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federal register

Friday
April 17, 1981

Highlights

22351 **Loyalty Day, 1981** Presidential proclamation.

22502 **Grant Programs—Crime Prevention** Justice/NIJ solicits applicants for a competitive research program. The program will be aimed at examining informal social control processes and citizen crime prevention at the neighborhood level.

22417 **Grant Programs—Minority Businesses** Commerce/MBDA solicits applications under its Construction Services Program to operate one project for a 12 month period beginning August 1, 1981. The cost of the project is estimated to be $306,000.

22395 **Civil Rights** Justice and EEOC propose procedures for handling complaints of employment discrimination which are filed with the Federal fund granting agencies and other provisions of the law which prohibit discrimination in programs receiving Federal financial assistance.

22395 **Taxes** Treasury/IRS releases a proposed rule on withholding exemption certificates and announces a hearing scheduled for 6-2-81.

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Highlights

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

22353 **Debt Collection Services** GAO and Justice advise Federal agencies to consider contracting with private sources, such as collection agencies, for collection services to supplement Federal collection programs. This adopted method is to reduce losses and volumes of referrals of collection matters.

22388 **Credit Unions** NCUA withdraws the proposed rule which would have allowed for penalty-free withdrawal of funds from share certificate accounts prior to maturity in the event of bankruptcy of the certificate holder.

22362 **Investigations** Justice publishes guidelines on methods of obtaining documentary materials held by third parties. This rule will alleviate the use of search warrants when less intrusive methods yet equally effective methods exist to arrive at the same end.

22394 **Regulatory Agenda** State

22389 **Antibiotics** HHS/FDA proposes changing drug regulations by revising the iodometric assay method for ampicillin and amoxicillin for both humans and veterinary use.

22468 **Continental Shelf** Interior/Sec'y seeks comments on the workability and appropriateness of proposed streamlined leasing processes.

22468 **Continental Shelf** Interior/GS issues notice to lessees and operators concerning oil and gas exempt from royalty requirements.

22380 **Freight Forwarders and Common Carriers** ICC reduces the number of carrier-forwarder contracts to be filed.

22540 **Minimum Wages** Labor/ESA specifies the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for described classes of labors and mechanics employed on construction projects (Part II of this issue).

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22527 **Sunshine Act Meetings**

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22553 **Part III, FCC**
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Presidential Documents

Title 3—

The President

Proclamation 4836 of April 14, 1981

Loyalty Day, 1981

By the President of the United States of America

A Proclamation

One of the great treasures of America is the unity of its people. No nation is composed of citizens with such diverse cultural, racial and religious backgrounds as is the United States of America. And while the unique contributions of each segment of our population are important, the significant fact remains that each of us, whatever background, remains loyal to the Nation and to the ideals of freedom for which it stands.

Throughout our history, all Americans have toiled together to build this land into the freest and most prosperous Nation on earth. And when the times required it, our people stood shoulder-to-shoulder proclaiming to any in the world who would threaten, that all were Americans and proud of it.

Seldom are we called upon to consciously consider and express loyalty to our Nation and its ideals of liberty. It would be well to do so. The world is filled with tyranny and deprivation. Each of us can thank God that we are living in this blessed land. And when differences arise among us, which is only natural in a free society, we should always remain aware that we are one people, together and indivisible.

As we strive to solve the problems confronting us, it is appropriate to stop for a moment and reflect upon our national institutions, our heritage of freedom and what it means to be an American.

To encourage such reflection, a joint resolution of the Congress was enacted on July 18, 1958 (72 Stat. 369, 36 U.S.C. 162), designating the first day of May of each year as Loyalty Day, and requesting that the President issue an annual proclamation inviting public observance.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, call upon all Americans and upon patriotic, civic, and educational organizations to observe Friday, May 1, 1981, as Loyalty Day, with appropriate ceremonies.

I call upon officials of the Government to display the flag of the United States on all Government buildings and grounds on that day in testimony of our loyalty.

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

Ronald Reagan

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Rules and Regulations

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

GENERAL ACCOUNTING OFFICE

DEPARTMENT OF JUSTICE

Attorney General

4 CFR Part 102

Standards for the Administrative Collection of Claims; Contracting for Debt Collection Services

AGENCIES: General Accounting Office—Department of Justice.

ACTION: Final rule.

