delta	Hartley	Lorimor	Oakville	Rutland	Walnut	Burlington	Florence	Lenora
Derby	Hartwick	Lovilia	Ocheyedan	Sac	Wapello	Burns	Fontana	Leon
Dexter	Harvey	Lowden	Odebolt	Salem	Waterville	Burr Oak	Formoso	Leonardville
Diagonal	Hastings	Lu Verne	Oelwein	Salix	Waucoma	Burton	Fort Scott	Lewis
Dickens	Havelock	Luana	Ogden	Sanborn	Waukon	Bushong	Fowler	Liberty
Dolliver	Hawarden	Lucas	Olds	Sandyville	Wayland	Bushong	Frankfort	Liebethal
Doon	Hawkeye	Luther	Olin	Scarville	Webb	Caldwell	Frederia	Lincoln Center
Dougherty	Hazleton	Luxemburg	Ollie	Schaller	Webster City	Cambridge	Frontenac	Lindsborg
Dow City	Hedrick	Lynnville	Onawa	Schleswig	Weldon	Caney	Fulton	Linwood
Dows	Henderson	Macedonia	Oneida	Scranton	Welton	Canton	Galatia	Little River
Drakesville	Hepburn	Mackaburg	Onslow	Seymour	West Bend	Carbondale	Galena	Logan
Dumont	Holland	Magnolia	Orchard	Shambaugh	West Burlington	Cawker City	Garden Plain	Lone Elm
Dundee	Holstein	Malcom	Orient	Shannon City	Westgate	Cedar	Garfield	Long Island
Dunkerton	Holy Cross	Mallard	Osage	Sharpsburg	Westphalia	Cedar Vale	Garnett	Longton
Dunlap	Hopkinton	Maloy	Osceola	Sheffield	Westside	Centralia	Gas	Lostsprings
Eagle Grove	Hornick	Malvern	Oskaloosa	Shelby	Whit Cheer	Chanute	Gaylord	Louisville
Earling	Hospers	Manchester	Oto	Shenandoah	Whittemore	Chapman	Gem	Lucas
Earlville	Hubbard	Manilla	Ottumwa	Sherrill	Whitten	Chase	Geneseo	Luray
Early	Hull	Manly	Owasa	Sibley	Willey	Chautauqua	Girard	Lyndon
East Peru	Humboldt	Manning	Oxford	Sidney	Williams	Cherokee	Glade	Madison
Eddyville	Humeston	Manson	Oxford Junction	Sigourney	Williamson	Cherryvale	Glasco	Mahaska
Edgewood	Hurstville	Mapleton	Packwood	Silver City	Winfield	Chetopa	Glen Elder	Manhattan
Elberon	Imogene	Maquoketa	Palmer	Sioux Center	Winteret	Cimarron	Goessel	Manter
Eldon	Ionia	Marathon	Panora	Sioux Rapids	Winthrop	Circleville	Goff	Mapleton
Eldora	Iowa Falls	Marble Rock	Parkersburg	Smithland	Woodbine	Claffin	Gove City	Marquette
Elgin	Ireton	Marcus	Paton	Soldier	Woodburn	Clay Center	Grainfield	Marysville
Elk Horn	Irwin	Marengo	Patterson	Somers	Woolstock	Clayton	Green	Matfield Green
Elkader	Jackson	Marne	Paulina	South English	Worthington	Clifton	Green	Mayetta
Elkport	Junction	Martinsburg	Perry	Spillville	Wyoming	Climax	Greenleaf	Mayfield
Elma	Jamaica	Marysville	Peterson	Spring Hill	Yale	Clyde	Greensburg	McCracken
Emerson	Jefferson	Mason	Pierson	Springbrook	Yetter	Coats	Grenola	McCune
Essex	Jewell Junction	Masonville	Pisgah	St. Anthony	Yorktown	Coffeyville	Gypsum	McDonald
Estherville	Jolley	Massena	Piano	St. Charles	Zearing	Coldwater	Haddam	McFarland
Extra	Kamrar	Matlock	Pleasanton	St. Lucas				



Michigan			Minnesota			Mississippi		
Adrian	Grayling	North Branch	Brewster	Felton	Kilkenny	Olivia	Sandstone	Upsala
Ahmeek	Hamtramc	Northport	Brook Park	Fergus Falls	Kinbrae	Onamia	Sank Centre	Urbank
Akron	Hancock	Norway	Brooks	Fertile	Kingston	Orr	Seaforth	Utica
Albion	Harbor Beach	Onaway	Brookston	Flensburg	Kinney	Ortonville	Sebeka	Vergas
Ashley	Harrietta	Onokama	Brooten	Floodwood	La Porte	Osakis	Shelly	Verndale
Augusta	Harrisville	Ontonagon	Browerville	Florence	La Salle	Ottertail	Shevlin	Vesta
Bad Axe	Hart	Otsego	Browns Valley	Foley	Lafayette	Palisade	Silver Lake	Viking
Baldwin	Hartford	Paw Paw	Brownton	Foreston	Lake Benton	Park Rapids	Slayton	Villard
Bangor	Hazel Park	Peck	Bruno	Fosston	Lake Henry	Parkers Prairie	Sleepy Eye	Vining
Baraga	Hesperia	Pellston	Buckman	Franklin	Lake Park	Paynesville	Sobieski	Virginia
Barryton	Highland Park	Pentwater	Buffalo Lake	Frazee	Lamberton	Pease	Solway	Wabasso
Benton Harbor	Hillman	Petoakey	Buttram	Freeborn	Lancaster	Pelican Rapids	South Haven	Wahkon
Berrien Springs	Holland	Pierson	Butterfield	Freeport	Lanesboro	Pennock	Spring Grove	Waldorf
Bessemer	Houghton	Pigeon	Caledonia	Frost	Lastrop	Perham	Spring Valley	Walker
Bloomington	Howard City	Port Austin	Callaway	Garrison	Lengby	Pierz	Springfield	Walnut Grove
Boyer City	Iakster	Port Hope	Calumet	Garvin	Leonard	Pillager	Squaw Lake	Walters
Bronson	Iron Mountain	Port Huron	Cambridge	Gary	Leonidas	Pine City	St. Anthony	Wanda
Brooklyn	Iron River	Posen	Campbell	Geneva	Lewisville	Pine River	St. Charles	Warren
Brown City	Ironwood	Prescott	Canby	Ghent	Lindstrom	Pipestone	St. James	Warroad
Burlington	Keleva	Reading	Canton	Gibbon	Little Falls	Plainview	St. Martin	Watkins
Calumet	Kalkaska	Read City	Cass Lake	Glencoe	Long Prairie	Plummer	St. Peter	Watson
Carsonville	Kent City	Richland	Cedar Mills	Glennville	Lonsdale	Porter	St. Rosa	Waverly
Casnovia	Kinde	River Rouge	Chisholm	Glenwood	Louisburg	Preston	Staples	Welcome
Caspian	Kingston	Rose City	Chokio	Glyndon	Lowry	Princeton	Starbuck	Wells
Cassopolis	Laingsburg	Rosebush	Clarissa	Gonvick	Lucan	Quamba	Steen	Wendell
Central Lake	Lake Ann	Sault Sainte Marie	Clarkfield	Good Thunder	Lyle	Randall	Stephen	West Union
Chatham	Lake City	Scottville	Clearbrook	Goodridge	Mabel	Red Lake Falls	Storden	Westport
Cheboygan	Lake Linden	Sebewaing	Clearwater	Graceville	Madelia	Regal	Strandquist	Whalen
Clarksville	Lake Odessa	Sheridan	Clements	Granada	Madison	Remer	Sturgeon Lake	Wheaton
Clayton	Lanse	South Haven	Clinton	Granite Falls	Magnolia	Renville	Sunburg	Wilder
Clifford	Lapeer	South Range	Clitherall	Green Isle	Mahnomen	Revere	Swanville	Willernie
Coldwater	Laurium	St. Ignace	Clontarf	Greenbush	Manchester	Richmond	Taconite	Willow River
Concord	Lexington	St. Louis	Cloquet	Greenwald	Mankato	Richville	Tamarack	Wilmont
Conopangine	Litchfield	St. Ignace	Cokato	Grey Eagle	Mantorville	Rock Creek	Taunton	Winger
Copemish	Luna Pier	St. Louis	Comfrey	Grove City	Mapleton	Roscoe	Taylor Falls	Winnebago
Copper City	Luther	Stanton	Cook	Grygla	Mapleview	Roseau	Tenstrike	Winona
Corunna	Lyons	Stanwood	Corcoran	Gully	Marietta	Round Lake	Thomson	Winthrop
Daggett	Mackinac Island	Stephenson	Cromwell	Hadley	Maynard	Royalton	Tintah	Wolf Lake
Dansville	Mancelona	Sterling	Crookston	Hallock	Mazeppa	Rush City	Tracy	Wolverton
De Tour Village	Manistee	Sturgis	Crosby	Halma	McGregor	Rushford	Trosky	Wood Lake
Decatur	Manistique	Tawas City	Currie	Halstad	McIntosh	Rushmore	Twin Valley	Woodstock
Deckerville	Manton	Tekonsha	Cyrus	Hampton	Medicine Lake	Russell	Tyler	Wright
Douglas	Maple Rapids	Thompsonville	Dalton	Hancock	Meire Grove	Ruthon	Ulen	Young America
Dowagiac	Marcellus	Three Rivers	Darwin	Hanska	Melrose	Sacred Heart	Underwood	Zumbrota
Dryden	Marion	Traverse	Dassel	Harding	Menahga			
Eau Claire	Marlette	Turner	Dawson	Hardwick	Mentor			
Ecorse	Maybee	Tustin	De Graff	Harmony	Middle River	Abbeville	Clarksdale	Georgetown
Edmore	Mayville	Twining	Deer River	Hartland	Milaca	Aberdeen	Cleveland	Glendora
Edwardsburg	McBain	Uby	Delano	Hartfield	Milan	Ackerman	Coffeeville	Gloster
Elkton	McBride	Union City	Delavan	Hector	Millerville	Alligator	Coldwater	Golden
Empire	Mecosta	Unionville	Delhi	Heidelberg	Millville	Amory	Columbia	Goodman
Escanaba	Memphis	Vandalia	Denham	Henderson	Milroy	Anguilla	Columbus	Greenville
Ewart	Mendon	Vanderbilt	Dennison	Hendricks	Miltona	Arcola	Como	Greenwood
Ferwell	Menominee	Wakefield	Dent	Hendrix	Minnesota Lake	Artesia	Corinth	Grenada
Fond du Lac	Merrill	Waldron	Detroit Lakes	Henning	Minnnetonka	Ashland	Courtland	Gunnison
Fife Lake	Mesick	Walkerville	Dexter	Herman	Beach	Bassfield	Crawford	Guntown
Frankfort	Minden City	Waterford	Donaldson	Heron Lake	Mizpah	Batesville	Crenshaw	Hattiesburg
Free Soil	Montgomery	White Cloud	Donnelly	Hewitt	Montevideo	Bay Springs	Crosby	Hazlehurst
Freeport	Mount Pleasant	Whitemore	Doran	Hillman	Montgomery	Beaumont	Crowder	Heidelberg
Gaantra	Munising	Wolverine	Dover	Hinckley	Monticello	Beauregard	Cruger	Hickory
Gagetown	Negaunee	Yale	Dovray	Hitterdal	Morgan	Belzoni	Crystal Springs	Hickory Flat
Galien	New Buffalo	Ypsilanti	Dundee	Hoffman	Morris	Benoit	De Kalb	Hollandale
Garden	Newaygo		Eagle Bend	Hokah	Morristown	Bentonia	Decatur	Holly Springs
Gladstone	Niles		East Gull Lake	Holdingford	Morton	Beulah	Derma	Houston
			Easton	Holland	Motley	Big Creek	Doddsville	Indianola
			Echo	Hollandale	Mountain Lake	Blue Mountain	Drew	Inverness
			Eden Valley	Holloway	Myrtle	Blue Springs	Duck Hill	Isola
			Edgerton	Holt	Nashua	Bolton	Dumas	Ita Bena
			Effie	Houston	Nashwauk	Booneville	Duncan	Iuka
			Eitzen	Iona	Nassau	Boyle	Durant	Jonestown
			Elba	Ironton	Nelson	Braxton	D'O	Jumpertown
			Elbow Lake	Isle	Nevis	Brookhaven	Ecran	Kilmichael
			Elgin	Ivanhoe	New Auburn	Brooksville	Eden	Kosciusko
			Elizabeth	Jackson	New Germany	Bruce	Edwards	Kosuth
			Ellsworth	Jasper	New Market	Bude	Enterprise	Lake
			Elmdale	Jeffers	New Munich	Burnsville	Ethel	Lambert
			Elmore	Kasota	New York Mills	Byhalia	Eupora	Laurel
			Elysian	Kelliher	Newfolden	Caledonia	Falcon	Leaksville
			Emmons	Kellogg	Nielsville	Calhoun City	Falkner	Learned
			Erhard	Kennedy	Norcross	Canton	Fayette	Leland
			Evan	Kensington	North Redwood	Carthage	Flora	Lena
			Evansville	Kent	Northome	Cary	Flowood	Lexington
			Eveleth	Kenyon	Odessa	Centreville	Forest	Liberty
			Fairfax	Kettle River	Ogema	Charleston	Friars Point	Louin
			Faribault	Kinster	Oklee	Chunky	Gattman	Louise



## Montana

Anaconda-Deer Lodge  
Bainville  
Belt  
Big Timber  
Boulder  
Broadus  
Brockton  
Browning  
Butte-Silver Bow  
Chinook  
Circle  
Clyde Park  
Culbertson  
Cut Bank  
Dillon  
Dodson  
Ekalaka  
Ennis  
Eureka  
Fairfield  
Fairview  
Flaxville  
Fort Benton

Froid  
Fromberg  
Geraldina  
Glasgow  
Grass Range  
Hamilton  
Harlem  
Harlowton  
Hobson  
Hot Springs  
Ismay  
Joliet  
Kevin  
Lewiston  
Libby  
Lima  
Livingston  
Lodge Grass  
Malta  
Moore  
Neihart  
Opheim  
Outlook  
Phillipsburg  
Plevna

Polson  
Poplar  
Red Lodge  
Richey  
Ronan  
Roundup  
Saco  
Shelby  
Sheridan  
St. Ignatius  
Stevensville  
Terry  
Three Forks  
Troy  
Valier  
Virginia City  
Walkerville  
Westby  
White Sulphur Springs  
Wibaux  
Winifred  
Winnett

## Nebraska

Abie  
Adams  
Ainsworth  
Albion  
Alexandria  
Allen  
Alma  
Amherst  
Anselmo  
Ansley  
Arcadia  
Arnold  
Arthur  
Ashton  
Atkinson  
Atlanta  
Auburn  
Avoca  
Axtell  
Ayr  
Bancroft  
Barada  
Barneston  
Bartley  
Bassett  
Battle Creek  
Bayard  
Beatrice  
Beaver City  
Beaver Crossing  
Bee  
Beemer  
Beldon  
Belgrade  
Bellwood  
Belvidere  
Benedict  
Benkelman  
Bennett  
Bertrand  
Berwyn  
Bloomfield  
Bloomington  
Blue Hill  
Blue Springs  
Bradshaw  
Brady  
Brainard  
Bridgeport  
Bristow  
Broadwater  
Brock  
Broken Bow  
Brownville  
Bruning  
Bruno

Brunswick  
Burchard  
Burr  
Burwell  
Butte  
Byron  
Cairo  
Callaway  
Cambridge  
Campbell  
Arcadia  
Carleton  
Carroll  
Cedar Rapids  
Center  
Central City  
Chadron  
Chambers  
Chapman  
Chester  
Clarks  
Clarkson  
Clatonia  
Clearwater  
Cody  
Coleridge  
Colon  
Comstock  
Concord  
Cook  
Cordova  
Cotesfield  
Cowles  
Cozad  
Crawford  
Creighton  
Creston  
Crofton  
Crookston  
Culbertson  
Curtis  
Dalton  
Danbury  
Dannebrog  
Davenport  
David City  
Dawson  
Daykin  
De Witt  
Decatur  
Deshler  
DeWeese  
Diller  
Dixon  
Dodge  
Douglas  
Du Bois

Dunbar  
Dunning  
Dwight  
Eddyville  
Edgar  
Edison  
Elba  
Elgin  
Elk Creek  
Elm Creek  
Elmwood  
Elyria  
Emerson  
Endicott  
Ewing  
Exeter  
Fairbury  
Fairfield  
Fairmont  
Falls City  
Farnam  
Farwell  
Fordyce  
Foster  
Franklin  
Friend  
Fullerton  
Garrison  
Genoa  
Gibbon  
Gilead  
Giltner  
Gordon  
Gothenburg  
Greeley Center  
Gresham  
Gross  
Guide Rock  
Gurley  
Hadar  
Haugler  
Hamlet  
Hampton  
Harrison  
Hartington  
Harvard  
Hastings  
Hay Springs  
Heartwell  
Hemingford  
Hendley  
Henry  
Herman  
Holbrook  
Holstein  
Hooper