SUMMARY: This amendment advises Federal agencies to consider contracting with private sources, such as collection agencies, for collection services to supplement Federal collection programs. This action is necessary because of growing losses on uncollectable debts. Use of such contractors where cost effective and otherwise practical, should reduce such losses and reduce the volume of referrals of collection matters to the Department of Justice for litigation.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Chris Farley, Jr., U.S. General Accounting Office, Accounting and Financial Management Division, Claims Group, Room 5860, 441 G Street, NW., Washington, D.C. 20548, (202) 275–6088.

SUPPLEMENTARY INFORMATION: Agencies have been contracting for some services related to debt collection, such as the purchase of debtor income and asset reports, mailing services, and computer services. The scope of such contracts has been limited, however, because several years ago GAO took the position that Federal agencies could not legally delegate to private contractors the agencies' collection authority under the Federal Claims Collection Act. Also, traditionally, the use of private collection agencies was opposed on policy grounds.

The original policy objections focused upon the dubious reputations and methods of collection agencies at that time, as well as their possible lack of expertise or responsiveness in dealing with Federal debtors. The Fair Debt Collection Practices Act (15 U.S.C. 1692), which became effective in 1978, and numerous State statutes and regulations now prohibit abusive, deceptive, and unfair practices by collection agencies. Also, as evidenced by collection contracts awarded by the Department of Education under its specific legislative authority, carefully drawn contractual arrangements can be used to impose appropriate requirements and restrictions on a collection agency.

In view of the fact that many of the original policy concerns have been resolved, the previous legal position that agencies are precluded from contracting with collection firms has been reexamined. We have concluded that agencies must retain ultimate responsibility for, and control over, debt collection activities, including retention of discretion over the compromise of debts or other dispositions short of full recovery.

We have also concluded, however, that contractual delegation of the more routine responsibilities is consistent with general legal concepts governing the authority of Federal agencies to contract for the performance of services. Federal claims collection activities entail numerous routine administrative actions such as locating debtors, arranging for repayment schedules and billing and posting payments, which could be provided by private sources.

Since the Federal agency must retain ultimate responsibility for collection, claims referred to the contractor remain claims of the United States. Therefore, any litigation in connection with such claims will remain a Federal responsibility, generally under the jurisdiction of the Department of Justice. See 28 U.S.C. 516. In addition, the contract should provide a mechanism to insure that any substantive issues relating to the underlying merits of the claim are referred back to the Federal agency for resolution.

The requirement that the Federal agency head retain authority and discretion to determine when claims should be compromised or collection action otherwise terminated could be met by having the contractor return to the Federal agency claims which it recommends for compromise or termination. In addition, the Federal agency head should retain some general authority and oversight over the collection methods employed by the contractor.

At present, when an agency has completed the various collection actions called for by the Federal Claims Collection Standards and its own regulations, a debt that is uncollected must be written off or referred for legal action, depending on the size of the debt and the prospects that legal action will be successful. This amendment provides for a third alternative—continuing collection action through private collection agencies. If, as expected, experience shows such use of collection agencies to be cost effective and otherwise practical, the vast numbers of debts currently written off or referred for legal action will be reduced.

The amendment does not specify that contracts for collection services must be limited to private collection agencies. Agencies may find additional opportunities to effectively supplement and strengthen their collection programs through use of private sector resources, and consideration of such approaches is encouraged, so long as the restrictions stated in the amendment are observed and other regulatory requirements applicable to such contracts, including OMB Circular A–76, are complied with.

Accordingly, 4 CFR Part 102 is amended as follows:

§§ 102.5 through 102.16 Redesignated as §§ 102.6 through 102.17.

1. Sections 102.5, 102.6, 102.7, 102.8, 102.9, 102.10, 102.11, 102.12, 102.13, 102.14, 102.15 and 102.16 are redesignated as 102.6, 102.7, 102.8, 102.9, 102.10, 102.11, 102.12, 102.13, 102.14, 102.15, 102.16 and 102.17 respectively.

2. A new § 102.5 is added, reading as follows:

§ 102.5 Contracting for collection services.

Agencies should consider contracting for collection services. Contracts may be entered into for this purpose when they meet the following conditions: (a) the service must supplement, but not replace, the basic collection program of

the agency; (b) the authority to resolve disputes, compromise claims, terminate collection action, and initiate legal action must be retained by the agency and; (c) the contractor shall be subject to the Privacy Act of 1974, as amended, 5 U.S.C. 552a, and, when applicable, to Federal and State laws and regulations pertaining to debt collection practices such as the Fair Debt Collection Practices Act, 15 U.S.C. 1692.