Hoskins  
Howard City  
Howells  
Hubbard  
Hubbell  
Humboldt  
Hyannis  
Indianola  
Inglewood  
Inman  
Jansen  
Johnson  
Johnstown  
Julian  
Kearney  
Kenesaw  
Kilgore  
Laurel  
Lawrence  
Lebanon  
Leigh  
Lewellen  
Liberty  
Lindsay  
Linwood  
Litchfield  
Lodgepole  
Long Pine  
Loomis  
Loup City  
Lyman  
Lynch  
Lyons  
Madison  
Magnet  
Malmo  
Manley  
Marquette  
Martinsburg  
Maskell  
Mason City  
Maxwell  
Maywood  
McGrew  
McLean  
Meadow Grove  
Merna  
Milford  
Miller  
Milligan  
Minatare  
Mitchell  
Monroe  
Moorefield  
Murdock  
Murray  
Naper  
Naponee  
Nebraska City  
Neligh  
Nelson  
Nemaha  
Newcastle  
Newman Grove  
Newport  
Niobrara  
Nora

North Bend  
North Loup  
Oak  
Oakdale  
Oakland  
Obert  
Oconto  
Octavia  
Odell  
Ohiowa  
Ong  
Orchard  
Ord  
Orleans  
Osceola  
Oshkosh  
Osmond  
Oxford  
O'Neill  
Page  
Palmer  
Palmyra  
Pawnee City  
Paxton  
Peru  
Petersburg  
Pickrell  
Pierce  
Pilger  
Plainview  
Pleasanton  
Plymouth  
Polk  
Prague  
Primrose  
Prosser  
Randolph  
Ravenna  
Raymond  
Red Cloud  
Republican City  
Reynolds  
Rivefort  
Rockville  
Rulo  
Rushville  
Rusk  
Salem  
Santee  
Sargent  
Schuyler  
Scotia  
Scotts Bluff  
Scribner  
Seneca  
Shelby  
Shelton  
Shickel  
Sholes  
Shubert  
Sidney  
Silver Creek  
Smithfield  
Snyder  
South Bend  
Spalding

Spencer  
Springview  
St. Edward  
St. Helena  
St. Paul  
Stamford  
Stanton  
Staplehurst  
Steele City  
Steinauer  
Stella  
Sterling  
Stockham  
Stratton  
Stromsburg  
Stuart  
Superior  
Surprise  
Sutherland  
Sutton  
Swanton  
Table Rock  
Talmadge  
Tamora  
Tarnov  
Taylor  
Tecumseh  
Tekamah  
Thayer  
Tilden  
Tobias  
Trenton  
Trumbull  
Uehling  
Union  
Upland  
Utica  
Valentine  
Valparaiso  
Verdel  
Verdigre  
Verdon  
Virginia  
Wahoo  
Wallace  
Walhill  
Waterbury  
Wauwata  
Wausa  
Wayne  
Weeping Water  
Wellfleet  
West Point  
Western  
Weston  
Wilber  
Wilcox  
Wilsonville  
Winnebago  
Winside  
Winslow  
Wisner  
Wolbach  
Wood Lake  
Wymore  
Wynot

## Nevada

Galbis  
Berlin

Lovelock  
Yerington

## New Hampshire

Claremont  
Concord

## New Jersey

Alpha  
Beverly  
Bradley Beach  
Burlington  
Carteret  
Clayton  
Collingswood

Corbin City  
East Newark  
Elmer  
Englishtown  
Fairview  
Fieldsboro  
Garfield

Gloucester City  
Haledon  
Harrison  
Hoboken  
Keansburg  
Kearny  
Keyport

Lambertville  
Linden  
Montclair  
Mount Ephraim  
North  
Wildwood  
Orange  
Paulsboro  
Penns Grove  
Phillipsburg  
Plainfield

Pleasantville  
Princeton  
Prospect Park  
Red Bank  
Rockleigh  
Roosevelt  
Salem  
South Amboy  
South Belmar  
South River  
South Toms River

## New Mexico

Belen  
Bernalillo  
Carrizozo  
Causey  
Central  
Cimarron  
Clayton  
Columbus  
Corona  
Cuba  
Des Moines  
Dexter  
Dora  
Encino  
Estancia  
Floyd  
Folsom

Fort Sumner  
Hagerman  
Hope  
House  
Jemez Springs  
Lake Arthur  
Las Vegas  
Logan  
Lordsburg  
Loving  
Magdalena  
Maxwell  
Mesilla  
Moriarty  
Mosquero  
Mountair  
Pecos

Portales  
Raton  
Reserve  
Roy  
San Jon  
San Ysidro  
Santa Rosa  
Silver City  
Springer  
Taos  
Texico  
Truth or Consequences  
Tucumcari  
Vaughn  
Wagon Mound  
Willard

## New York

Addison  
Alexander  
Alexandria Bay  
Almond  
Altmar  
Ames  
Amsterdam  
Antwerp  
Auburn  
Aurora  
Avoca  
Bainbridge  
Batavia  
Beacon  
Bellerose  
Belmont  
Bemis Point  
Bloomingdale  
Bolivar  
Brewster  
Brocton  
Brushton  
Cambridge  
Canajoharie  
Canaseraga  
Canastota  
Candor  
Canistota  
Cape Vincent  
Carthage  
Castile  
Castleton-on-Hudson  
Cato  
Cayuga  
Celoron  
Chateaugay  
Chatham  
Cherry Valley  
Clayville  
Clifton Springs  
Clinton  
Clyde  
Cohoes  
Cold Brook  
Constableville  
Cooperstown  
Corinth  
Corning  
Cortland  
Croghan

Cuba  
Dansville  
De Ruyter  
Deferiet  
Delanson  
Delevan  
Deposit  
Dering Harbor  
Dolgeville  
Dryden  
Dunkirk  
Earlville  
East Bloomfield  
East Syracuse  
Edwards  
Ellenville  
Ellicottville  
Ellisburg  
Elmira Heights  
Elmsford  
Endicott  
Esperance  
Fabius  
Fair Haven  
Falconer  
Farmingdale  
Fishkill  
Fleischmanns  
Forestville  
Fort Plain  
Frankfort  
Franklin  
Franklinville  
Fredonia  
Freeport  
Fulton  
Fultonville  
Geneva  
Gilbertsville  
Glen Park  
Glens Falls  
Gloversville  
Gouverneur  
Gowanda  
Grand View-on-Hudson  
Granville  
Green Island  
Greenport  
Greenwich  
Hamilton

Hammond  
Hammondsport  
Hempstead  
Herkimer  
Hermon  
Hewletton  
Highland Falls  
Hillburn  
Hobart  
Holland Patent  
Hoosick Falls  
Hornell  
Hudson  
Hudson Falls  
Ilion  
Island Park  
Ithaca  
Jamestown  
Jeffersonville  
Johnson City  
Johnstown  
Keeseville  
Kingston  
Lackawanna  
Lake George  
Lake Placid  
Laurens  
Liberty  
Limestone  
Lisle  
Little Falls  
Lockport  
Lodi  
Long Beach  
Lowville  
Lyons  
Lyons Falls  
Madison  
Malone  
Mansville  
Margaretville  
Massena  
Mayville  
McGraw  
Mechanicville  
Medina  
Mexico  
Middleport  
Middleville  
Milford  
Millerton



Dillonvale	Lucas	Philo	Waynesburg	West Mansfield	Winchester	Loco	Peoria	Stroud
Donnelsville	Ludlow Falls	Piketon	Waynesfield	West Rushville	Woodfield	Locust Grove	Perkins	Stuart
Dover	Lyons	Piqua	Wellington	West Union	Wren	Lone Wolf	Phillips	Sulphur
Dresden	Macksburg	Pleasant City	Wellston	Wharton	Xenia	Longdale	Picher	Taft
Dunkirk	Malinta	Pleasantville	Wellsville	Wilkesville	Yellow Springs	Lookeba	Pittsburg	Tahlequah
East Cleveland	Malta	Polk	West Elkton	Willard	Yorkville	Loveland	Pond Creek	Talihina
East Liverpool	Malvern	Pomeroy	West Leipsic	Williamsport	Zaleski	Loyal	Porter	Taloga
Edgerton	Manchester	Port Jefferson	West	Willsbire	Zanesfield	Luther	Porum	Tamaha
Edon	Marion	Port	Manchester	Wilmington	Zanesville	Madill	Poteau	Tatums
Elgin	Martins Ferry	Washington				Mangum	Prague	Tecumseh
Elmwood Place	Martinsburg	Port William		<b>Oklahoma</b>		Manitou	Putnam	Temple
Empire	Martinsville	Portsmouth				Mannsville	Quapaw	Terlton
Fairfax	Massillon	Proctorville				Maramec	Quinlan	Terral
Fairview	Matamora	Prospect				Marble City	Quinton	Texhoma
Fayetteville	McConnelsville	Quaker City				Marietta	Ralston	Texola
Flushing	Melrose	Quincy				Marland	Ramona	Thackerville
Fort Jennings	Metamora	Racine				Marlow	Randlett	Thomas
Fort Recovery	Meyers Lake	Rarden				Marshall	Rattan	Tipton
Frazeysburg	Middleport	Rawson				Martha	Ravia	Tishomingo
Fredericksburg	Midland	Rayland				Maud	Red Oak	Tonkawa
Freeport	Midvale	Richwood				May	Red Rock	Tribbey
Fremont	Midway	Ripley				Maysville	Redbird	Tryon
Fultonham	Milledgeville	Roaming Rock				McAlester	Renfrow	Tullahassee
Galena	Miller City	Rome				McCurtain	Rentiesville	Tushka
Gallipolis	Millersburg	Roseville				Medford	Reydon	Union City
Gann	Milton Center	Roswell				Medicine Park	Ringling	Valliant
Georgetown	Milonsburg	Rushsylvania				Meridian	Ringwood	Verden
Gettysburg	Mineral City	Russella Point				Miami	Rocky	Vian
Gilboa	Monroeville	Rutland				Milburn	Roff	Vici
Glenford	Montezuma	Sabina				Millerton	Roland	Vinita
Glenmont	Montpelier	Salesville				Moffett	Roosevelt	Wagoner
Glouster	Morristown	Salineville				Mooreland	Rosedale	Wakita
Gnadenhutten	Morrow	Sandusky				Morris	Rush Springs	Walters
Gordon	Mount	Sarahsville				Mounds	Ryan	Wanette
Grand River	Blanchard	Sardinia				Mountain Park	Salina	Wann
Gratis	Mount Cory	Savannah				Mountain View	Sapulpa	Wapanucka
Green Camp	Mount Pleasant	Scio				Mulhall	Sasakwa	Warwick
Green Springs	Mount Victory	Scott				Muskogee	Savanna	Watonga
Greenfield	Mowrystown	Seaman				Mutual	Sayre	Watts
Grover Hill	Murray City	Sebring				Nardin	Seiling	Wayne
Hamden	Navarre	Senecaville				Nash	Seminole	Waynoka
Hanging Rock	Nellie	Shawnee				Neer Allowe	Sentinel	Webb City
Harpster	Nelsonville	Shiloh				Newkirk	Shady Point	Webbers Falls
Harrisville	New Albany	Sinking Spring				Norge	Shamrock	Welch
Hemlock	New Alexandria	Somerset				North Miami	Shattuck	Weleetka
Hicksville	New Bavaria	South				Nowata	Shawnee	Wellston
Higginsport	New	Bloomfield				Oakland	Silo Town	West Siloam
Highland	Bloomington	South				Oaks	Slick Springs	Spring
Hillaboro	New Boston	Charleston				Oakwood	Smithville	Westport
Holgate	New Concord	South Lebanon				Ochelata	Snyder	Westville
Holloway	New Knoxville	South Salem				Oilton	Soper	Wetumka
Hopedale	New Lexington	South Solon				Okarche	South	Wewoka
Hoytville	New London	South Webster				Okay	Coffeyville	Whitefield
Ironton	New Madison	South				Okeene	Sparks	Wilburton
Ithaca	New Miami	Zanesville				Okemah	Spavinaw	Willow
Jackson	New Paris	Sparta				Okmulgee	Sperry	Wilson
Jacksonville	New Richmond	Spenceville				Oktaha	Spiro	Wister
Jamestown	New Riegel	St. Louisville				Olustee	Springer	Woodville
Jeffersonville	New Rome	St. Martin				Orlando	Sterling	Wright City
Jenera	New Straitsville	Stafford				Osage	Stigler	Wyandotte
Jeromesville	New Vienna	Stockport				Paden	Stilwell	Wynnewood
Jerusalem	New	Stoutsville				Panama	Stonewall	Wynona
Jewett	Washington	Stratton				Paoli	Strang	Yale
Kent	New Weston	Struthers				Pauls Valley	Stratford	Yeager
Kenton	Newark	Stryker				Pawhuska	Stringtown	
Kettlersville	Newburgh	Sugarcreek				Pawnee	Strong City	
Killbuck	Heights	Summerfield						
Kingston	Newcomer-	Summitville						
Kirby	stown	Syracuse						
Kirkersville	Newtonsville	Tarlton						
La Rue	North Baltimore	Thurston						
Lafayette	North Hampton	Tiffin						
Lakemore	Norwich	Tremont City						
Lakeview	Norwood	Tuscarawas						
Lancaster	Oak Hill	Uhrichsville						
Laurelville	Oberlin	Union City						
Leesburg	Octa	Upper Sandusky						
Leesville	Old Washington	Urbancrest						
Leipsic	Orient	Van Wert						
Lincoln Heights	Ostrander	Vanue						
Lockland	Ottoville	Venedocia						
Logan	Palestine	Vinton						
London	Patterson	Warsaw						
Lore City	Pauling	Washington						
Lower Salem	Peebles	Washingtonville						
			Achille	Chickasha	Carvin			
			Ada	Claremore	Gate			
			Addington	Clayton	Geary			
			Afton	Cleo	Gene Autry			
			Albion	Cleveland	Gerty			
			Alderson	Clinton	Glencoe			
			Alex	Coalgate	Goltry			
			Aline	Colbert	Goodwell			
			Allen	Colcord	Gotebo			
			Alva	Collinsville	Gould			
			Ames	Colony	Gracemont			
			Amorita	Comanche	Grandfield			
			Anadarko	Commerce	Granite			
			Antlers	Cornish	Grayson			
			Apache	Council Hill	Greenfield			
			Arkoma	Covington	Guthrie			
			Asher	Coweta	Haileyville			
			Ashland	Cowlington	Hallett			
			Atoka	Coyle	Hammon			
			Avant	Crescent	Hanna			
			Bransdall	Cromwell	Harris			
			Beggs	Crowder	Hartshorne			
			Bennington	Cushing	Haskell			
			Bernice	Custer City	Hastings			
			Bessie	Cyril	Haworth			
			Big Cabin	Dacoma	Headrick			
			Binger	Davenport	Healdton			
			Blackburn	Davidson	Heavener			
			Blackwell	Davis	Hendrix			
			Blair	Deer Creek	Henryetta			
			Blanchard	Delaware	Hickory			
			Blue Jacket	Depew	Hinton			
			Boise City	Devol	Hitchcock			
			Bokchito	Dewar	Hitchita			
			Bokoshe	Dewey	Hobart			
			Boley	Dibble	Hoffman			
			Boswell	Dickson	Holdenville			
			Bowlegs	Hollis	Hollis			
			Boyton	Disney	Hominy			
			Bradley	Dougherty	Howe			
			Braggs	Dover	Hugo			
			Braman	Drumright	Hulbert			
			Bray	Durant	Hunter			
			Bridgeport	Dustin	Hydro			
			Bristow	Eakly	Idabel			
			Broken Bow	Earlsboro	Indianola			
			Bromide	East Duke	Indianola			
			Brooksville	El Reno	Jay			
			Bryant	Eldorado	Jennings			
			Buffalo	Elk City	Jones			
			Burbank	Elmer	Kaw			
			Butler	Elmore City	Kemp			
			Byars	Erick	Kendrick			
			Byron	Eufaula	Kenefic			
			Cache	Fairfax	Keota			
			Caddo	Fairland	Ketchum			
			Calumet	Fallis	Kiefer			
			Calvin	Fanshawe	Kinta			
			Camargo	Fargo	Kiowa			
			Cameron	Faxon	Konawa			
			Canadian	Fletcher	Krebs			
			Caney	Foraker	Lahoma			
			Canton	Fort Cobb	Lamar			
			Canute	Fort Gibson	Langley			
			Carmen	Fort Supply	Langston			
			Carnegie	Fort Towson	Le Flore			
			Carrier	Foss	Leedey			
			Carter	Foyil	Lehigh			
			Castle	Francis	Lenapah			
			Cement	Frederick	Leon			
			Centrahoma	Freedom	Lexington			
			Chandler	Gage	Liberty			
			Checotah	Gans	Lima			
			Chelsea	Garber	Lindsay			

## Oregon

Sodaville Vernonia  
Spray Wallowa  
Sommerville Waterloo  
Sumpter Weston

## Pennsylvania

Adamsburg Clairton  
Albion Clarendon  
Alexandria Clarksville  
Aliquippa Claysville  
Ambridge Clearfield  
Apolio Clintonville  
Appelwood Clymer  
Arnold Coal Center  
Ashland Coaldale  
Ashley Coaldale  
Ashville Coalmont  
Athens Coalport  
Austin Cokeburg  
Avalon Collegeville  
Avoca Collingdale  
Avondale Columbia  
Bangor Confluence  
Barkeyville Conneautville  
Barnesboro Connellsville  
Bear Lake Conshohocken  
Beaver Falls Coraopolis  
Beaver Cory  
Meadows Coudersport  
Beavertown Courtdale  
Bedford Crafton  
Belle Vernon Cresson  
Bellefonte Curwensville  
Bendersville Dale  
Bentleyville Dallas  
Benton Danville  
Berlin Darby  
Berwick Darlington  
Big Run Dawson  
Biglerville Dayton  
Birmingham Deemston  
Blairsville Deer Lake  
Bloomsburg Dickinson City  
Blossburg Donora  
Brackenridge Dormont  
Braddock Dravosburg  
Braddock Hills Driftwood  
Bradford Du Bois  
Bridgeport Dudley  
Bridgewater Dunbar  
Briabin Duncannon  
Bristol Dunley  
Broad Top City Dunmore  
Brockway Dupont  
Brookville Duquesne  
Brownsville Duryea  
Bruin Dushore  
Burlington Eagles Mere  
Burnham East Brady  
Butler East  
California Conemaugh  
Callensburg East Lansdowne  
Callery East  
Cambridge McKeesport  
Spirings East Pittsburgh  
Canonsburg East Side  
Canton East Vandergrift  
Carbondale Eastvale  
Carmichaels Eau Claire  
Cassandra Eddyatone  
Catawissa Edwardsville  
Centerville Eldred  
Central City Eldred  
Centralia Elgin  
Centre Hall Elizabeth  
Centreville Elizabethville  
Chalfant Elkland  
Chambersburg Ellport  
Charleroi Ellwood City  
Cherry Tree Emporium  
Cherry Valley Ernest  
Chester Hill Etna  
Christianiana Evans City

Knoxville  
Kulpmont  
Kutztown  
Laceyville  
Landisburg  
Lanesboro  
Lansford  
Laporte  
Larksville  
Laura Run  
Lawrenceville  
Lebanon  
Le Raysville  
Lehighton  
Lewisburg  
Lewistown  
Liberty  
Lincoln  
Linesville  
Little Meadows  
Littlestown  
Liverpool  
Lock Haven  
Loretto  
Luzerne  
Lykens  
Mabaffey  
Mahandy City  
Manns Choice  
Manor  
Manorville  
Mansfield  
Mapleton  
Marcus Hook  
Marianna  
Marietta  
Marion Heights  
Markleysburg  
Mars  
Masonstown  
Matamoras  
Mayfield  
McAddo  
McClure  
McConnellsburg  
McDonald  
McEwensville  
McKees Rocks  
McKeesport  
McSherrystown  
McVeytown  
Meadville  
Mercer  
Mercersburg  
Meshoppen  
Meyersdale  
Middleport  
Midland  
Midway  
Millintown  
Milesburg  
Mill Creek  
Millbourne  
Millersburg  
Millheim  
Millvale  
Milton  
Minersville  
Modena  
Mohnton  
Monessen  
Monongahela  
Mont Alto  
Montgomery  
Montrose  
Mount Carmel  
Mount Jewett  
Mount Olyer  
Mount Pleasant  
Mount Union  
Myerstown  
Nanticoke  
Nanty Glo  
New Baltimore  
New Bethlehem

New Castle  
New Centerville  
New Kensington  
New Lebanon  
New Milford  
New Oxford  
New Paris  
New Phila  
New Ringgold  
New Salem  
New  
Washington  
Newburg  
Newell  
Newport  
Newton  
Hamilton  
Newville  
Norristown  
North Apollo  
North Belle  
North Vernon  
North Braddock  
North Charleroi  
North Irwin  
North York  
Norwood  
Oakland  
Ohiopyle  
Oil City  
Olyphant  
Orbisonia  
Orrstown  
Osceola Mills  
Oswayo  
Oxford  
Paint  
Palmerton  
Palo Alto  
Parker  
Parkesburg  
Patton  
Penn  
Pensburg  
Petersburg  
Petrolia  
Phillipsburg  
Phoenixville  
Pine Grove  
Pitcairn  
Pittston  
Pleasantville  
Pleasantville  
Plumville  
Plymouth  
Point Marion  
Port Allegany  
Port Carbon  
Portage  
Pottstown  
Pottsville  
Pringle  
Prospect Park  
Punxsutawney  
Railroad  
Rainsburg  
Ramey  
Rankin  
Renovo  
Reynoldsville  
Ridgway  
Rimersburg  
Ringtown  
Roaring Spring  
Rochester  
Rockhill  
Furnace  
Rockwood  
Rome  
Roscoe  
Rouseville  
Salisbury  
Salladasburg  
Sandy Lake  
Sankertown

Saxton  
Sayre  
Schellsburg  
Schuylkill  
Haven  
Scottdale  
Selinsgrove  
Shade Gap  
Shamokin  
Shamokin Dam  
Sharon  
Sharon Hill  
Sharpsburg  
Sharpsville  
Sheakleyville  
Shenandoah  
Shicksbinny  
Shinglehouse  
Shippingport  
Shirleyburg  
Silverdale  
Sligo  
Smethport  
Smichsburg  
Smithfield  
Smithton  
Snow Shoe  
Snydertown  
Somerset  
South  
Bethlehem  
South Coatsville  
South  
Connellsville  
South Fork  
South  
Greensburg  
South New  
Castle  
South  
Phillipsburg  
South Renovo  
South Waverly  
South  
Williamsport  
Southwest  
Greensburg  
Spangler  
Speers  
Springdale  
St. Clair  
St. Clairsville  
St. Marys  
St. Petersburg  
Starrucca  
Steeltown  
Stillwater  
Strattanville  
Stratstown  
Strausburg  
Sugar Grove  
Sugar Notch  
Summerhill  
Summersville  
Summit Hill  
Sunbury  
Susquehanna  
Depot  
Swissvale  
Swoyersville  
Sykesville  
Tamaqua  
Tarentum  
Thompson  
Three Springs  
Throop  
Tidoute  
Timblin  
Tioga  
Titusville  
Towanda  
Tower City  
Townville  
Tremont  
Troy

Trumbauersville  
Tunnelhill  
Turtle Creek  
Tyrone  
Union Dale  
Uniontown  
Unionville  
Upland  
Ursina  
Vanderbilt  
Vandergrift  
Verona  
Versailles  
Wallacetown  
Warren  
Warrior Run  
Washington  
Waterford  
Waymart

## Rhode Island

Central Falls Newport  
East Providence Woonsocket

## South Carolina

Abbeville Gifford  
Allendale Gilbert  
Anderson Great Falls  
Andrews Greeleyville  
Atlantic Beach Greenwood  
Bamberg Greer  
Batesburg Harleyville  
Belton Hartsville  
Bennettsville Heath Springs  
Bethune Hemingway  
Bishopville Hodges  
Blacksburg Hollywood  
Blackville Honea Path  
Blenheim Inman  
Bluffton Iva  
Bonneau Jamestown  
Bowman Jefferson  
Branchville Johnston  
Brunson Jonesville  
Burnettown Kershaw  
Calhoun Falls Kingstree  
Camden Kline  
Cameron Lake City  
Campobello Lake View  
Carlisle Lamar  
Cayce Lancaster  
Central Landrum  
Central Pacolet Lane  
Chapin Latta  
Cheraw Laurens  
Chesnee Leesville  
Chester Livingston  
Chesterfield Lockhart  
City View Lodge  
Clinton Loris  
Clio Lowndesville  
Conway Lowrys  
Cope Luray  
Cottageville Lynchburg  
Cross Hill Manning  
Darlington Marion  
Denmark Mayesville  
Dillon McClellanville  
Donalds McColl  
Due West McConnells  
Duncan McCormick  
Easley Megget  
Eastover Monetta  
Edgefield Mount Carmel  
Ehrhardt Mullins  
Elko Neeses  
Elloree New Ellenton  
Estill Newberry  
Eutawville Nichols  
Fairfax Ninety Six  
Florence North  
Fort Lawn Norway  
Fountain Inn Olanta  
Furman Olar  
Gaffney Orangeburg  
Georgetown Pacolet Mills

Wheatland  
Whitaker  
White Haven  
Wilkinsburg  
Williamsburg  
Williamstown  
Wilmerding  
Wilmore  
Wilson  
Woodbury  
Worthington  
Worthville  
Wrightsville  
Wyalusing  
Wyoming  
Yorkana  
Youngwood  
Zelenople

Page Land  
Pamplico  
Parksville  
Patrick  
Paxville  
Pickens  
Pinewood  
Plum Branch  
Pomaria  
Prosperity  
Ravenel  
Richburg  
Ridge Spring  
Ridgeville  
Ridgeway  
Rock Hill  
Rowesville  
Salley  
Saluda  
Santee  
Scottia  
Sellers  
Smyrna  
Society Hill  
Springfield  
St. George  
St. Matthews  
St. Stephen  
Starr  
Stuckey  
Summerton  
Summit  
Sumter  
Swansea  
Sycamore  
Tatum  
Timmons ville  
Trenton  
Troy  
Ulmer  
Union  
Vance  
Varnville  
Walhalla  
Walterboro  
Ware  
Ware Shoals  
Waterloo  
Wellford  
West Union  
Westminster  
Whitmire  
Williams  
Williamston  
Windsor  
Winnsboro  
Woodford  
Woodruff  
Yemassee  
York

South Dakota			Tennessee			Tennessee		
Aberdeen	Flandreau	Onaka	Adair	Gainesboro	Palmer	Annona	Christine	Flatonia
Agar	Florence	Onida	Adams	Galloway	Paris	Anson	Cibola	Florence
Alcester	Frankfort	Orient	Adamsville	Gates	Parsons	Anthony	Cisco	Floresville
Alexandria	Frederick	Ortley	Alamo	Gibson	Petersburg	Anton	Clarendon	Floydada
Alpena	Freeman	Parker	Alcoa	Gilt Edge	Philadelphia	Appleby	Clarksville	Follett
Andover	Fulton	Parkston	Alexandria	Gleason	Pikeville	Aquilla	Clarksville City	Forzan
Arlington	Garden City	Peever	Algood	Graysville	Piperton	Arp	Cleburne	Franklin
Armour	Gary	Philip	Allardt	Greenback	Pittman Center	Asherton	Cleveland	Frankston
Artas	Gayville	Pierpont	Altmont	Greenfield	Pleasant Hill	Aspermont	Clint	Frisco
Artesian	Geddes	Plankinton	Ardmore	Halls	Powells	Athens	Coahoma	Frost
Ashton	Gettysburg	Platte	Arlington	Harriman	Crossroads	Aubrey	Coffee City	Fruit Vale
Astoria	Goodwin	Pollock	Athens	Hartsville	Pulaski	Austwell	Coldspring	Gainesville
Aurora	Gregory	Presho	Auburntown	Henderson	Puryear	Avery	Coleman	Gallatin
Avon	Greenville	Pringle	Baileytown	Henning	Ramer	Bailey	Collinsville	Garrett
Bancroft	Groton	Pukwana	Baxter	Henry	Red Boiling Springs	Baird	Colmesneil	Garrison
Batesland	Harrold	Quinn	Beersheba	Hickory Valley Springs	Ridgely	Ballingier	Colorado City	Gary
Belvidere	Hartford	Ramona	Bells	Hollow Rock	Ripley	Balmorea	Comanche	Gatesville
Beresford	Hecla	Raynia	Benton	Hornbeak	Rives	Bandera	Combes	George West
Big Stone City	Henry	Redfield	Bethel Springs	Hornshy	Rockford	Bangs	Commerce	Gholson
Bison	Hermosa	Ree Heights	Big Sandy	Huntland	Rockwood	Bardwell	Como	Giddings
Bonesteel	Herriod	Reville	Blaine	Huntsville	Rossville	Barry	Coolidge	Gilmer
Bowdle	Herrick	Rockham	Bluff City	Iron City	Rutherford	Barstow	Cooper	Codley
Bradley	Hetland	Roscoe	Bolivar	Jacksboro	Rutledge	Bartlett	Corrigan	Goldthwaite
Brand	Highmore	Rosholt	Braden	Jackson	Saltito	Bastrop	Corsicana	Goliad
Brentford	Hill City	Roslyn	Brighton	Jamestown	Samburg	Bayside	Cotulla	Golinda
Bridgwater	Hitchcock	Roswell	Brownville	Jefferson City	Sardis	Bayview	Covington	Gonzales
Bristol	Hosmer	Salem	Burlison	Jellico	Saulsbury	Beckville	Crandall	Goodlow
Britton	Hot Springs	Scotland	Byrdstown	Kenton	Savannah	Belleve	Cransfills Gap	Goodrich
Brookings	Hoven	Seneca	Camden	La Follette	Sevierville	Bells	Crawford	Gordon
Bruce	Howard	Seneca	Caryville	La Grange	Sharon	Benavides	Crockett	Goree
Bryant	Hudson	Sherman	Cedar Hill	Lake City	Shelbyville	Bertram	Crosbyton	Gorman
Buffalo	Humboldt	Sinal	Celina	Lakeland	Silerton	Big Sandy	Cross Plains	Graford
Buffalo Gap	Hurley	Sesseton	Centertown	Lakesite	Slayden	Big Wells	Crowell	Grand Saline
Burke	Huron	South Shore	Centerville	Lenoir City	Smithville	Bishop	Crystal City	Grandfalls
Bushnell	Ipswich	Spearfish	Charleston	Lewisburg	Sneedville	Blackwell	Cuero	Grandview
Camp Crook	Irene	Spencer	Cleveland	Lexington	Soddy-Daisy	Blanco	Darrouzett	Granger
Canistota	Isabel	Springfield	Clifton	Liberty	Sommerville	Blanket	Dawson	Grapeland
Canova	Java	St. Francis	Coalmont	Linden	South Carthage	Bloomburg	De Kalb	Greenville
Carthage	Kadoka	St. Lawrence	Collinwood	Livingston	South Fulton	Blooming Grove	Decatur	Gregory
Cavour	Kennebec	Stickney	Copperhill	Lobelville	South Pittsburg	Blue Ridge	Del Rio	Groesbeck
Centerville	Kimball	Stockholm	Cornersville	Loudon	Sparta	Blum	Dell City	Groom
Central City	La Bolt	Summit	Cottage Grove	Luttrell	Spring City	Boerne	Deport	Groveton
Chamberlain	Lake Andes	Tabor	Covington	Lynchburg	Spring Hill	Bogata	Detroit	Gunter
Chancellor	Lake Norden	Timber Lake	Cowan	Lynnville	Springfield	Bonham	Devine	Gustine
Claire City	Lake Preston	Tolstoy	Cross Plains	Madisonville	Stanton	Bowie	Dickens	Halo Center
Claremont	Lane	Toronto	Crossville	Martin	Stantonville	Boyd	Dilley	Hallettsville
Clark	Langford	Trent	Gumberland	Mason	Surgoville	Brackettville	Dodd City	Hallsburg
Colman	Lead	Tripp	City	Mauzy City	Sweetwater	Brady	Dodson	Hamilton
Colome	Lebanon	Tulare	Dayton	Maynardville	Tazewell	Breckneridge	Domino	Hart
Colton	Lennox	Twin Brooks	Decaturville	McKenzie	Tellico Plains	Bremont	Donna	Haskell
Columbia	Leola	Tyndall	Decherd	McLemoresville	Tennessee	Brenham	Dorchester	Hasket
Conoe	Lesterville	Veblen	Denmark	McMinnville	Ridge	Broadbuss	Douglasville	Hearne
Corona	Letcher	Vermillion	Dickson	Medina	Tiptonville	Bronson	Driscoll	Hedley
Corsica	Lily	Viborg	Dover	Medon	Townsend	Bronte	Dublin	Hemphill
Cottonwood	Long Lake	Vienna	Dowelltown	Michie	Tracy City	Brookshire	Eagle Lake	Henrietta
Cresbard	Loyalton	Virgil	Doyle	Middleton	Trenton	Browndell	Eagle Pass	Hico
Custer	Madison	Volga	Dresden	Milan	Trezevant	Brownboro	Earth	Hidalgo
Dallas	Marion	Volin	Ducktown	Minor Hill	Trimble	Brownwood	East Tawakoni	Hillsboro
Dante	Martin	Wagner	Dyersburg	Milledgeville	Troy	Bryson	Eastland	Holland
Davis	Marvin	Wakonda	Eastview	Monterey	Tullahoma	Buckholts	Easton	Hondo
De Smet	McIntosh	Wallace	Elizabethton	Morrison	Union	Buda	Ector	Honey Grove
Deadwood	MacLaughlin	Ward	Elkton	Mosheim	Viola	Burton	Edcouch	Hubbard
Dell Rapids	Mellette	Wasta	Englewood	Mount Pleasant	Vonore	Byers	Eden	Huntington
Delmont	Menno	Waubay	Enville	Mountain City	Watertown	Bynum	Edgewood	Hutto
Dimock	Midland	Webster	Erin	New Market	Waynesboro	Caddo Mills	Edmonson	Idalou
Doland	Milbank	Wessington	Erwin	New Tazewell	West Moreland	Calvert	Edom	Iredell
Dolton	Miller	Wessington Springs	Ethridge	Newbern	Whiteville	Cameron	Eldorado	Italy
Draper	Mission	Westport	Etowah	Newport	Whitwell	Camp Wood	Electra	Itasca
Dupree	Mitchell	White	Fayetteville	Oakdale	Williston	Campbell	Elgin	Jacksonville
Eagle Butte	Mobridge	White Lake	Finger	Oakland	Winchester	Carbon	Eikhart	Jasper
Eden	Monroe	White River	Franklin	Obion	Woodland Mills	Carmine	Elmendorf	Jayton
Egan	Montrose	White Rock	Friendship	Oneida	Yorkville	Carrizo Springs	Elsa	Jefferson
Elk Point	Morristown	Willow Lake	Friendsville	Orlinda		Castroville	Emhouse	Jewett
Elkton	Mound City	Wilmot	Gadsden			Celeste	Emory	Joaquin
Emery	Mount Vernon	Winfred				Celina	Encinal	Johnson City
Erwin	Murdo	Winner				Center	Ennis	Josephine
Estelline	New	Wolsey				Chandler	Estelline	Joshua
Eureka	Underwood	Wood				Channing	Fairview	Jourdanton
Fairfax	Newell	Woonsocket				Charlotte	Falunria	Junction
Fairview	Northville	Worthing	Abbott	Alice	Alvarado	Chester	Farmersville	Karnes City
Farmer	Nunda	Yankton	Ackerly	Alma	Alvord	Chico	Fate	Kaufman
Faulkton	Olivet		Agua Dulce	Alpine	Ames	Chillicothe	Fayetteville	Kemp
			Alamo	Alto	Amherst	China	Ferris	Kendleton
			Alba	Alton	Anna	Chireno		Kenedy