3. Redesignate §§ 102.5 through 102.16 in the table of contents to Part 102, as 102.6 through 102.17 respectively.

4. The index to Part 102 is amended by inserting immediately beneath "102.4 Reporting delinquent debts to commercial credit bureaus" a new heading as follows:

§ 102.5 Contracting for collection services.

(31 U.S.C. 952(a))

Dated: April 13, 1981.

William French Smith,

Attorney General of the United States.

Elmer B. Staats,

Comptroller General of the United States.

[FR Doc. 81-11707 Filed 4-16-81; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 0

Employee Responsibilities and Conduct

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: The Department of Agriculture is adding three references to the list of statutory provisions cited in section 0.735–24 of its Employee Responsibilities and Conduct regulations. The rule adds references to provisions concerning financial disclosure reports, prohibited personnel actions, and misuse of information obtained through employment.

EFFECTIVE DATE: April 17, 1981.

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

SUPPLEMENTARY INFORMATION: The Department's conduct regulations include a list of statutory provisions, each of which impose certain restrictions on the activities of Federal employees. Although employees are individually responsible for acquainting themselves with statutes that govern their conduct, the list brings to their attention specific provisions and prohibitions. The Department is adding three new citations to this list. The added paragraphs refer employees to statutes dealing with financial disclosure reports, prohibited personnel actions, and using information gained on the job to speculate in commodities.

The Director, Office of Government Ethics, Office of Personnel Management has approved this final rule. Since this rule relates solely to internal agency management, it has been found pursuant to 5 U.S.C. 553 that notice and prior publication for comment is unnecessary, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** In addition, this regulation has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. John W. Fossum, Director of Personnel made this determination because this rule concerns matters related to agency management.

Accordingly, 7 CFR 0.735–24(a) is amended by the addition of new subparagraphs (67), (68), and (69) to read as follows:

§ 0.735–24 Miscellaneous statutory provisions.

(a) * * *

(67) The prohibition against failure to file or the filing of a false financial disclosure report (Sec. 204(a), Pub. L. 95–521; 5 U.S.C. App.);

(68) The prohibitions against prohibited personnel practices (5 U.S.C. 2302);

(69) The prohibition against the use of information obtained in the course of employment to speculate or to aid another in speculating on any commodity exchange (50 U.S.C. App. 2160(f)).

(Executive Order 11222 of May 8, 1965, 30 FR 6469; 5 CFR 735.104)

John R. Block,

Secretary of Agriculture.

April 14, 1981.

[FR Doc. 81-11610 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

7 CFR Part 354

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: E. E. Crooks, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, U.S. Department of Agriculture, Hyattsville, MD 20782 (301–436–8249).

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Nicholas E. Bedessem, Special Assistant to the Administrator, made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. These amendments merely reflect such changes and serve to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, January 5, September 28, December 18, 1979; March 21, July 11, October 10, 1980; and January 7, 1981 (44 FR 1364, 55791, 74791; 45 FR 18367, 46785, 67288; and 46 FR 1661) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or removing the information as shown below:

§354.2 **Administrative instructions prescribing commuted traveltime.**

* * * * * * *

Commuted Traveltime Allowances

(In hours)

Location covered	Served from	Metropolitan area	
		Within	Outside
Remove:			
* * * * * * *			
Hawaii:			
Undesignated Ports	Hilo, Honolulu, Keahole, or Lihue		3
* * * * * * *			
Pennsylvania:			
Willow Grove NAS	Moosic		6
Willow Grove NAS	Allentown		5
Willow Grove NAS	Carlisle		6
* * * * * * *			
Washington:			
Fort Lewis	McChord AFB		1
Grays Harbor	McChord AFB		4
McChord AFB		1	
Olympia	McChord AFB		2
Port Angeles	McChord AFB or Seattle		6
SEA-TAC Airport	McChord AFB		2
Tacoma	McChord AFB		2
Willapa Bay	McChord AFB		4
Undesignated Ports	Astoria or Portland, Oregon, McChord AFB, or Seattle.		3
* * * * * * *			
Add:			
* * * * * * *			
Hawaii:			
Undesignated ports	Hilo, Honolulu, Keahole, Kahalui, or Lihue		3
* * * * * * *			
Pennsylvania:			
Willow Grove NAS	Philadelphia		3
* * * * * * *			
Texas:			
Harlingen		1	
Harlingen	McAllen		2
* * * * * * *			
Washington:			
Fort Lewis	Tacoma		2
Grays Harbor	Tacoma		4
McChord AFB	Tacoma		2
Olympia	Tacoma		2
Port Angeles	Tacoma or Seattle		6
SEA-TAC Airport	Tacoma		2
Tacoma		1	
Willapa Bay	Tacoma		4
Undesignated Ports	Astoria or Portland, Oregon, Tacoma, or Seattle.		3
* * * * * * *			

(64 Stat. 561; (7 U.S.C. 2260))

Therefore, 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 final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Done at Washington, D.C., this 13th day of April 1981.