Matoaka	Petersburg	Sutton
McMechen	Peterstown	Terra Alta
Meadow Bridge	Philippi	Thomas
Middlebourne	Piedmont	Thurmond
Mill Creek	Point Pleasant	Triadelphia
Monongah	Pullman	Tunnelton
Montgomery	Quinwood	Union
Montrose	Rainelle	Valley Grove
Moorefield	Reedy	War
Morgantown	Rhodell	Wardenaville
Moundsville	Richwood	Wayne
Mount Hope	Ridgeley	Welch
Mullens	Rivesville	West Hamlin
New	Romney	West Milford
Cumberland	Ronceverte	West Union
Newburg	Rowlesburg	Weston
Oak Hill	Salem	Westover
Oakvale	Shepherdstown	White Sulphur
Osage	Shinnston	Springs
Paden City	Sistersville	Whitesville
Parsons	Smithers	Williamson
Paw Paw	Smithfield	Womelsdorff
Pax	St. Marys	Worthington
Pennsboro	Stonewood	

**Wisconsin**

Adams	Crandon	Linden
Algoma	Curtiss	Livingston
Alma	Darlington	Lohrville
Almond	De Soto	Lone Rock
Amherst	Deer Park	Loyal
Junction	Dorchester	Lublin
Aniwa	Doylestown	Lyndon Station
Antigo	Dresser	Lynxville
Arcadia	Durand	Maiden Rock
Arena	Eastman	Marinette
Argyle	Eden	Marquette
Arpin	Egg Harbor	Mattoon
Ashland	Elderon	Mauston
Auburndale	Eleva	Mazomanie
Augusta	Elk Mound	Mellen
Avoca	Elmwood	Melrose
Bagley	Elroy	Menomonie
Baraboo	Endeavor	Merrill
Barron	Eittrick	Merrillan
Bayfield	Fairchild	Milladore
Bear Creek	Fairwater	Milltown
Benton	Fennimore	Minong
Berlin	Ferryville	Mondovi
Big Falls	Fond du lac	Montfort
Biramahwood	Fontana-on-	Montreal
Black Earth	Geneva Lake	Mount Calvary
Blair	Forestville	Mount Hope
Blanchardville	Frederic	Mount Sterling
Bloomer	Friendship	Muscoda
Blue River	Friesland	Necedah
Boscobel	Gays Mills	Neillsville
Bowler	Genoa	Nelsonville
Boyd	Gillett	New Auburn
Brandon	Gilman	New Lisbon
Bruce	Glen Flora	Niagara
Buffalo	Glenbeulah	North Freedom
Butternut	Glenwood City	Norwalk
Cable	Granton	Oconomowoc
Cadott	Gratnot	Lake
Cambria	Greenwood	Oconto
Camp Douglas	Hayward	Oliver
Campbellsport	Highland	Ontario
Cashton	Hillsboro	Osseo
Catawba	Hixton	Owen
Cazenovia	Hurley	Oxford
Cecil	Hustisford	Park Falls
Centuria	Hustler	Pepin
Chaseburg	Ingram	Phillips
Chetek	Iola	Pigeon Falls
Chilton	Ironton	Pittsville
Chippewa Falls	Johnson Creek	Plainfield
Clear Lake	Kekoskee	Platteville
Clintonville	Kendall	Plum City
Clyman	Kennan	Poplar
Colby	Knapp	Port
Coleman	La Farge	Washington
Colfax	La Valle	Portage
Conrath	Ladysmith	Pound
Cornell	Lake	Prairie Du
	Nebagamon	Chien

**Wisconsin**

Prairie Farm	Solon Springs	Wautoma
Prentice	South Wayne	Wauzeka
Princeton	Spooner	Webster
Pulaski	Stanley	West Baraboo
Radisson	Stetsonville	Westby
Readstown	Steuben	Weyauwega
Redgranite	Stevens Point	Weyerhaeuser
Reedsville	Stockbridge	White Lake
Rewey	Stoddard	Whitehall
Rhineland	Superior	Whitewater
Rib Lake	Taylor	Williams Bay
Rice Lake	Tigerton	Wilton
Richland Center	Turtle Lake	Winter
Ripon	Two Rivers	Wisconsin Dells
Rock Springs	Union Center	Withee
Rockdale	Unity	Wonewoc
Rosholt	Vesper	Woodman
Sheboygan	Viola	Woodville
Sheldon	Viroqua	Wrightstown
Shell Lake	Waldo	Wyeville
Shullsburg	Waupaca	Wycocena
Siren	Waupun	Yuba
Sister Bay	Wausau	
Soldiers Grove	Wausaukee	

**Wyoming**

Albin	East	Manderson
Byron	Thermopolis	Meeteetse
Chugwater	Fort Laramie	Midwest
Cokeville	Hulett	South Superior
Cowley	La Barge	Yoder
Dixon	La Grange	

III. The following list contains the names of those small cities which meet the minimum standards of physical and economic distress but which did not meet the standards as of the October 30, 1979 Notice.

**Alabama**

Babbi	Fayette	Masses
Blue Springs	Grove Hill	Sipsey
County Line	Guntersville	Union
Douglas	Kansas	Winfield
Eunola	Lisman	

**Alaska**

Ambler	Fort Yukon	Nondalton
Breckland	Kiana	Noorvik
Ekwook	Larsen Bay	Ruby

**Arizona**

Prescott

**Arkansas**

Bono	Gillett	Newport
Colt	Guion	Oak Grove
De Queen	Haynes	Heights
Des Arc	Melbourne	Turrell
Felsenthal	Morrison Bluff	Wiederkehr

**California**

Avenal	Gardena
Emeryville	Merced

**Colorado**

Akron	Fort Lupton	Monte Vista
Alamosa	Fort Morgan	Olney Springs
Black Hawk	Grand Junction	Springfield
Burlington	Julesburg	Sivink
Cheraw	Limon	Yuma

**Connecticut**

Middletown	Stonington	Williamantic
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**Delaware**

Bethel	Ellendale
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**Florida**

Jay	Live Oak	Noma
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**Georgia**

Allenhurst	Bowersville	Eastman
Blue Ridge	Dexter	Higgston

**Idaho**

Blackfoot	Kendrick	Reubens
Downey	Lewiston	Wendell
Gooding	McCammon	
Hamer	Plummer	

**Illinois**

Aledo	Gilman	Mount Morris
Altamont	Glasgow	Mount Olive
Anchor	Hamel	Mount Veron
Atkinson	Hanover	Newton
Ava	Hoopeston	Piper City
Carlinville	Hayleton	Potomac
Donnellson	Illiopolis	Raymond
Donovan	Lemont	Sibley
Edinburg	Lovington	Stronhurst
Farmington	Mason City	Tilton
Flanagan	Mendota	Vermilion
Galesburg	Modesto	Wheeler
Gibson	Morrison	

**Indiana**

Carefree	Michigan City	North Grove
Claypool	Newberry	Utica
Holland	Newton	Warren

**Iowa**

Agency	Hubbard	Owasa
Andover	Jewell Junction	Quimby
Bellevue	Keystone	Radcliffe
Bode	Klemme	Rake
Buffalo Center	Kterim	Remsen
Cascade	Knoxville	Richardsville
Central City	Lake View	Ringsted
Charles City	Lamont	Rock Rapids
Clare	Libertyville	Rossie
Craig	Luxemburg	Royal
Dunkerton	Macedonia	Sac
Early	Masonville	Salix
Galva	Melrose	Scarville
Geneva	Moorhead	St. Lucas
Gowrie	New Vienna	Turin
Grafton	North English	Varina
Havelock	Onawa	Wadena

**Kansas**

Alexander	Johnson City	Phillipsburg
Ashland	Kanorado	Plainville
Bird City	Kingman	Stockton
Carbondale	Kiowa	Turon
Cimarron	La Crosse	Victoria
Edwardsville	Lewis	Wakeeney
Elmdale	Manter	Wellington
Greensburg	Minneola	Winfield
Haviland	Otis	

**Kentucky**

Blaine	Hartford	Murray
Bremen	Hazard	Phelps
Dawson Springs	Lakeview	Pleasant Valley
Dycusburg	Heights	Prestonville
Elsmere	Liberty	Rochester
Greensburg	Loretto	Whitesburg
Hanson	Martin	

**Louisiana**

Abita Springs	Golden Meadow	Jackson
Anacoco	Grand Isle	
Atlanta	Grayson	

**Maine**

Brewer	Hallowell	Presque Isle
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**West Virginia**

Chester	Poca	Spencer
Elizabeth	Princeton	Winfield
Granville	Ripley	

**Wisconsin**

Abbotsford	Hollandale	Wilson
Alma Center	Independence	Wisconsin
Cumberland	Kaukauna	Rapids
Delavan	Oconto Falls	
Galesville	Reedsburg	

**Wyoming**

Edgerton	Rock River	Shoshoni
Lovell	Sheridan	Sundance

V. The following list contains the name of towns and townships which meet the minimum standards for physical and economic distress and which are in States where towns and townships may have powers comparable to the powers of municipalities. Each town and township is not listed with places in Section II because their eligibility as cities has not been determined under the criterion of 24 CFR 570.3(e), which requires that they (1) have powers and perform functions comparable to municipalities, (2) are closely settled and (3) have cooperation agreements with all incorporated places within their boundaries. Requests for waivers of the closely settled requirement from towns and townships which meet all other requirements may be waived by the Secretary on a case by case basis.

**Connecticut***Town and county*

Chaplin Town, Windham County  
 North Canaan Town, Litchfield County  
 Putnam Town, Windham County

**Maine**

Abbot Town, Piscataquis County  
 Addison Town, Washington County  
 Albion Town, Kennebec County  
 Alexander Town, Washington County  
 Alton Town, Penobscot County  
 Amity Town, Aroostook County  
 Andover Town, Oxford County  
 Anson Town, Somerset County  
 Appleton Town, Knox County  
 Arrowsic Town, Sagadahoc County  
 Arundel Town, York County  
 Ashland Town, Aroostook County  
 Athens Town, Somerset County  
 Atkinson Town, Piscataquis County  
 Avon Town, Franklin County  
 Baldwin Town, Cumberland County  
 Bar Harbor Town, Hancock County  
 Baring Plantation, Washington County  
 Barnard Plantation, Piscataquis County  
 Beals Town, Washington County  
 Beddington Town, Washington County  
 Belgrade Town, Kennebec County  
 Belmont Town, Waldo County  
 Benedicta Town, Aroostook County  
 Benton Town, Kennebec County  
 Bingham Town, Somerset County  
 Blaine Town, Aroostook County  
 Blue Hill Town, Hancock County

Boothbay Harbor Town, Lincoln County  
 Boothbay Town, Lincoln County  
 Bowerbank Town, Piscataquis County  
 Bradford Town, Penobscot County  
 Bremen Town, Lincoln County  
 Bridgewater Town, Aroostook County  
 Bridgton Town, Cumberland County  
 Bristol Town, Lincoln County  
 Brooklin Town, Hancock County  
 Brooks Town, Waldo County  
 Brooksville Town, Hancock County  
 Brownfield Town, Oxford County  
 Brownville Town, Piscataquis County  
 Buckfield Town, Oxford County  
 Bucksport Town, Hancock County  
 Burlington Town, Penobscot County  
 Cambridge Town, Somerset County  
 Camden Town, Knox County  
 Canaan Town, Somerset County  
 Caratunk Plantation, Somerset County  
 Carroll Plantation, Penobscot County  
 Cary Plantation, Aroostook County  
 Castine Town, Hancock County  
 Castle Hill Town, Aroostook County  
 Caswell Plantation, Aroostook County  
 Chapman Town, Aroostook County  
 Cherryfield Town, Washington County  
 Chesterville Town, Franklin County  
 Clinton Town, Kennebec County  
 Codyville Plantation, Washington County  
 Columbia Falls Town, Washington County  
 Corinth Town, Penobscot County  
 Cornville Town, Somerset County  
 Cyr Plantation, Aroostook County  
 Dallas Plantation, Franklin County  
 Damariscotta Town, Lincoln County  
 Danforth Town, Washington County  
 Dedham Town, Hancock County  
 Deer Isle Town, Hancock County  
 Denmark Town, Oxford County  
 Dennysville Town, Washington County  
 Detroit Town, Somerset County  
 Dixfield Town, Oxford County  
 Dixmont Town, Penobscot County  
 Dover Foxcroft Town, Piscataquis County  
 Dresden Town, Lincoln County  
 Dyer Brook Town, Aroostook County  
 Eagle Lake Town, Aroostook County  
 East Machias Town, Washington County  
 Easton Town, Aroostook County  
 Edgecomb Town, Lincoln County  
 Elliottsville Plantation, Piscataquis County  
 Etna Town, Penobscot County  
 Eustis Town, Franklin County  
 Exeter Town, Penobscot County  
 Fairfield Town, Somerset County  
 Fayette Town, Kennebec County  
 Fort Fairfield Town, Aroostook County  
 Fort Kent Town, Aroostook County  
 Frankfort Town, Waldo County  
 Franklin Town, Hancock County  
 Freedom Town, Waldo County  
 Frenchville Town, Aroostook County  
 Friendship Town, Knox County  
 Garland Town, Penobscot County  
 Georgetown Town, Sagadahoc County  
 Gilead Town, Oxford County  
 Glenwood Plantation, Aroostook County  
 Gouldsboro Town, Hancock County  
 Grand Isle Town, Aroostook County  
 Grand Lake Stream Plantation, Washington County  
 Greenbush Town, Penobscot County  
 Greene Town, Androscoggin County  
 Greenfield Town, Penobscot County  
 Hamlin Town, Aroostook County

Hancock Town, Hancock County  
 Hanover Town, Oxford County  
 Harmony Town, Somerset County  
 Harpswell Town, Cumberland County  
 Harrington Town, Washington County  
 Hartford Town, Oxford County  
 Hartland Town, Somerset County  
 Hebron Town, Oxford County  
 Hersey Town, Aroostook County  
 Highland Plantation, Somerset County  
 Hodgdon Town, Aroostook County  
 Houlton Town, Aroostook County  
 Howland Town, Penobscot County  
 Hudson Town, Penobscot County  
 Industry Town, Franklin County  
 Island Falls Town, Aroostook County  
 Jackman Town, Somerset County  
 Jefferson Town, Lincoln County  
 Jonesboro Town, Washington County  
 Jonesport Town, Washington County  
 Kenduskeag Town, Penobscot County  
 Kingfield Town, Franklin County  
 Kittery Town, York County  
 Knox Town, Waldo County  
 Lagrange Town, Penobscot County  
 Lamoine Town, Hancock County  
 Leeds Town, Androscoggin County  
 Liberty Town, Waldo County  
 Limerick Town, York County  
 Limestone Town, Aroostook County  
 Lincoln Town, Penobscot County  
 Linneus Town, Aroostook County  
 Littleton Town, Aroostook County  
 Livermore Falls Town, Androscoggin County  
 Lowell Town, Penobscot County  
 Lubec Town, Washington County  
 Machiasport Town, Washington County  
 Macwahoc Plantation, Aroostook County  
 Madison Town, Somerset County  
 Madrid Town, Franklin County  
 Mars Hill Town, Aroostook County  
 Masardis Town, Aroostook County  
 Mattawamkeag Town, Penobscot County  
 Mechanic Falls Town, Androscoggin County  
 Meddybemps Town, Washington County  
 Merrill Town, Aroostook County  
 Mexico Town, Oxford County  
 Millinocket Town, Penobscot County  
 Milo Town, Piscataquis County  
 Monroe Town, Waldo County  
 Monson Town, Piscataquis County  
 Monticello Town, Aroostook County  
 Montville Town, Waldo County  
 Mount Chase Plantation, Penobscot County  
 Mount Desert Town, Hancock County  
 Mount Vernon Town, Kennebec County  
 New Canada Plantation, Aroostook County  
 New Limerick Town, Aroostook County  
 New Portland Town, Somerset County  
 New Sweden Town, Aroostook County  
 New Vineyard Town, Franklin County  
 Newburgh Town, Penobscot County  
 Newport Town, Penobscot County  
 Newry Town, Oxford County  
 Northfield Town, Washington County  
 Norway Town, Oxford County  
 Oakfield Town, Aroostook County  
 Oakland Town, Kennebec County  
 Old Orchard Beach Town, York County  
 Orient Town, Aroostook County  
 Orland Town, Hancock County  
 Osborn Plantation, Hancock County  
 Oxbow Plantation, Aroostook County  
 Oxford Town, Oxford County  
 Paris Town, Oxford County