Harvey L. Ford,

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

[FR Doc. 81-11612 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 301]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period April 19–25, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: April 19, 1981.

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

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

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

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

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation 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.

Section 910.601 is added as follows:

§ 910.601 Lemon Regulation 301.

The quantity of lemons grown in California and Arizona which may be handled during the period April 19, 1981,

through April 25, 1981, is established at 260,000 cartons.

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

Dated: April 15, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-11911 Filed 4-16-81; 12:25 pm]

BILLING CODE 3410-02-M

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7 CFR Part 979

Melons Grown in South Texas; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of melons grown in designated counties in South Texas to be inspected and meet minimum grade, quality and container requirements. It will promote orderly marketing of such melons and keep less desirable qualities from being shipped to consumers.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Final Impact Statement relating to this final rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This final rule has been revised under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated 41 handlers.

Marketing Agreement No. 156 and Order No. 979 (7 CFR 979) regulate the handling of melons grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The South Texas Melon Committee, established under the order, is responsible for its local administration.

This regulation is based upon unanimous recommendations made by the committee at its public meeting at McAllen, Texas, on December 3, 1980. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1981 spring crop of South Texas melons and of the marketing prospects for the shipping season.

The regulation will benefit consumers and producers by standardizing and improving the quality of melons shipped from the production area. The grade requirements prevent melons of poor quality from being shipped to fresh market outlets. Not more than 50 percent of the melons in any lot may fail the requirements for U.S. Commercial grade. A tolerance of 20 percent is allowed for serious damage of which not more than 10 percent may be for melons affected by soft decay. Black surface discoloration is not considered a defect. Individual cartons are required to contain at least 25 percent U.S. Commercial quality melons.

The container requirements will prevent the shipment of bulk loads of packing house culls which adversely affect the reputation and returns of packed South Texas melons. However, the containers required are those customarily packed for the retail trade. Cartons that contain melons which have been chemically treated to induce ripening must be so marked in letters at least 2 inches high on carton sides.

Exceptions are provided to certain of these handling requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 120 pounds of melons may be handled, other than for resale, per day by a handler without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of melons.

The requirements with respect to special purpose shipments allow the shipment of melons for charity, relief, canning and freezing. Shipments of melons for canning or freezing are exempt under the legislative authority for this part. Shipments for charity or relief are exempt since no useful purpose would be served by regulating such shipments.

Notice of rulemaking was published in the January 8, 1981 **Federal Register** (46 FR 2084). The notice afforded interested persons through March 9, 1981, to file written comments on the proposal. None was received.

Findings

After consideration of all relevant matters, including the proposal set forth in the notice, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Section 979.302 (45 FR 24105, April 9, 1980) is removed and a new § 979.303 is added as follows:

§ 979.302 [Removed]

§ 979.303 Handling regulation.

From May 1 through July 31, 1981, no person shall handle cantaloup or honeydew melons unless they meet the requirements of paragraphs (a) through (c), (d) or (e) and (f) of this section.

(a) *Grade requirements.* Not more than 50 percent of the melons in any lot may fail to meet the requirements of U.S. Commercial grade except no more than 20 percent shall be allowed for serious damage, and including in this latter amount not more than 10 percent for melons affected by soft decay. Black surface discoloration shall not be considered as a grade defect with respect to such grade. Individual cartons shall contain not less than 25 percent U.S. commercial or better quality.

(b) *Container requirements.* (1) Except as provided in paragraphs (b)(5), (d) or (e) and (f) all cantaloups shall be packed in fiberboard cartons with inside dimensions of not more than 17¼ nor less than 16¾ inches in length, not more than 13 nor less than 12¾ inches in width, and not more than 10⅜ nor less than 9¾ inches in depth. All honeydew melons shall be packed in fiberboard cartons with inside dimensions of 17 inches long by 15¼ inches wide and not more than 7½ inches nor less than 6½ inches deep. A tolerance of ¼ inch for each dimension shall be permitted.

(2) Each carton shall be marked to indicate the count; the name, address, and zip code of the shipper; the name of the product; and the words "Produce of U.S.A." or "Product of U.S.A."