Parkman Town, Piscataquis County  
 Parsonsfield Town, York County  
 Patten Town, Penobscot County  
 Pembroke Town, Washington County  
 Penobscot Town, Hancock County  
 Perham Town, Aroostook County  
 Perry Town, Washington County  
 Phillips Town, Franklin County  
 Phippsburg Town, Sagadahoc County  
 Pittsfield Town, Somerset County  
 Plantation No. 21, Washington County  
 Pleasant Ridge Plantation, Somerset County  
 Plymouth Town, Penobscot County  
 Porter Town, Oxford County  
 Pownal Town, Cumberland County  
 Prentiss Plantation, Penobscot County  
 Princeton Town, Washington County  
 Rangeley Town, Franklin County  
 Reed Plantation, Aroostook County  
 Richmond Town, Sagadahoc County  
 Ripley Town, Somerset County  
 Robbinston Town, Washington County  
 Rockport Town, Knox County  
 Roque Bluffs Town, Washington County  
 Roxbury Town, Oxford County  
 Rumford Town, Oxford County  
 Sangerville Town, Piscataquis County  
 Searsmont Town, Waldo County  
 Searsport Town, Waldo County  
 Sedgwick Town, Hancock County  
 Shapleigh Town, York County  
 Sherman Town, Aroostook County  
 Shirley Town, Piscataquis County  
 Skowhegan Town, Somerset County  
 Smyrna Town, Aroostook County  
 Sorrento Town, Hancock County  
 South Bristol Town, Lincoln County  
 Southport Town, Lincoln County  
 St. Agatha Town, Aroostook County  
 St. Albans Town, Somerset County  
 St. George Town, Knox County  
 St. John Plantation, Aroostook County  
 Stacyville Town, Penobscot County  
 Starks Town, Somerset County  
 Setson Town, Penobscot County  
 Steuben Town, Washington County  
 Stockholm Town, Aroostook County  
 Stockton Springs Town, Waldo County  
 Stoneham Town, Oxford County  
 Stonington Town, Hancock County  
 Sullivan Town, Hancock County  
 Swanville Town, Waldo County  
 Talmadge Town, Washington County  
 Thorndike Town, Waldo County  
 Topsfield Town, Washington County  
 Trenton Town, Hancock County  
 Turner Town, Androscoggin County  
 Unity Town, Waldo County  
 Van Buren Town, Aroostook County  
 Vienna Town, Kennebec County  
 Vinalhaven Town, Knox County  
 Wade Town, Aroostook County  
 Waldo Town, Waldo County  
 Waldoboro Town, Lincoln County  
 Wales Town, Androscoggin County  
 Wallagrass Plantation, Aroostook County  
 Waltham Town, Hancock County  
 Warren Town, Knox County  
 Washington Town, Knox County  
 Waterboro Town, York County  
 Weld Town, Franklin County  
 Wesley Town, Washington County  
 West Forks Plantation, Somerset County  
 Westfield Town, Aroostook County  
 Whitefield Town, Lincoln County  
 Whiting Town, Washington County

Winn Town, Penobscot County  
 Winter Harbor Town, Hancock County  
 Winterport Town, Waldo County  
 Winterville Plantation, Aroostook County  
 Woodland Town, Aroostook County  
 Woodstock Town, Oxford County  
 Woolwich Town, Sagadahoc County

#### Massachusetts

Adams Town, Berkshire County  
 Amherst Town, Hampshire County  
 Athol Town, Worcester County  
 Ayer Town, Middlesex County  
 Bourne Town, Barnstable County  
 Buckland Town, Franklin County  
 Clarksburg Town, Berkshire County  
 Clinton Town, Worcester County  
 Dalton Town, Berkshire County  
 Fairhaven Town, Bristol County  
 Great Barrington Town, Berkshire County  
 Greenfield Town, Franklin County  
 Hancock Town, Berkshire County  
 Hardwick Town, Worcester County  
 Hawley Town, Franklin County  
 Heath Town, Franklin County  
 Hopedale Town, Worcester County  
 Huntington Town, Hampshire County  
 Lancaster Town, Worcester County  
 Lee Town, Berkshire County  
 Leyden Town, Franklin County  
 Methuen Town, Essex County  
 Middleton Town, Essex County  
 Millville Town, Worcester County  
 Montague Town, Franklin County  
 New Marlborough Town, Berkshire County  
 Oak Bluffs Town, Dukes County  
 Palmer Town, Hampden County  
 Petersham Town, Worcester County  
 Plainfield Town, Hampshire County  
 Roe Town, Franklin County  
 Royalston Town, Worcester County  
 Salisbury Town, Essex County  
 Sandisfield Town, Berkshire County  
 Savoy Town, Berkshire County  
 Shirley Town, Middlesex County  
 South Hadley Town, Hampshire County  
 Southbridge Town, Worcester County  
 Stockbridge Town, Berkshire County  
 Warren Town, Worcester County  
 Webster Town, Worcester County  
 West Bridgewater Town, Plymouth County  
 West Springfield Town, Hampden County  
 Williamsburg Town, Hampshire County  
 Winchendon Town, Worcester County  
 Winthrop Town, Suffolk County  
 Worthington Town, Hampshire County  
 Wrentham Town, Norfolk County

#### Michigan

Adams Township, Arenac County  
 Adams Township, Hillsdale County  
 Adams Township, Houghton County  
 Aetna Township, Missaukee County  
 Akron Township, Tuscola County  
 Alabaster Township, Iosco County  
 Albion Township, Calhoun County  
 Alganssee Township, Branch County  
 Allegan Township, Allegan County  
 Allen Township, Hillsdale County  
 Allis Township, Presque Isle County  
 Allquez Township, Keweenaw County  
 Amber Township, Mason County  
 Amboy Township, Hillsdale County  
 Antioch Township, Wexford County  
 Argyle Township, Sanilac County  
 Arlington Township, Van Buren County

Ashland Township, Newaygo County  
 ——— Township, Arenac County  
 Au Sable Township, Roscommon County  
 Aurelius Township, Ingham County  
 Austin Township, Sanilac County  
 Bainbridge Township, Berrien County  
 Baldwin Township, Delta County  
 Baltimore Township, Barry County  
 Bangor Township, Van Buren County  
 Baraga Township, Baraga County  
 Bark River Township, Delta County  
 Barton Township, Newaygo County  
 Batavia Township, Branch County  
 Bates Township, Iron County  
 Bay de Noc Township, Delta County  
 Bay Mills Township, Chippewa County  
 Bearinger Township, Presque Isle County  
 Beaver Township, Bay County  
 Beaver Township, Newaygo County  
 Belknap Township, Presque Isle County  
 Bengal Township, Clinton County  
 Benona Township, Oceana County  
 Benton Township, Berrien County  
 Berlin Township, St. Clair County  
 Berrien Township, Berrien County  
 Bessemer Township, Gogebic County  
 Bethany Township, Gratiot County  
 Bethel Township, Branch County  
 Gib Prairie Township, Newaygo County  
 Bingham Township, Huron County  
 Bismarck Township, Presque Isle County  
 Blaine Township, Benzie County  
 Bloomer Township, Montcalm County  
 Bloomfield Township, Huron County  
 Blue Lake Township, Muskegon County  
 Bois Blanc Township, Mackinac County  
 Boon Township, Wexford County  
 Boston Township, Ionia County  
 Brampton Township, Delta County  
 Breen Township, Dickinson County  
 Brevort Township, Mackinac County  
 Bridgehampton Township, Sanilac County  
 Bridgeton Township, Newaygo County  
 Brockway Township, St. Clair County  
 Bronson Township, Branch County  
 Brookfield Township, Eaton County  
 Brookfield Township, Huron County  
 Broomfield Township, Isabella County  
 Brown Township, Manistee County  
 Buckeye Township, Gladwin County  
 Buel Township, Sanilac County  
 Bunker Hill Township, Ingham County  
 Burdell Township, Osceola County  
 Burleigh Township, Iosco County  
 Burnside Township, Lapeer County  
 Burr Oak Township, St. Joseph County  
 Burt Township, Alger County  
 Burt Township, Cheboygan County  
 Bushnell Township, Montcalm County  
 Butler Township, Branch County  
 Butterfield Township, Missaukee County  
 Caldwell Township, Missaukee County  
 California Township, Branch County  
 Calumet Township, Houghton County  
 Calvin Township, Cass County  
 Cambria Township, Hillsdale County  
 Camden Township, Hillsdale County  
 Carlton Township, Barry County  
 Carp Lake Township, Emmet County  
 Cedar Creek Township, Wexford County  
 Cedar Township, Osceola County  
 Center Township, Emmet County  
 Centerville Township, Leelanau County  
 Chandler Township, Huron County  
 Chapin Township, Saginaw County

Chase Township, Lake County  
Cherry Valley Township, Lake County  
Cheshire Township, Allegan County  
Chester Township, Eaton County  
Churchill Township, Ogemaw County  
Clam Lake Township, Wexford County  
Clam Union Township, Missaukee County  
Clarendon Township, Calhoun County  
Claybanks Township, Oceana County  
Clayton Township, Arenac County  
Cleon Township, Manistee County  
Clinton Township, Oscoda County  
Coldwater Township, Isabella County  
Colfax Township, Huron County  
Colfax Township, Mecosta County  
Colfax Township, Wexford County  
Columbia Township, Van Buren County  
Columbus Township, Luce County  
Concord Township, Jackson County  
Constantine Township, St Joseph County  
Covis Township, Calhoun County  
Conway Township, Livingston County  
Cornell Township, Delta County  
Covert Township, Van Buren County  
Covington Township, Baraga County  
Cross Village Township, Emmet County  
Crystal Township, Montcalm County  
Crystal Township, Oceana County  
Cunning Township, Ogemaw County  
Dafter Township, Chippewa County  
Daggett Township, Menominee County  
Day Township, Montcalm County  
De Tour Township, Chippewa County  
Decatur Township, Van Buren County  
Deerfield Township, Mecosta County  
Delaware Township, Sanilac County  
Denver Township, Newaygo County  
Douglass Township, Montcalm County  
Dover Township, Lake County  
Dover Township, Lenawee County  
Dover Township, Otsego County  
Doyle Township, Schoolcraft County  
Duncan Township, Houghton County  
Duplain Township, Clinton County  
Dwight Township, Huron County  
Echo Township, Antrim County  
Eckford Township, Calhoun County  
Eden Township, Mason County  
Elba Township, Gratiot County  
Elbridge Township, Oceana County  
Elk Township, Lake County  
Ellington Township, Tuscola County  
Ellis Township, Cheboygan County  
Ellsworth Township, Lake County  
Elm River Township, Houghton County  
Elmer Township, Sanilac County  
Elmwood Township, Tuscola County  
Emerson Township, Gratiot County  
Ensley Township, Newaygo County  
Enterprise Township, Missaukee County  
Erwin Township, Gogebic County  
Essex Township, Clinton County  
Evangeline Township, Charlevoix County  
Everett Township, Newaygo County  
Evergreen Township, Sanilac County  
Ewing Township, Marquette County  
Fairfield Township, Lenawee County  
Fairfield Township, Shiawassee County  
Fairhaven Township, Huron County  
Ferris Township, Montcalm County  
Ferry Township, Oceana County  
Fife Lake Township, Grand Traverse County  
Fillmore Township, Allegan County  
Flynn Township, Sanilac County  
Forrest Township, Missaukee County  
Forester Township, Sanilac County  
Fork Township, Mecosta County  
Franklin Township, Houghton County  
Free Soil Township, Mason County  
Fremont Township, Isabella County  
Freemont Township, Saginaw County  
Fremont Township, Tuscola County  
Friendship Township, Emmet County  
Fulton Township, Gratiot County  
Galien Township, Berrien County  
Garden Township, Delta County  
Garfield Township, Kalkaska County  
Garfield Township, Mackinac County  
Geneva Township, Midland County  
Geneva Township, Van Buren County  
Germfask Township, Schoolcraft County  
Gilead Township, Branch County  
Gilford Township, Tuscola County  
Girard Township, Branch County  
Goodar Township, Ogemaw County  
Goodwell Township, Newaygo County  
Gore Township, Huron County  
Grant Township, Grand Traverse County  
Grant Township, Huron County  
Grant Township, Mason County  
Grant Township, Newaygo County  
Grant Township, St. Clair County  
Green Township, Mecosta County  
Greenbush Township, Clinton County  
Greendale Township, Midland County  
Greenland Township, Ontonagon County  
Greenwood Township, Clare County  
Greenwood Township, Oceana County  
Greenwood Township, St. Clair County  
Greenwood Township, Wexford County  
Gustin Township, Alcona County  
Hagar Township, Berrien County  
Haight Township, Ontonagon County  
Hamilton Township, Clare County  
Hamilton Township, Gratiot County  
Hamilton Township, Van Buren County  
Hancock Township, Houghton County  
Hanover Township, Wexford County  
Harris Township, Menominee County  
Hart Township, Oceana County  
Hartwick Township, Osceola County  
Haynes Township, Alcona County  
Henderson Township, Wexford County  
Hendricks Township, Mackinac County  
Hinton Township, Mecosta County  
Holland Township, Missaukee County  
Home Township, Montcalm County  
Home Township, Newaygo County  
Homestead Township, Benzie County  
Hopkins Township, Allegan County  
Hudson Township, Lenawee County  
Hudson Township, Mackinac County  
Hulbert Township, Chippewa County  
Huron Township, Huron County  
Inlay Township, Lapeer County  
Indianfields Township, Tuscola County  
Ingallston Township, Menominee County  
Ingham Township, Ingham County  
Inland Township, Benzie County  
Interior Township, Ontonagon County  
Inwood Township, Schoolcraft County  
Ionia Township, Ionia County  
Iosco Township, Livingston County  
Iron River Township, Iron County  
Ironwood Township, Gogebic County  
Irving Township, Barry County  
Jamestown Township, Ottawa County  
Jasper Township, Midland County  
Jefferson Township, Cass County  
Jordan Township, Antrim County  
Joyfield Township, Benzie County  
Kearney Township, Antrim County  
Keeler Township, Van Buren County  
Keene Township, Ionia County  
Kinderhook Township, Branch County  
Kingston Township, Tuscola County  
Kinross Township, Chippewa County  
Klacking Township, Ogemaw County  
Koylton Township, Tuscola County  
La Grange Township, Cass County  
Laird Township, Houghton County  
Lake Township, Berrien County  
Lake Township, Huron County  
Lake Township, Menominee County  
Lake Township, Missaukee County  
Lakefield Township, Luce County  
Lamotte Township, Sanilac County  
Lanse Township, Baraga County  
Lawrence Township, Van Buren County  
Leavitt Township, Oceana County  
Lee Township, Allegan County  
Lee Township, Calhoun County  
Leelanau Township, Leelanau County  
Leighton Township, Allegan County  
Leonidas Township, St Joseph County  
Lexington Township, Sanilac County  
Liberty Township, Wexford County  
Limestone Township, Alger County  
Lincoln Township, Arenac County  
Lincoln Township, Huron County  
Lincoln Township, Isabella County  
Lincoln Township, Newaygo County  
Lincoln Township, Osceola County  
Litchfield Township, Hillsdale County  
Logan Township, Ogemaw County  
Long Rapids Township, Alpena County  
Loud Township, Montmorency County  
Lyons Township, Ionia County  
Manistique Township, Schoolcraft County  
Maple Forest Township, Crawford County  
Maple Grove Township, Manistee County  
Maple Ridge Township, Delta County  
Maple River Township, Emmet County  
Marengo Township, Calhoun County  
Marenisco Township, Gogebic County  
Marilla Township, Manistee County  
Marion Township, Osceola County  
Marion Township, Saginaw County  
Marion Township, Sanilac County  
Marquette Township, Mackinac County  
Marshall Township, Calhoun County  
Martin Township, Allegan County  
Matteson Township, Branch County  
Mayfield Township, Grand Traverse County  
McKinley Township, Emmet County  
McMillan Township, Ontonagon County  
Meade Township, Huron County  
Medina Township, Lenawee County  
Mellen Township, Menominee County  
Mendon Township, St. Joseph County  
Mentor Township, Oscoda County  
Merrill Township, Newaygo County  
Myer Township, Menominee County  
Middle Branch Township, Osceola County  
Middlebury Township, Shiawassee County  
Millbrook Township, Mecosta County  
Minden Township, Sanilac County  
Moffatt Township, Arenac County  
Molke Township, Presque Isle County  
Montcalm Township, Montcalm County  
Monterey Township, Allegan County  
Montmorency Township, Montmorency County  
Moore Township, Sanilac County  
Moran Township, Mackinac County  
Morton Township, Mecosta County  
Moscow Township, Hillsdale County