(3) If the carton in which the melons are packed is not clean and bright in appearance without marks, stains, or other evidence of previous use, the carton shall be conspicuously marked with the words "Used Box" in letters not less than three-fourths (¾) inch high.

(4) If the carton contains cantaloups which have been treated with chemicals to induce ripening, the carton side panels shall be conspicuously marked with the words "Chemically Ripened" in letters at least two inches high.

(5) These container requirements shall not be applicable to melons sold to Federal agencies.

(c) *Inspection.*

(1) No handler may handle any melons regulated hereunder except pursuant to paragraphs (d) or (e) and (f) of this section unless an inspection certificate has been issued covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of melons for which an

inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable. A copy of such inspection certificate or committee document shall be surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Designated inspection stations will be located at the Texas Federal Inspection Service office, 1301 W. Expressway, Alamo (Phone (512) 787–4091 or 6881) and the Matt Dietz Packing Co., 4700 N. Santa Maria, Laredo (Phone (512) 723–9178 or 9170), to be available for handlers who do not have permanent packing facilities recognized by the committee.

(5) Handlers shall pay assessments on all assessable melons according to the provisions of § 979.42, at the rate of 1¼¢ per carton.

(d) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 120 pounds net weight of melons per day without regard to the provisions of §§ 979.42, 979.52, 979.60, and 979.80, but this exemption shall not apply to any shipment or any portion thereof of over 120 pounds of melons.

(e) *Special purpose shipments.*

(1) The requirements of paragraphs (a) through (c) of this section shall not apply to shipments for charity, relief, canning and freezing if a handler presents a Certificate of Privilege for such melons prior to handling them in accordance with § 979.155.

(2) Melons failing to meet the requirements of paragraphs (a) through (c) of this section and not exempt under paragraphs (d) or (e), and all melons discarded from the grading table shall either be mechanically spiked or mutilated or handled for special purpose outlets in accordance with § 979.152.

(f) *Safeguards.* Each handler making shipments of melons for relief, charity, canning or freezing under paragraph (e) of this section shall:

(1) Notify the committee of the intent to ship melons under paragraph (e) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments.

(2) Obtain an approved Certificate of Privilege.

(3) Prepare on forms furnished by the committee a special purpose shipment report for each individual shipment.

(4) Forward copies of the special purpose shipment report to the committee office and to the receiver with instructions to the receiver to sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such shipments.

(g) *Definitions.* "U.S. melon standards" mean the United States Standards for Grades of Cantaloups (7 CFR 2851.475–2851.494c), or the United States Standards for Grades of Honey Dew and Honey Ball Type Melons (7 CFR 2851.3740–2851.3749), whichever is applicable, or variations thereof specified in this section. The term "U.S. Commercial" shall have the same meaning as set forth in these standards.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 156 and this part.

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

Dated: April 10, 1981 to become effective May 1, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-11513 Filed 4-15-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of American Eagle Airlines, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: The amendment adds American Eagle Airlines, Inc. to the listing of carriers who entered into agreements with the Service for the preinspection of their passengers and crews at places outside the United States. American Eagle Airlines, Inc. entered into such an agreement on March 18, 1981, which provides that passengers and crews are to be preinspected at Bermuda prior to departure to the United States.

EFFECTIVE DATE: March 18, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: This order constitutes a notice to the public and is not a rule within the definition of section 1(a) of E.O. 12291.

This amendment to 8 CFR 238.4 is published pursuant to 5 U.S.C. 552. The Commissioner of the Immigration and Naturalization Service entered into an agreement with American Eagle Airlines, Inc. on March 18, 1981, to guarantee the preinspection of its passengers and crews at Bermuda as provided by section 238(b) of the Act (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment adds a transportation line to the listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

§ 238.4 [Amended]

Accordingly, 8 CFR Part 238 is amended by adding "American Eagle Airlines, Inc.," in appropriate alphabetical sequence, to the list of carriers in § 238.4 *Preinspection outside the United States* under "At Bermuda".

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

Dated: April 10, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-11733 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service

9 CFR Part 331

[Docket No. 80-069C]

Designation of the State of Maine Under the Federal Meat Inspection Act for Special Purposes; Correction

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule by the Food Safety and Quality Service (FSQS) designating the State of Maine under section 205 of the Federal Meat Inspection Act. This action is necessary to include the language required under the Regulatory Flexibility Act, which became effective January 1, 1981. This also corrects an oversight regarding the reference to the effective date of the regulations.

FOR FURTHER INFORMATION CONTACT: Mr. Robert W. Gonter, Director, Evaluation and Enforcement Division, Compliance Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7745.

SUPPLEMENTARY INFORMATION:

Background

The final rule, published on January 9, 1981 (46 FR 2338), designated Maine under section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) as a State in which provisions of sections 202, 203, and 204 of Title II of the Act apply to persons, firms, and corporations engaged in specified kinds of business in intrastate commerce within the State. Such action was taken because the State indicated that it was no longer in a position to enforce its at least equal authority under its laws. Therefore, no additional requirements are being imposed on small businesses or other small entities by virtue of the designation. Rather, the U.S. Department of Agriculture is, at the State's request, assuming the responsibility of enforcing such provisions of law with respect to persons, firms, and corporations engaged in specified kinds of business in intrastate commerce.

The Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601 *et seq.*), which became effective January 1, 1981, required that final rules which were not proposed in the **Federal Register** prior to January 1, 1981, must contain a statement referencing an impact analysis of the regulation's effect on small businesses or a statement that the regulation is exempt from that requirement under section 605 of the Act (5 U.S.C. 605). This document adds the statement required by the Regulatory Flexibility Act.

Accordingly, the following is inserted in the preamble to the aforementioned rule immediately following the heading "Supplementary Information" and preceding the "Background" section:

* * * * *

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that this action will not have a significant impact on a substantial number of small entities. The U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Maine, of ensuring compliance by persons, firms, and corporations engaged in intrastate commerce in specified kinds of business. No additional requirements are being imposed on small entities.

* * * * *

An additional correction is being made with respect to the effective date of the regulations. In the preamble to the final rule, it was indicated that the effective date of the regulations would be February 9, 1981. However, through an oversight, the reference in the regulations as to the effective date was left blank. Accordingly, § 331.6 (9 CFR 331.6) is amended as follows:

§ 331.6 [Corrected]

2. In the "Effective date of application" column, "February 9, 1981", is added on the line with "Maine" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended; 81 Stat. 584, 21 U.S.C. 621, 645; 42 FR 35625-35632)

Done at Washington, DC, on April 10, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-11540 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-DM-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

ACRS Participation in NRC Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its Rules of Practice to provide procedures for participation by the Advisory Committee on Reactor Safeguards in NRC rulemaking activities.

The rule establishes procedures for definitive Commission action on recommendations by the ACRS that the Commission initiate rulemaking in a particular area. The rule also provides that the NRC Staff will give the ACRS an opportunity to provide advice and identify issues when the Staff develops rules involving nuclear safety matters.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia R. Davis, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 202-634-3224.

SUPPLEMENTARY INFORMATION: The President's Commission on the Accident at Three Mile Island recommended that the Advisory Committee on Reactor Safeguards (ACRS) become more involved in NRC rulemaking activities. This rule is consistent with the President's Commission's recommendation.

Because this amendment relates solely to matters of agency procedure, notice of proposed rulemaking and public procedure thereon are not required by section 553 of Title 5 of the United States Code and shall be omitted from this proceeding. As a rule applying only to internal agency procedure, this final rule shall be effective upon publication in the **Federal Register.**

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter I, Code of Federal Regulations, Part 2, is published as a document subject to codification:

1. A new § 2.809 is added to read as follows:

§ 2.809 Participation by the Advisory Committee on Reactor Safeguards.

(a) In its advisory capacity to the Commission, the ACRS may recommend that the Commission initiate rulemaking in a particular area. The Commission will respond to such rulemaking recommendation in writing within 90 days, noting its intent to implement, study, or defer action on the recommendation. In the event the Commission decides not to accept or decides to defer action on the recommendation, it will give its reasons for doing so. Both the ACRS recommendation and the Commission's response will be placed in the NRC Public Document Room following

transmittal of the Commission's response to the ACRS.

(b) When a rule involving nuclear safety matters within the purview of the ACRS is under development by the NRC Staff, the Staff will ensure that the ACRS is given an opportunity to provide advice at appropriate stages and to identify issues to be considered during rulemaking hearings.

(Sec. 161p., Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, D.C., this 13th day of April, 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-11579 Filed 4-16-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 16, 20, 809, and 861

[Docket No. 78N-0002]

OMB Approval of Procedures for Performance Standards Development for Medical Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Office of Management and Budget has approved the recordkeeping and reporting requirements contained in the final regulations prescribing procedures for initiating, developing, establishing, amending, and revoking performance standards for medical devices, including in vitro diagnostic products.