Mount Forest Township, Bay County  
 Mueller Township, Schoolcraft County  
 Mullet Township, Cheboygan County  
 Munro Township, Cheboygan County  
 Mussey Township, St. Clair County  
 Nadeau Township, Menominee County  
 New Haven Township, Gratiot County  
 New Haven Township, Shiawassee County  
 Newark Township, Gratiot County  
 Newberg Township, Cass County  
 Newton Township, Calhoun County  
 Newton Township, Mackinac County  
 Noble Township, Branch County  
 North Allis Township, Presque Isle County  
 North Plains Township, Ionia County  
 North Shade Township, Gratiot County  
 North Star Township, Gratiot County  
 Norwich Township, Missaukee County  
 Norwich Township, Newaygo County  
 Norwood Township, Charlevoix County  
 Nunda Township, Cheboygan County  
 Odessa Township, Ionia County  
 Ogden Township, Lenawee County  
 Oliver Township, Kalkaska County  
 Onekama Township, Mainstee County  
 Ontonagon Township, Ontonagon County  
 Orange Township, Ionia County  
 Osceola Township, Houghton County  
 Osceola Township, Osceola County  
 Ossineke Township, Alpena County  
 Otto Township, Oceana County  
 Overisel Township, Allegan County  
 Ovid Township, Branch County  
 Palmyra Township, Lenawee County  
 Paradise Township, Grand Traverse County  
 Paris Township, Huron County  
 Parma Township, Jackson County  
 Penn Township, Cass County  
 Pentwater Township, Oceana County  
 Pickford Township, Chippewa County  
 Pioneer Township, Missaukee County  
 Pipestone Township, Berrien County  
 Pittsford Township, Hillsdale County  
 Platte Township, Benzie County  
 Pleasant Plains Township, Leelanau County  
 Pokagon Township, Cass County  
 Port Austin Township, Huron County  
 Portage Township, Houghton County  
 Portage Township, Mackinac County  
 Porter Township, Midland County  
 Posen Township, Presque Isle County  
 Prairie Ronde Township, Kalamazoo County  
 Pulaski Township, Jackson County  
 Ransom Township, Hillsdale County  
 Reno Township, Iosco County  
 Republic Township, Marquette County  
 Reynolds Township, Montcalm County  
 Richland Township, Missaukee County  
 Richland Township, Ogemaw County  
 Richmond Township, Osceola County  
 Riverton Township, Mason County  
 Robinson Township, Ottawa County  
 Rock River Township, Alger County  
 Rogers Township, Presque Isle County  
 Rolland Township, Isabella County  
 Rome Township, Lenawee County  
 Roxand Township, Eaton County  
 Royalton Township, Berrien County  
 Rudyard Township, Chippewa County  
 Rush Township, Shiawassee County  
 Rust Township, Montmorency County  
 Sand Beach Township, Huron County  
 Sanilac Township, Sanilac County  
 Saugatuck Township, Allegan County  
 Schoolcraft Township, Houghton County  
 Scipio Township, Hillsdale County

Sebewa Township, Ionia County  
 Sebewaing Township, Huron County  
 Selma Township, Wexford County  
 Seneca Township, Lenawee County  
 Sheridan Township, Calhoun County  
 Sheridan Township, Clare County  
 Sheridan Township, Huron County  
 Sheridan Township, Mason County  
 Sheridan Township, Mecosta County  
 Sheridan Township, Newaygo County  
 Sherman Township, Huron County  
 Sherman Township, Iosco County  
 Sherman Township, Keweenaw County  
 Sidney Township, Montcalm County  
 Sigel Township, Cass County  
 Silver Creek Township, Cass County  
 Skandia Township, Marquette County  
 Sodus Township, Berrien County  
 Solon Township, Leelanau County  
 South Branch Township, Wexford County  
 Spalding Township, Menominee County  
 Speaker Township, Sanilac County  
 Springfield Township, Kalkaska County  
 Springfield Township, Wexford County  
 Stambaugh Township, Iron County  
 Standish Township, Arenac County  
 Stannard Township, Ontonagon County  
 Stanton Township, Houghton County  
 Stronach Township, Manistee County  
 Sugar Island Township, Chippewa County  
 Summerfield Township, Clare County  
 Summit Township, Mason County  
 Superior Township, Chippewa County  
 Sweetwater Township, Lake County  
 Sylvan Township, Osceola County  
 Tekonsha Township, Calhoun County  
 Tilden Township, Marquette County  
 Torch Lake Township, Houghton County  
 Trout Lake Township, Chippewa County  
 Troy Township, Newaygo County  
 Turner Township, Arenac County  
 Tyrone Township, Kent County  
 Union Township, Branch County  
 Valley Township, Allegan County  
 Vernon Township, Isabella County  
 Verona Township, Huron County  
 Volinia Township, Cass County  
 Wakefield Township, Gogebic County  
 Walton Township, Eaton County  
 Washington Township, Gratiot County  
 Watersmeet Township, Gogebic County  
 Watertown Township, Tuscola County  
 Watervliet Township, Berrien County  
 Watson Township, Allegan County  
 Waucedah Township, Dickinson County  
 Waverly Township, Cheboygan County  
 Waverly Township, Van Buren County  
 Wawatam Township, Emmet County  
 Wayne Township, Cass County  
 Weare Township, Oceana County  
 Webber Township, Lake County  
 Weesaw Township, Berrien County  
 Weldon Township, Benzie County  
 Wellington Township, Alpena County  
 Wells Township, Tuscola County  
 West Branch Township, Dickinson County  
 West Branch Township, Missaukee County  
 West Branch Township, Ogemaw County  
 Wheatland Township, Mecosta County  
 Wheatland Township, Sanilac County  
 White Oak Township, Ingham County  
 White River Township, Muskegon County  
 Wilmot Township, Cheboygan County  
 Wilson Township, Alpena County  
 Wilson Township, Charlevoix County  
 Winsor Township, Huron County

Winterfield Township, Clare County  
 Wise Township, Isabella County  
 Woodbridge Township, Hillsdale County  
 Worth Township, Sanilac County  
 Wright Township, Hillsdale County  
 Yates Township, Lake County

#### New Hampshire

Acworth Town, Sullivan County  
 Albany Town, Carroll County  
 Antrim Town, Hillsborough County  
 Ashland Town, Grafton County  
 Bennington Town, Hillsborough County  
 Benton Town, Grafton County  
 Boscawen Town, Merrimack County  
 Bristol Town, Grafton County  
 Brookfield Town, Carroll County  
 Canaan Town, Grafton County  
 Clarksville Town, Coos County  
 Colesbrook Town, Coos County  
 Dalton Town, Coos County  
 Danville Town, Rockingham County  
 Easton Town, Grafton County  
 Farmington Town, Strafford County  
 Freedom Town, Carroll County  
 Goshen Town, Sullivan County  
 Grafton Town, Grafton County  
 Haverhill Town, Grafton County  
 Henniker Town, Merrimack County  
 Lancaster Town, Coos County  
 Landaff Town, Grafton County  
 Lempster Town, Sullivan County  
 Lisbon Town, Grafton County  
 Lyman Town, Grafton County  
 Madison Town, Carroll County  
 Middleton Town, Stafford County  
 Newington Town, Rockingham County  
 Newmarket Town, Rockingham County  
 Newport Town, Sullivan County  
 Northumberland Town, Coos County  
 Piermont Town, Grafton County  
 Rindge Town, Cheshire County  
 Roxbury Town, Cheshire County  
 Shelbourne Town, Coos County  
 Stark Town, Coos County  
 Stewartstown Town, Coos County  
 Stratford Town, Coos County  
 Sullivan Town, Cheshire County  
 Tamworth Town, Carroll County  
 Thornton Town, Grafton County  
 Troy Town, Cheshire County  
 Unity Town, Sullivan County  
 Wakefield Town, Carroll County  
 Warren Town, Grafton County  
 Wolfeboro Town, Carroll County

#### New Jersey

Bass River, Burlington County  
 Commercial Township, Cumberland County  
 Cranbury Township, Middlesex County  
 Downe Township, Cumberland County  
 Eaglewood Township, Ocean County  
 Fairfield Township, Cumberland County  
 Frelinghuysen Township, Warren County  
 Greenwich Township, Cumberland County  
 Hainesport Township, Burlington County  
 Hillside Township, Union County  
 Lafayette Township, Sussex County  
 Lawrence Township, Cumberland County  
 Lower Alloways Creek Township, Salem County  
 Mannington Township, Salem County  
 Middle Township, Cape May County  
 Mount Holly Township, Burlington County  
 Mullica Township, Atlantic County  
 Neptune Township, Monmouth County

North Bergen Township, Hudson County  
 North Hanover Township, Burlington County  
 Oldmans Township, Salem County  
 Pahaquarry Township, Warren County  
 Pennsauken Township, Camden County  
 Pittsgrove Township, Salem County  
 Plumsted Township, Ocean County  
 Riverside Township, Burlington County  
 Shrewsbury Township, Monmouth County  
 South Harrison Township, Gloucester County  
 Upper Pittsgrove Township, Salem County  
 Washington Township, Burlington County  
 Weehawken Township, Hudson County  
 Weymouth Township, Atlantic County  
 Woolwich Township, Gloucester County

#### New York

Addison Town, Steuben County  
 Albion Town, Oswego County  
 Alexandria Town, Jefferson County  
 Alma Town, Allegany County  
 Almond Town, Allegany County  
 Altamont Town, Franklin County  
 Altona Town, Clinton County  
 Amboy Town, Oswego County  
 Amenia Town, Dutchess County  
 Andover Town, Allegany County  
 Antwerp Town, Jefferson County  
 Arcadia Town, Wayne County  
 Arkwright Town, Chautauqua County  
 Ashford Town, Cattaraugus County  
 Ashland Town, Chemung County  
 Ashland Town, Greene County  
 Au Sable, Clinton County  
 Austerlitz Town, Columbia County  
 Avoca Town, Steuben County  
 Bainbridge Town, Chenango County  
 Bangor Town, Franklin County  
 Barre Town, Orleans County  
 Barrington Town, Yates County  
 Barton Town, Tioga County  
 Bath Town, Steuben County  
 Belfast Town, Allegany County  
 Belmont Town, Franklin County  
 Benton Town, Yates County  
 Black Brook Town, Clinton County  
 Blenheim Town, Schoharie County  
 Bolton, Town Warren County  
 Bombay Town, Franklin County  
 Boylston Town, Oswego County  
 Bradford Town, Steuben County  
 Brandon Town, Franklin County  
 Brant Town, Erie County  
 Brasher Town, St. Lawrence County  
 Bristol Town, Ontario County  
 Brookfield Town, Madison County  
 Broome Town, Schoharie County  
 Brunswick Town, Rensselaer County  
 Burns Town, Allegany County  
 Butler Town, Wayne County  
 Butternuts Town, Otsego County  
 Callicoon Town, Sullivan County  
 Camden Town, Oneida County  
 Canajoharie Town, Montgomery County  
 Candor Town, Tioga County  
 Caneadea Town, Allegany County  
 Canisted Town, Steuben County  
 Cape Vincent Town, Jefferson County  
 Carlton Town, Orleans County  
 Carrollton Town, Cattaraugus County  
 Cato Town, Cayuga County  
 Caton Town, Steuben County  
 Champion Town, Jefferson County  
 Champlain Town, Clinton County  
 Charleston Town, Montgomery County  
 Charlotte Town, Chautauqua County

Chateaugay Town, Franklin County  
 Chatham Town, Columbia County  
 Chazy Town, Clinton County  
 Cherry Creek Town, Chautauqua County  
 Cherry Valley Town, Otsego County  
 Chester Town, Warren County  
 Chesterfield Town, Essex County  
 Clare Town, St. Lawrence County  
 Clarksville Town, Allegany County  
 Clayton Town, Jefferson County  
 Clermont Town, Columbia County  
 Clifton Town, St. Lawrence County  
 Clifton Town, Clifton County  
 Cochection Town, Sullivan County  
 Colchester Town, Delaware County  
 Coldspring Town, Cattaraugus County  
 Colesville Town, Broome County  
 Collins Town, Erie County  
 Colton Town, St. Lawrence County  
 Columbia Town, Herkimer County  
 Conesus Town, Livingston County  
 Conesville Town, Schoharie County  
 Conewango Town, Cattaraugus County  
 Conquest Town, Cayuga County  
 Constable Town, Franklin County  
 Corinth Town, Saratoga County  
 Cronic Town, Steuben County  
 Coventry Town, Chenango County  
 Croghan Town, Lewis County  
 Crown Point Town, Essex County  
 Cuyler Town, Cortland County  
 Danby Town, Tompkins County  
 Dansville Town, Steuben County  
 Day Town, Saratoga County  
 Dayton Town, Cattaraugus County  
 De Kalb Town, St. Lawrence County  
 Decatur Town, Otsego County  
 Denmark Town, Lewis County  
 Denning Town, Ulster County  
 Deposit Town, Delaware County  
 Dickinson Town, Franklin County  
 Dix Town, Schuyler County  
 Dover Town, Dutchess County  
 Daune Town, Franklin County  
 Dunkirk Town, Chautauqua County  
 Durham Town, Greene County  
 East Otto Town, Cattaraugus County  
 Easton Town, Washington County  
 Edmeston Town, Otsego County  
 Edwards Town, St. Lawrence County  
 Elizabethtown Town, Essex County  
 Ellenburg Town, Clinton County  
 Ellicott Town, Chautauqua County  
 Ellicottville Town, Cattaraugus County  
 Ellington Town, Chautauqua County  
 Ellisburg Town, Jefferson County  
 Esopus Town, Ulster County  
 Esperance Town, Schoharie County  
 Essex Town, Essex County  
 Exeter Town, Otsego County  
 Fallsburg Town, Sullivan County  
 Farmersville Town, Cattaraugus County  
 Fayette Town, Seneca County  
 Fine Town, St. Lawrence County  
 Florence Town, Oneida County  
 Forestport Town, Oneida County  
 Fort Covington Town, Franklin County  
 Fowler Town, St. Lawrence County  
 Frankfort Town, Herkimer County  
 Franklin Town, Delaware County  
 Franklin Town, Franklin County  
 Freedom Town, Cattaraugus County  
 Freetown Town, Cortland County  
 Fremont Town, Steuben County  
 French Creek Town, Chautauqua County  
 Friendship Town, Allegany County

Galen Town, Wayne County  
 Geddes Town, Onondaga County  
 Genesee Falls Town, Wyoming County  
 Genesee Town, Allegany County  
 Genoa Town, Cayuga County  
 Georgetown, Town, Madison County  
 German Flatts Town, Herkimer County  
 Germantown Town, Columbia County  
 Gilboa Town, Schoharie County  
 Glen Town, Montgomery County  
 Gorham Town, Ontario County  
 Gouverneur Town, St. Lawrence County  
 Grafton Town, Rensselaer County  
 Granger Town, Allegany County  
 Granville Town, Washington County  
 Green Island Town, Albany County  
 Greenville Town, Greene County  
 Greenwich Town, Washington County  
 Greenwood Town, Steuben County  
 Groton Town, Tompkins County  
 Grove Town, Allegany County  
 Guilford Town, Chenango County  
 Hague Town, Warren County  
 Hamden Town, Delaware County  
 Hamilton Town, Madison County  
 Hammond Town, St. Lawrence County  
 Hampton Town, Washington County  
 Hancock Town, Delaware County  
 Hardenbergh Town, Ulster County  
 Harford Town, Cortland County  
 Harpersfield Town, Delaware County  
 Harrietstown Town, Franklin County  
 Harrisburg Town, Lewis County  
 Hartsville Town, Steuben County  
 Hartwick Town, Otsego County  
 Hebron Town, Washington County  
 Herkimer Town, Herkimer County  
 Hermon Town, St. Lawrence County  
 Highland Town, Sullivan County  
 Homer Town, Cortland County  
 Hoosick Town, Rensselaer County  
 Hopewell Town, Ontario County  
 Hornells Ville Town, Steuben County  
 Howard Town, Steuben County  
 Hume Town, Allegany County  
 Humphrey Town, Cattaraugus County  
 Huron Town, Wayne County  
 Inlet Town, Hamilton County  
 Ira Town, Cayuga County  
 Ischua Town, Cattaraugus County  
 Italy Town, Yates County  
 Jasper Town, Steuben County  
 Jay Town, Essex County  
 Jefferson Town, Schoharie County  
 Jewett Town, Greene County  
 Johnsbury Town, Warren County  
 Junius Town, Seneca County  
 Kingsbury Town, Washington County  
 Knox Town, Albany County  
 Kortright Town, Delaware County  
 Lake George Town, Warren County  
 Lake Luzerne Town, Warren County  
 Lapeer Town, Cortland County  
 Lawrence Town, St. Lawrence County  
 Le Ray Town, Jefferson County  
 Leicester Town, Livingston County  
 Leon Town, Cattaraugus County  
 Lewis Town, Lewis County  
 Lexington Town, Greene County  
 Leyden Town, Lewis County  
 Lincklaen Town, Chenango County  
 Lisbon Town, St. Lawrence County  
 Lisle Town, Broome County  
 Litchfield Town, Herkimer County  
 Little Falls Town, Herkimer County