EFFECTIVE DATE: July 30, 1980.

FOR FURTHER INFORMATION CONTACT: Robert J. Cangelosi, Bureau of Medical Devices (HFK-310), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20901, 301-427-7222.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 1, 1980 (45 FR 7474), the Food and Drug Administration (FDA) published final regulations prescribing procedures for medical devices performance standards development. The regulations became effective on July 30, 1980.

The preamble to the final regulations, as well as the effective date statement, declared that the recordkeeping and reporting requirements were submitted to the Office of Management and Budget (OMB) for approval in accordance with the Federal Reports Act of 1942 (44 U.S.C. chapter 35), which requires that OMB review and approve records and reports required by Federal agencies in collecting information from the public. In the February 1, 1980 document, FDA also stated that the regulations would become effective July 30, 1980, provided that OMB approval was received by that date and that FDA would publish a notice in the Federal Register concerning OMB's decision.

On April 4, 1980, OMB approved the recordkeeping and reporting requirements contained in the performance standards final regulations, under OMB number 57-R0145.

(Secs. 501, 502, 513, 514, 701, 52 Stat. 1049-1051 as amended, 1055-1056 as amended, 90 Stat. 540-552 (21 U.S.C. 351, 352, 360c, 360d, 371))

Dated: April 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-11766 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 444

[Docket No. 80N-0292]

Antibiotic Drugs for Human Use; Sisomicin Sulfate

Correction

In FR Doc. 81-1065, published at page 2987 in the issue of Tuesday, January 13, 1981 and corrected on page 16676 in the issue of Friday, March 13, 1981, the third item in the correction should read:

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

BILLING CODE 1505-01-M

21 CFR Part 444

[Docket No. 81N-0019]

Tobramycin Ophthalmic Solution

Correction

In FR Doc. 81-7842, appearing on page 16680 in the issue of Friday, March 13, 1981, make the following corrections to page 16681:

1. The third line of § 444.380(a)(1) in column one should read, "* * * *and purity*. Tobramycin ophthalmic * * *".

2. The ninth line of column three should read, "* * * Commissioner of Food and Drugs will * * *".

3. The effective date given at the end of the document should read, "March 13, 1981."

BILLING CODE 1505-01-M

21 CFR Part 448

[Docket No. 80N-0471]

Antibiotic Drugs; Updating and Technical Changes

Correction

In FR Doc. 81-7839, appearing at page 16681 in the issue of Friday, March 13, 1981, the second word in the fifth line of § 448.30a(b)(1) in column three of page 16683 should read, "weighed".

BILLING CODE 1505-01-M

21 CFR Part 452

[Docket No. 81N-0015]

Erythromycin Capsules

Correction

In FR Doc. 81-7838, appearing at page 16678 in the issue of Friday, March 13, 1981, the third line of § 452.110c(b)(3) should have read, "* * * chapter. The quantity Q (the amount of * * *".

BILLING CODE 1505-01-M

21 CFR Parts 510 and 524

Animal Drugs, Feeds, and Related Products; Nitrofurazone Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Veterinary Laboratories, Inc., providing for safe and effective use of 0.2 percent nitrofurazone solution for topical use in treating bacterial infections in dogs, cats, and horses, and genital tract infections and impaired fertility in female horses. The firm is also added to the list of sponsors of approved NADA's.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Veterinary Laboratories, Inc., 12340 Santa Fe Drive, Lenexa, KS 66215, filed an NADA (121-559) providing for safe and effective use of 0.2 percent nitrofurazone solution for treating

topical bacterial infections in dogs, cats, and horses and for treating certain bacterial infections of the genital tract and impaired fertility in female horses. The product is generically equivalent to furazone solution (NADA 6-475) which is one of several topical nitrofurazone products that were the subject of a National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Implementation Report (Docket No. 78N-0311) published in the Federal Register of January 19, 1979 (44 FR 4014). The NAS/NRC review concluded that these products are effective for prevention and treatment of surface bacterial infections of wounds, burns, and cutaneous ulcers. The agency reviewed the report and concurred with the conclusions. However, because of concern for safety of residues in food-producing animals, the agency concluded that these products must be limited to use in dogs, cats, and horses, i.e., nonfood use. Sponsors of approved NADA's for nitrofurazone topical products were requested by FDA to submit supplemental NADA's providing revised labeling and limiting the claims by indicating the drug is for use only on dogs, cats, and horses not for food use, for prevention and treatment of surface bacterial infections, and for treatment of genital tract infections and impaired fertility of female horses caused by certain strains of bacteria sensitive to nitrofurazone.