Locke Town, Cayuga County  
 Lodi Town, Seneca County  
 Long Lake Town, Hamilton County  
 Lorraine Town, Jefferson County  
 Lowville Town, Lewis County  
 Lyndon Town, Cattaraugus County  
 Lyons Town, Wayne County  
 Machias Town, Cattaraugus County  
 Madrid Town, St. Lawrence County  
 Malone Town, Franklin County  
 Manheim Town, Herkimer County  
 Mansfield Town, Cattaraugus County  
 Martinsburg Town, Lewis County  
 Maryland Town, Otsego County  
 Masonville Town, Delaware County  
 Massena Town, St. Lawrence County  
 McDonough Town, Chenango County  
 Mexico Town, Oswego County  
 Middlebury Town, Wyoming County  
 Middlefield Town, Otsego County  
 Middletown Town, Delaware County  
 Milan Town, Dutchess County  
 Milford Town, Otsego County  
 Milo Town, Yates County  
 Minerva Town, Essex County  
 Moira Town, Franklin County  
 Montezuma Town, Cayuga County  
 Montour Town, Schuyler County  
 Mooers Town, Clinton County  
 Moriah Town, Essex County  
 Morris Town, Otsego County  
 Morristown Town, St. Lawrence County  
 Mount Hope Town, Orange County  
 Mount Morris Town, Livingston County  
 Naples Town, Ontario County  
 Napoli Town, Cattaraugus County  
 Nelson Town, Madison County  
 New Albion Town, Cattaraugus County  
 New Baltimore Town, Greene County  
 New Brehm Town, Lewis County  
 New Haven Town, Oswego County  
 New Hudson Town, Allegany County  
 New Lebanon Town, Columbia County  
 New Lisbon Town, Otsego County  
 Newcomb Town, Essex County  
 Newport Town, Herkimer County  
 Norfolk Town, St. Lawrence County  
 North Collins Town, Eire County  
 North Dansville Town, Livingston County  
 North Elba Town, Essex County  
 North Hudson Town, Essex County  
 Northampton Town, Fulton County  
 Ohio Town, Herkimer County  
 Oneonta Town, Otsego County  
 Oppenheim Town, Fulton County  
 Orleans Town, Jefferson County  
 Ossian Town, Livingston County  
 Oswegatchie Town, St. Lawrence County  
 Otselic Town, Chenango County  
 Oxford Town, Chenango County  
 Palatine Town, Montgomery County  
 Palermo Town, Oswego County  
 Paris Town, Oneida County  
 Pavilion Town, Genesee County  
 Perry Town, Wyoming County  
 Persia Town, Cattaraugus County  
 Peru Town, Clinton County  
 Petersburg Town, Rensselaer County  
 Philadelphia Town, Jefferson County  
 Pierrepoint Town, St. Lawrence County  
 Pike Town, Wyoming County  
 Pinckney Town, Lewis County  
 Pitcairn Town, St. Lawrence County  
 Pittsfield Town, Otsego County  
 Pittstown Town, Rensselaer County  
 Plainfield Town, Otsego County  
 Poestenkill Town, Rensselaer County  
 Pomfret Town, Chautauqua County  
 Portage Town, Livingston County  
 Portland Town, Chautauqua County  
 Potsdam Town, St. Lawrence County  
 Prattsburg Town, Steuben County  
 Prattsville Town, Greene County  
 Preston Town, Chenango County  
 Pulteney Town, Steuben County  
 Putnam Town, Washington County  
 Rathbone Town, Steuben County  
 Reading Town, Schuyler County  
 Rensselaerville Town, Albany County  
 Richfield Town, Otsego County  
 Richland Town, Oswego County  
 Ridgeway Town, Orleans County  
 Ripley Town, Chautauqua County  
 Rockland Town, Sullivan County  
 Rodman Town, Jefferson County  
 Romulus Town, Seneca County  
 Root Town, Montgomery County  
 Rose Town, Wayne County  
 Roseboom Town, Otsego County  
 Rosendale Town, Ulster County  
 Rossie Town, St. Lawrence County  
 Russell Town, St. Lawrence County  
 Rutland Town, Jefferson County  
 Rye Town, Westchester County  
 Salem Town, Washington County  
 Salisburgh Town, Herkimer County  
 Sandy Creek Town, Oswego County  
 Sanford Town, Broome County  
 Sangerfield Town, Oneida County  
 Saranac Town, Clinton County  
 Savannah Town, Wayne County  
 Scio Town, Allegany County  
 Scipio Town, Cayuga County  
 Sempronius Town, Cayuga County  
 Seneca Falls Town, Seneca County  
 Seneca Town, Ontario County  
 Seward Town, Schoharie County  
 Shandaken Town, Ulster County  
 Sharon Town, Schoharie County  
 Shelby Town, Orleans County  
 Sheridan Town, Chautauqua County  
 Sherman Town, Chautauqua County  
 Sidney Town, Delaware County  
 Smithfield Town, Madison County  
 Smyrna Town, Chenango County  
 Solon Town, Cortland County  
 South Valley Town, Cattaraugus County  
 Southport Town, Chemung County  
 Spafford Town, Onondaga County  
 Spencer Town, Tioga County  
 St. Johnsville Town, Montgomery County  
 Stamford Town, Delaware County  
 Stanford Town, Dutchess County  
 Sterling Town, Cayuga County  
 Steuben Town, Oneida County  
 Stockbridge Town, Madison County  
 Stockholm Town, St. Lawrence County  
 Stockton Town, Chautauqua County  
 Stony Creek Town, Warren County  
 Stratford Town, Fulton County  
 Summerhill Town, Cayuga County  
 Summit Town, Schoharie County  
 Taghkanic Town, Columbia County  
 Taylor Town, Cortland County  
 Theresa Town, Jefferson County  
 Thurman Town, Warren County  
 Ticonderoga Town, Essex County  
 Tioga Town, Tioga County  
 Tompkins Town, Delaware County  
 Triangle Town, Broome County  
 Troupsburg Town, Steuben County  
 Truxton Town, Cortland County  
 Turin Town, Lewis County  
 Tuscarora Town, Steuben County  
 Tyre Town, Seneca County  
 Ulysses Town, Tompkins County  
 Unadilla Town, Otsego County  
 Van Etten Town, Chemung County  
 Veteran Town, Chemung County  
 Victory Town, Cayuga County  
 Villenova Town, Chautauqua County  
 Waddington Town, St. Lawrence County  
 Wales Town, Erie County  
 Walton Town, Delaware County  
 Ward Town, Allegany County  
 Warren Town, Herkimer County  
 Warrensburg Town, Warren County  
 Watson Town, Lewis County  
 Waverly Town, Franklin County  
 Wawarsing Town, Ulster County  
 Wayne Town, Steuben County  
 Wells Town, Hamilton County  
 Wellsville Town, Allegany County  
 West Almond Town, Allegany County  
 West Sparta Town, Livingston County  
 West Turin Town, Lewis County  
 Westfield Town, Chautauqua County  
 Westport Town, Essex County  
 Westville Town, Franklin County  
 Wethersfield Town, Wyoming County  
 Wheeler Town, Steuben County  
 White Creek Town, Washington County  
 Whitehall Town, Washington County  
 Whitestown Town, Oneida County  
 Williamson Town, Wayne County  
 Willsboro Town, Essex County  
 Wilmington Town, Essex County  
 Wilna Town, Jefferson County  
 Windham Town, Greene County  
 Wirt Town, Allegany County  
 Wolcott Town, Wayne County  
 Woodhull Town, Steuben County  
 Worcester Town, Otsego County  
 Yorkshire Town, Cattaraugus County

#### Pennsylvania

Abbott Township, Potter County  
 Adams Township, Snyder County  
 Addison Township, Somerset County  
 Aleppo Township, Greene County  
 Allegheny Township, Butler County  
 Allegheny Township, Cambria County  
 Amity Township, Erie County  
 Amwell Township, Washington County  
 Annin Township, McKean County  
 Anthony Township, Lycoming County  
 Anthony Township, Montour County  
 Apolaccon Township, Susquehanna County  
 Arragh Township, Mifflin County  
 Asylum Township, Bradford County  
 Athens Township, Crawford County  
 Ayr Township, Fulton County  
 Banks Township, Carbon County  
 Banks Township, Indiana County  
 Bart Township, Lancaster County  
 Beaver Township, Jefferson County  
 Beaver Township, Snyder County  
 Beccaria Township, Clearfield County  
 Bedford Township, Bedford County  
 Bedminster Township, Bucks County  
 Belfast Township, Fulton County  
 Bell Township, Clearfield County  
 Benezette Township, Elk County  
 Benton Township, Lackawanna County  
 Berlin Township, Wayne County  
 Bethel Township, Armstrong County  
 Bethel Township, Fulton County  
 Bigler Township, Clearfield County  
 Bingham Township, Potter County

- Black Creek Township, Luzerne County  
 Black Township, Somerset County  
 Bloomfield Township, Bedford County  
 Bloomfield Township, Crawford County  
 Blythe Township, Schuylkill County  
 Boggs Township, Armstrong County  
 Boggs Township, Clearfield County  
 Bradford Township, Clearfield County  
 Brady Township, Clarion County  
 Brady Township, Clearfield County  
 Brady Township, Huntingdon County  
 Bradys Bend Township, Armstrong County  
 Braintrim Township, Wyoming County  
 Branch Township, Schuylkill County  
 Broad Top Township, Bedford County  
 Brookfield Township, Tioga County  
 Brothersvalley Township, Somerset County  
 Brown Township, Lycoming County  
 Brown Township, Mifflin County  
 Brownsville Township, Fayette County  
 Bullsken Township, Fayette County  
 Burlington Township, Bradford County  
 Burnside Township, Clearfield County  
 Barrell Township, Indiana County  
 Butler Township, Luzerne County  
 Butler Township, Schuylkill County  
 Cadogan Township, Armstrong County  
 Caernarvon Township, Lancaster County  
 Cambridge Township, Crawford County  
 Canaan Township, Wayne County  
 Canal Township, Venango County  
 Canoe Township, Indiana County  
 Canton Township, Bradford County  
 Canton Township, Washington County  
 Carbon Township, Huntingdon County  
 Carbondale Township, Lackawanna County  
 Cass Township, Huntingdon County  
 Cass Township, Schuylkill County  
 Cecil Township, Washington County  
 Center Township, Greene County  
 Center Township, Indiana County  
 Center Township, Snyder County  
 Chapman Township, Clinton County  
 Chapman Township, Snyder County  
 Charleston Township, Tioga County  
 Chartiers Township, Washington County  
 Chatham Township, Tioga County  
 Cherry Township, Butler County  
 Cherry Township, Sullivan County  
 Cherryhill Township, Indiana County  
 Cherrytree Township, Venango County  
 Chest Township, Clearfield County  
 Clara Township, Potter County  
 Clarion Township, Clarion County  
 Clearfield Township, Butler County  
 Clearfield Township, Cambria County  
 Cleveland Township, Columbia County  
 Clifford Township, Susquehanna County  
 Clinton Township, Butler County  
 Clinton Township, Venango County  
 Coal Township, Northumberland County  
 Cordrus Township, York County  
 Cogan House Township, Lycoming County  
 Colebrook Township, Clinton County  
 Colerain Township, Bedford County  
 Colerain Township, Lancaster County  
 Colley Township, Sullivan County  
 Columbia Township, Bradford County  
 Columbus Township, Warren County  
 Concord Township, Erie County  
 Conemaugh Township, Cambria County  
 Conemaugh Township, Indiana County  
 Conneaut Township, Crawford County  
 Connellsville Township, Fayette County  
 Conyngham Township, Columbia County  
 Conyngham Township, Luzerne County  
 Cooper Township, Clearfield County  
 Cooper Township, Montour County  
 Cornplanter Township, Venango County  
 Cowanshannock Township, Armstrong County  
 Cromwell Township, Huntingdon County  
 Cross Creek Township, Washington County  
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 Cummings Township, Lycoming County  
 Curtin Township, Centre County  
 Cussewago Township, Crawford County  
 Damascus Township, Wayne County  
 Davidson Township, Sullivan County  
 Dean Township, Cambria County  
 Decatur Township, Clearfield County  
 Decatur Township, Mifflin County  
 Deerfield Township, Tioga County  
 Deland Township, Schuylkill County  
 Denninson Township, Luzerne County  
 Derry Township, Mifflin County  
 Derry Township, Montour County  
 Derry Township, Westmoreland County  
 Dickinson Township, Cumberland County  
 Dimock Township, Susquehanna County  
 Donegal Township, Washington County  
 Dorrance Township, Luzerne County  
 Drumore Township, Lancaster County  
 Dublin Township, Fulton County  
 Dunbar Township, Fayette County  
 Dunkard Township, Greene County  
 Dyberry Township, Wayne County  
 East Bethlehem Township, Washington County  
 East Brunswick Township, Schuylkill County  
 East Cameron Township, Northumberland County  
 East Deer Township, Allegheny County  
 East Earl Township, Lancaster County  
 East Finley Township, Washington County  
 East Huntingdon Township, Westmoreland County  
 East Mahoning Township, Indiana County  
 East Norwegian Township, Schuylkill County  
 East Nottingham Township, Chester County  
 East Taylor Township, Cambria County  
 East Union Township, Schuylkill County  
 Eden Township, Lancaster County  
 Elder Township, Cambria County  
 Eldred Township, Jefferson County  
 Eldred Township, Lycoming County  
 Elk Lick Township, Somerset County  
 Elk Township, Warren County  
 Elkland Township, Sullivan County  
 Eulalia Township, Potter County  
 Fairfield Township, Crawford County  
 Fairfield Township, Westmoreland County  
 Fairhope Township, Somerset County  
 Fairmont Township, Luzerne County  
 Fallowfield Township, Washington County  
 Fannett Township, Franklin County  
 Farmington Township, Clarion County  
 Farmington Township, Tioga County  
 Farmington Township, Warren County  
 Fawn Township, Allegheny County  
 Fawn Township, York County  
 Fell Township, Lackawanna County  
 Fermanagh Township, Juniata County  
 Findley Township, Mercer County  
 Forks Township, Sullivan County  
 Forkston Township, Wyoming County  
 Forward Township, Allegheny County  
 Foster Township, McKean County  
 Foster Township, Schuylkill County  
 Fox Township, Elk County  
 Fox Township, Sullivan County  
 Frailey Township, Schuylkill County  
 Franklin Township, Carbon County  
 Franklin Township, Greene County  
 Freeport Township, Greene County  
 French Creek Township, Mercer County  
 Fulton Township, Lancaster County  
 Gaines Township, Tioga County  
 Gallitzin Township, Cambria County  
 Gaskill Township, Jefferson County  
 Georges Township, Fayette County  
 German Township, Fayette County  
 Gibson Township, Cameron County  
 Gibson Township, Susquehanna County  
 Gilmore Township, Greene County  
 Girard Township, Clearfield County  
 Glade Township, Warren County  
 Goshen Township, Clearfield County  
 Graham Township, Clearfield County  
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 Granville Township, Bradford County  
 Granville Township, Mifflin County  
 Gray Township, Greene County  
 Great Bend Township, Susquehanna County  
 Green Township, Forest County  
 Green Township, Indiana County  
 Greene Township, Clinton County  
 Greenfield Township, Blair County  
 Greenfield Township, Lackawanna County  
 Greenville Township, Somerset County  
 Greenwich Township, Berks County  
 Greenwood Township, Crawford County  
 Greenwood Township, Juniata County  
 Greenwood Township, Perry County  
 Gregg Township, Centre County  
 Grove Township, Cameron County  
 Gulich Township, Clearfield County  
 Haines Township, Centre County  
 Halfmoon Township, Centre County  
 Hamlin Township, McKean County  
 Hanover Township, Luzerne County  
 Harford Township, Susquehanna County  
 Harmony Township, Forest County  
 Harmony Township, Susquehanna County  
 Harrison Township, Bedford County  
 Harrison Township, Potter County  
 Hartley Township, Union County  
 Hector Township, Potter County  
 Hemlock Township, Columbia County  
 Henderson Township, Jefferson County  
 Henry Clay Township, Fayette County  
 Herrick Township, Bradford County  
 Herrick Township, Susquehanna County  
 Hickory Township, Lawrence County  
 Highland Township, Clarion County  
 Highland Township, Elk County  
 Homer Township, Potter County  
 Honey Brook Township, Chester County  
 Hopewell Township, Huntingdon County  
 Horton Township, Elk County  
 Hovey Township, Armstrong County  
 Huntingdon Township, Adams County  
 Huston Township, Blair County  
 Huston Township, Centre County  
 Huston Township, Clearfield County  
 Independence Township, Washington County  
 Jackson Township, Columbia County  
 Jackson Township, Greene County  
 Jackson Township, Huntingdon County  
 Jackson Township, Lycoming County  
 Jackson Township, Northumberland County  
 Jackson Township, Perry County  
 Jackson Township, Snyder County  
 Jackson Township, Susquehanna County  
 Jackson Township, Venango County  
 Jefferson Township, Fayette County  
 Jefferson Township, Greene County

- Jefferson Township, Mercer County  
 Jenks Township, Forest County  
 Jenner Township, Somerset County  
 Jessup Township, Susquehanna County  
 Jones Township, Elk County  
 Jordan Township, Clearfield County  
 Jordan Township, Lycoming County  
 Juniata Township, Huntingdon County  
 Juniata Township, Perry County  
 Karthaus Township, Clearfield County  
 Keating Township, McKean County  
 Kelly Township, Union County  
 Kimmel Township, Bedford County  
 King Township, Bedford County  
 Kittanning Township, Armstrong County  
 Kline Township, Schuylkill County  
 Knox Township, Clarion County  
 Knox Township, Clearfield County  
 Knox Township, Jefferson County  
 Lack Township, Juniata County  
 Lake Township, Mercer County  
 Laporte Township, Sullivan County  
 Larimer Township, Somerset County  
 Latimore Township, Adams County  
 Lawrence Township, Tioga County  
 Leacock Township, Lancaster County  
 Lebanon Township, Wayne County  
 Lehigh Township, Carbon County  
 Lehman Township, Pike County  
 Lemon Township, Wyoming County  
 Lenox Township, Susquehanna County  
 Leroy Township, Bradford County  
 Letterkenny Township, Franklin County  
 Lewis Township, Lycoming County  
 Lewis Township, Union County  
 Liberty Township, Bedford County  
 Liberty Township, Centre County  
 Liberty Township, McKean County  
 Liberty Township, Montour County  
 Licking Creek Township, Fulton County  
 Limestone Township, Clarion County  
 Limestone Township, Union County  
 Lincoln Township, Bedford County  
 Lincoln Township, Huntingdon County  
 Little Britain Township, Lancaster County  
 Little Mahanoy Township, Northumberland County  
 Liverpool Township, Perry County  
 Logan Township, Huntingdon County  
 Londonderry Township, Bedford County  
 Londonderry Township, Chester County  
 Lower Chanceford Township, York County  
 Lower Chichester Township, Delaware County  
 Lower Mifflin Township, Cumberland County  
 Lower Mount Bethel Township, Northampton County  
 Lower Turkeyfoot Township, Somerset County  
 Lower Tyrone Township, Fayette County  
 Lower Yoder Township, Cambria County  
 Lumber Township, Cameron County  
 Lurgan Township, Franklin County  
 Luzerne Township, Fayette County  
 Lykens Township, Dauphin County  
 Madison Township, Armstrong County  
 Madison Township, Clarion County  
 Mahanoy Township, Schuylkill County  
 Mahoning Township, Armstrong County  
 Mahoning Township, Montour County  
 Maiden Creek Township, Berks County  
 Mann Township, Bedford County  
 Manor Township, Armstrong County  
 Marion Township, Butler County  
 Marion Township, Centre County  
 McCalmont Township, Jefferson County  
 McIntyre Township, Lycoming County  
 McNett Township, Lycoming County  
 Mead Township, Warren County  
 Mehoopany Township, Wyoming County  
 Menallen Township, Adams County  
 Menallen Township, Fayette County  
 Menno Township, Mifflin County  
 Mercer Township, Butler County  
 Metal Township, Franklin County  
 Middle Smithfield Twp, Monroe County  
 Middlebury Township, Tioga County  
 Miles Township, Centre County  
 Milford Township, Juniata County  
 Mill Creek Township, Mercer County  
 Millcreek Township, Clarion County  
 Monongahela Township, Greene County  
 Monroe Township, Bedford County  
 Monroe Township, Bradford County  
 Monroe Township, Clarion County  
 Monroe Township, Wyoming County  
 Montgomery Township, Franklin County  
 Montgomery Township, Indiana County  
 Moreland Township, Lycoming County  
 Morgan Township, Greene County  
 Morris Township, Clearfield County  
 Morris Township, Greene County  
 Morris Township, Tioga County  
 Mount Carmel Township, Northumberland County  
 Mount Joy Township, Adams County  
 Mount Pleasant Township, Wayne County  
 Mount Pleasant Township, Westmoreland County  
 Napier Township, Bedford County  
 Nelson Township, Tioga County  
 Nescopeck Township, Luzerne County  
 New Milford Township, Susquehanna County  
 New Vernon Township, Mercer County  
 Newport Township, Luzerne County  
 Nicholson Township, Fayette County  
 Nicholson Township, Wyoming County  
 North Annville Township, Lebanon County  
 North Bethlehem Township, Washington County  
 North Center Township, Columbia County  
 North Franklin Township, Washington County  
 North Mahoning Township, Indiana County  
 North Shenango Twp, Crawford County  
 North Union Township, Fayette County  
 North Union Township, Schuylkill County  
 North Woodbury Township, Blair County  
 Northeast Madison Twp, Perry County  
 Northmoreland Township, Wyoming County  
 Norwich Township, McKean County  
 Noxen Township, Wyoming County  
 Noyes Township, Clinton County  
 Oakland Township, Butler County  
 Oakland Township, Susquehanna County  
 Ogle Township, Somerset County  
 Oil Creek Township, Crawford County  
 Ontelaunee Township, Berks County  
 Orwell Township, Bradford County  
 Osceola Township, Tioga County  
 Oswayo Township, Potter County  
 Otter Creek Township, Mercer County  
 Otto Township, McKean County  
 Overton Township, Bradford County  
 Paint Township, Somerset County  
 Paradise Township, Lancaster County  
 Parker Township, Butler County  
 Parks Township, Armstrong County  
 Penn Township, Centre County  
 Penn Township, Clearfield County  
 Penn Township, Huntingdon County  
 Penn Township, Perry County  
 Perry Township, Clarion County  
 Perry Township, Fayette County  
 Perry Township, Greene County  
 Perry Township, Jefferson County  
 Perry Township, Lawrence County  
 Perry Township, Snyder County  
 Peters Township, Franklin County  
 Piatt Township, Lycoming County  
 Pike Township, Potter County  
 Pine Creek Township, Jefferson County  
 Pine Township, Armstrong County  
 Pine Township, Columbia County  
 Pine Township, Indiana County  
 Pine Township, Lycoming County  
 Pinegrove Township, Venango County  
 Piney Township, Clarion County  
 Plain Grove Township, Lawrence County  
 Plains Township, Luzerne County  
 Pleasant Valley Township, Potter County  
 Plum Township, Venango County  
 Plumcreek Township, Armstrong County  
 Plunketts Creek Township, Lycoming County  
 Plymouth Township, Luzerne County  
 Point Township, Northumberland County  
 Portage Township, Cambria County  
 Portage Township, Potter County  
 Porter Township, Clarion County  
 Porter Township, Jefferson County  
 Porter Township, Schuylkill County  
 Potter Township, Centre County  
 President Township, Venango County  
 Preston Township, Wayne County  
 Pulaski Township, Beaver County  
 Putnam Township, Tioga County  
 Quincy Township, Franklin County  
 Randolph Township, Crawford County  
 Rayburn Township, Armstrong County  
 Rayne Township, Indiana County  
 Reade Township, Cambria County  
 Redbank Township, Armstrong County  
 Redbank Township, Clarion County  
 Redstone Township, Fayette County  
 Reed Township, Dauphin County  
 Reilly Township, Schuylkill County  
 Reserve Township, Allegheny County  
 Rice Township, Luzerne County  
 Richhill Township, Greene County  
 Richland Township, Clarion County  
 Richland Township, Venango County  
 Richmond Township, Crawford County  
 Richmond Township, Tioga County  
 Ringgold Township, Jefferson County  
 Rockefeller Township, Northumberland County  
 Rockland Township, Venango County  
 Rome Township, Brandford County  
 Rome Township, Crawford County  
 Roulette Township, Potter County  
 Rush Township, Centre County  
 Rush Township, Dauphin County  
 Rush Township, Schuylkill County  
 Rush Township, Susquehanna County  
 Rutland Township, Tioga County  
 Ryan Township, Schuylkill County  
 Sadsbury Township, Lancaster County  
 Salem Township, Clarion County  
 Salem Township, Mercer County  
 Salem Township, Wayne County  
 Salflick Township, Fayette County  
 Sandy Creek Township, Mercer County  
 Saville Township, Perry County  
 Schuylkill Township, Schuylkill County  
 Scott Township, Columbia County  
 Scott Township, Lackawanna County

Scott Township, Wayne County  
 Scrubgrass Township, Venango County  
 Sergeant Township, Mckean County  
 Sewickley Township, Westmoreland County  
 Shade Township, Somerset County  
 Sharon Township, Potter County  
 Sheffield Township, Warren County  
 Shenango Township, Lawrence County  
 Sheshequin Township, Bradford County  
 Shippen Township, Tioga County  
 Shirley Township, Huntingdon County  
 Shrewsbury Township, Lycoming County  
 Shrewsbury Township, Sullivan County  
 Smith Township, Washington County  
 Smithfield Township, Bradford County  
 Smithfield Township, Huntingdon County  
 Snake Spring Township, Bedford County  
 Snow Shoe Township, Centre County  
 Snyder Township, Blair County  
 South Bend Township, Armstrong County  
 South Canaan Township, Wayne County  
 South Fayette Township, Allegheny County  
 South Union Township, Fayette County  
 South Versailles Township, Allegheny County  
 South Woodbury Township, Bedford County  
 Southampton Township, Bedford County  
 Southampton Township, Somerset County  
 Sparta Township, Crawford County  
 Spring Creek Township, Elk County  
 Spring Creek Township, Warren County  
 Spring Township, Centre County  
 Spring Township, Crawford County  
 Springfield Township, Bradford County  
 Springfield Township, Fayette County  
 Springfield Township, Mercer County  
 Springhill Township, Fayette County  
 Springhill Township, Greene County  
 Springville Township, Susquehanna County  
 Spruce Creek Township, Huntingdon County  
 Spruce Hill Township, Juniata County  
 St Clair Township, Westmoreland County  
 Standing Stone Township, Bradford County  
 Steuben Township, Crawford County  
 Stevens Township, Bradford County  
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 Stowe Township, Allegheny County  
 Strasburg Township, Lancaster County  
 Sugar Grove Township, Mercer County  
 Sugar Grove Township, Warren County  
 Sargarcreek Township, Armstrong County  
 Sugarloaf Township, Columbia County  
 Sullivan Township, Tioga County  
 Summerhill Township, Cambria County  
 Summerhill Township, Crawford County  
 Summit Township, Crawford County  
 Summit Township, Potter County  
 Summit Township, Somerset County  
 Susquehanna Township, Cambria County  
 Susquehanna Township, Juniata County  
 Sweden Township, Potter County  
 Tell Township, Huntingdon County  
 Terry Township, Bradford County  
 Thompson Township, Fulton County  
 Thompson Township, Susquehanna County  
 Tioga Township, Tioga County  
 Toboys Township, Perry County  
 Toby Township, Clarion County  
 Tod Township, Huntingdon County  
 Todd Township, Fulton County  
 Towanda Township, Bradford County  
 Triumph Township, Warren County  
 Troy Township, Bradford County  
 Tuscarora Township, Juniata County  
 Tyrone Township, Adams County

Ulster Township, Bradford County  
 Union Township, Bedford County  
 Union Township, Centre County  
 Union Township, Clearfield County  
 Union Township, Huntingdon County  
 Union Township, Jefferson County  
 Union Township, Lawrence County  
 Union Township, Mifflin County  
 Union Township, Schuylkill County  
 Union Township, Snyder County  
 Union Township, Tioga County  
 Union Township, Union County  
 Union Township, Westmoreland County  
 Upper Fairfield Township, Lycoming County  
 Upper Frederick Township, Montgomery County  
 Upper Mahandy Township, Northumberland County  
 Upper Mahantonga Township, Schuylkill County  
 Upper Mifflin Township, Cumberland County  
 Upper Oxford Township, Chester County  
 Upper Turkey Foot Township, Somerset County  
 Upper Tyrone Township, Fayette County  
 Venango Township, Erie County  
 Walker Township, Juniata County  
 Warren Township, Bradford County  
 Warren Township, Franklin County  
 Warsaw Township, Jefferson County  
 Washington Township, Armstrong County  
 Washington Township, Butler County  
 Washington Township, Dauphin County  
 Washington Township, Fayette County  
 Washington Township, Indiana County  
 Washington Township, Northumberland County  
 Washington Township, Snyder County  
 Washington Township, Wyoming County  
 Washington Township, York County  
 Watson Township, Warren County  
 Watts Township, Perry County  
 Wayne Township, Armstrong County  
 Wayne Township, Greene County  
 Wayne Township, Mifflin County  
 Wells Township, Bradford County  
 West Bethlehem Township, Washington County  
 West Branch Township, Potter County  
 West Buffalo Township, Union County  
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 West Carroll Township, Cambria County  
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 Wouthwest Madison Township, Perry County  
 Wyox Township, Bradford County  
 Young Township, Indiana County  
 Young Township, Jefferson County  
 Zerbe Township, Northumberland County

#### Rhode Island

New Shoreham Town, Washington County  
 South Kingstown Town, Washington County  
 Warren Town, Bristol County

#### Vermont

Addison Town, Addison County  
 Albany Town, Orleans County  
 Alburg Town, Grand Isle County  
 Arlington Town, Bennington County  
 Athens Town, Windham County  
 Bakersfield Town, Franklin County  
 Barnard Town, Windsor County  
 Baret Town, Caledonia County  
 Barton Town, Orleans County  
 Belvidere Town, Lamoille County  
 Bennington Town, Bennington County  
 Berkshire Town, Franklin County  
 Bethel Town, Windsor County  
 Bloomfield Town, Essex County  
 Braintree Town, Orange County  
 Brattleboro Town, Windham County  
 Bridgewater Town, Windsor County  
 Brighton Town, Essex County  
 Brookfield Town, Orange County  
 Brownington Town, Orleans County  
 Burke Town, Caledonia County  
 Cabot Town, Washington County  
 Cambridge Town, Lamoille County  
 Canaan Town, Essex County  
 Chelsea Town, Orange County  
 Chester Town, Windsor County  
 Chittenden Town, Rutland County  
 Clarendon Town, Rutland County  
 Concord Town, Essex County  
 Corinth Town, Orange County  
 Cornwall Town, Addison County  
 Craftsbury Town, Orleans County  
 Danby Town, Rutland County  
 Berby Town, Orleans County  
 Dorset Town, Bennington County  
 Dummerston Town, Windham County  
 Eden Town, Lamoille County  
 Endsbury Town, Franklin County  
 Fair Haven Town, Rutland County  
 Fairfield Town, Franklin County  
 Farrisburg Town, Addison County  
 Fletcher Town, Franklin County  
 Franklin Town, Franklin County  
 Glover Town, Orleans County  
 Grafton Town, Windham County  
 Greensboro Town, Orleans County

Groton Town, Caledonia County  
 Hardwick Town, Caledonia County  
 Highgate Town, Franklin County  
 Huntington Town, Chittenden County  
 Hyde Park Town, Lamoille County  
 Irasburg Town, Orleans County  
 Isle La Motte Town, Grand Isle County  
 Lincoln Town, Addison County  
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 Lowell Town, Orleans County  
 Ludlow Town, Windsor County  
 Lunenburg Town, Essex County  
 Manchester Town, Bennington County  
 Middletown Springs Town, Rutland County  
 Monkton Town, Addison County  
 Montgomery Town, Franklin County  
 Moretown Town, Washington County  
 Morristown Town, Lamoille County  
 Newark Town, Caledonia County  
 Newbury Town, Orange County  
 Newfane Town, Windham County  
 Newport Town, Orleans County  
 Norton Town, Essex County  
 Orwell Town, Addison County  
 Pawlet Town, Rutland County  
 Pittsfield Town, Rutland County  
 Plainfield Town, Washington County  
 Plymouth Town, Windsor County  
 Poultney Town, Rutland County  
 Pownal Town, Bennington County  
 Proctor Town, Rutland County  
 Putney Town, Windham County  
 Readsboro Town, Bennington County  
 Richford Town, Franklin County  
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 Roxbury Town, Washington County  
 Royalton Town, Windsor County  
 Rupert Town, Bennington County

Ryegate Town, Caledonia County  
 Shaftsbury Town, Bennington County  
 Sheffield Town, Caledonia County  
 Sheldon Town, Franklin County  
 Shoreham Town, Addison County  
 Springfield Town, Windsor County  
 St. Johnsbury Town, Caledonia County  
 Starksboro Town, Addison County  
 Stockbridge Town, Windsor County  
 Sudbury Town, Rutland County  
 Sunderland Town, Bennington County  
 Sutton Town, Caledonia County  
 Swanton Town, Franklin County  
 Tinmouth Town, Rutland County  
 Topsham Town, Orange County  
 Troy Town, Orleans County  
 Tunbridge Town, Orange County  
 Vershire Town, Orange County  
 Victory Town, Essex County  
 Waitsfield Town, Washington County  
 Walden Town, Caledonia County  
 Wallingford Town, Rutland County  
 Waterbury Town, Washington County  
 Waterford Town, Caledonia County  
 Waterville Town, Lamoille County  
 West Fairlee Town, Orange County  
 West Haven Town, Rutland County  
 West Windsor Town, Windsor County  
 Westfield Town, Orleans County  
 Weston Town, Windsor County  
 Wheelock Town, Caledonia County  
 Whiting Town, Addison County  
 Windsor Town, Windsor County  
 Wolcott Town, Lamoille County  
 Woodbury Town, Washington County

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 Aguada Municipio      Aguas Buenas Municipio

Albonito Municipio  
 Anasco Municipio  
 Arecibo Municipio  
 Arroyo Municipio  
 Barceloneta Municipio  
 Barranquitas Municipio  
 Cabo Rojo Municipio  
 Camuy Municipio  
 Catano Municipio  
 Cayey Municipio  
 Ceiba Municipio  
 Ciales Municipio  
 Cidra Municipio  
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 Fajardo Municipio  
 Guanica Municipio  
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 Juana Diaz Municipio  
 Juncos Municipio  
 Lajas Municipio  
 Lares Municipio  
 Las Marias Municipio

Las Piedras Municipio  
 Loiza Municipio  
 Luquillo Municipio  
 Manati Municipio  
 Maricao Municipio  
 Maunabo Municipio  
 Moca Municipio  
 Morovis Municipio  
 Naguabo Municipio  
 Naranjito Municipio  
 Orocovis Municipio  
 Patillas Municipio  
 Penuelas Municipio  
 Quebradillas Municipio  
 Rincon Municipio  
 Rio Grande Municipio  
 Sabana Grande  
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 Salinas Municipio  
 San German Municipio  
 San Lorenzo Municipio  
 San Sebastian Municipio  
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 Vega Baja Municipio  
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 Villaalba Municipio  
 Yabucoa Municipio  
 Yauco Municipio

Issued at Washington, D.C. April 1, 1981.

**Donald G. Dodge,**

*Acting General Deputy Assistant Secretary,  
 Office of Community Planning and  
 Development.*

[FR Doc. 81-10630 Filed 4-6-81; 8:45 am]

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Vol. 46, No. 68

Thursday, April 9, 1981

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**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.  
Comments on this program are still invited.  
Comments should be submitted to the

Day-of-the-Week Program Coordinator,  
Office of the Federal Register,  
National Archives and Records Service,  
General Services Administration,  
Washington, D.C. 20408.

**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

[Last Listing April 2, 1981; last cumulative listing for the 96th Congress (1980) January 7, 1981.]

**THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT**

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between Federal Register and the Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
- WHEN:** April 10 and 24; at 9 a.m. (identical sessions).
- WHERE:** Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
- RESERVATIONS:** Call King Banks, Workshop Coordinator, 202-523-5235.

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Revised as of January 1, 1981

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Discount		
Refund		

PLEASE PRINT OR TYPE