The product complies with the findings and conclusions of the NAS/NRC and the agency, and therefore is approved. Because the product is a generic equivalent of the NAS/NRC reviewed product, the submission of bioequivalency and safety information may be required in accordance with 21 CFR 514.1(b)(8) and 514.111(a)(5), but because in vivo bioequivalency is self evident and not necessary to demonstrate the intended effect of this product such studies are waived in accordance with 21 CFR 320.22(b)(2). The regulations are amended to reflect approval. In addition, the list of sponsors of approved NADA's in 21 CFR 510.600(c) is amended to include this sponsor.

Submission of applications for identical products having the same conditions of use need not include certain types of efficacy data as specified by § 514.1(b)(8)(ii) or § 514.111(a)(5) (21 CFR 514.1(b)(8)(ii) or 514.111(a)(5)). In lieu of such data, approval may require bioequivalency or similar data as suggested in the guidelines for submitting NADA's for NAS/NRC-reviewed generic drugs. These guidelines are available from the Dockets Management Branch (HFA-305), Food and Drug Administration.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 524 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Veterinary Laboratories, Inc., 12340 Santa Fe Drive, Lenexa, KS 66215	000857
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
000857	Veterinary Laboratories, Inc., 12340 Santa Fe Drive, Lenexa, KS 66215.
* * * * *	

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

2. In Part 524 by adding new § 524.1580d, to read as follows:

§ 524.1580d Nitrofurazone solution.

(a) *Specifications.* The drug is an aqueous solution containing 0.2 percent nitrofurazone.

(b) *Sponsor.* See 000857 in § 510.600(c) of this chapter.

(c) *Conditions of use*—(1) *Amount.* For surface bacterial infections apply directly to affected area or dilute as a wet dressing. For female equine genital tract infections instill aseptically 30 to 90 milliliters into affected areas once daily. For impaired fertility instill 30 milliliters into the uterus 4 to 48 hours after breeding.

(2) *Indications for use.* For the treatment of topical bacterial infections in the canine, feline, and equine, and for use in equine genital tract infections and for impaired fertility due to strains of Salmonella, Staphylococcus, Streptococcus, Pseudomonas, *Escherichia coli,* and *Vibrio fetus* sensitive to nitrofurazone.[1]

(3) *Limitations.* For treatment of genital tract infections, repeat treatment until 48 hours after remission of clinical symptoms or bacterial cultures show recovery. Do not use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.[1]

Effective date. April 17, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 9, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-11366 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-03-M

[1] These conditions are NAS/NRC reviewed and found effective. Application for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

21 CFR Part 558

Animal Drugs, Feeds, and Related Products; New Animal Drugs for Use in Animal Feeds; Bacitracin Methylene Disalicylate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by A. L. Laboratories, Inc., providing for use of bacitracin premixes to manufacture complete feeds containing 200 grams of bacitracin per ton for growing turkeys. The feed is used for control of transmissible enteritis complicated by bacitracin-susceptible organisms.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: A. L. Laboratories, Inc., 452 Hudson Terrace, Englewood Cliffs, NJ 07632, filed a supplemental NADA (46-592) providing for use of a bacitracin methylene disalicylate premix containing either 10, 25, 40, or 50 grams of bacitracin per pound to manufacture a complete feed containing 200 grams of bacitracin per ton for growing turkeys. The feed is used to control transmissible enteritis caused or complicated by bacitracin-susceptible organisms.

Bacitracin methylene disalicylate at 50 to 200 grams per ton was in use for growing turkeys before October 10, 1962. The product was the subject of two National Academy of Sciences/National Research Council (NAS/NRC) notices published in the **Federal Register** of July 17, 1970 (DESI 0061NV, 35 FR 11531) and October 2, 1970 (DESI 0061NV, 35 FR 15408). The NAS/NRC notices concluded, and the agency concurred, that these products are probably effective for growth claims in poultry and probably not effective for therapeutic claims. The Bureau of Veterinary Medicine required new data to support therapeutic use as an aid in prevention or control of specific diseases caused by specific sensitive pathogens.

The revised claims represent a restricted use of the drug within the previously approved use. The wording of the therapeutic claim has been changed to reflect new knowledge about the drug's effectiveness and its use level.

Because bacitracin methylene disalicylate is currently permitted in 21 CFR 558.76 at 100 to 200 grams per ton for treatment of certain diseases in turkeys and because this revised claim is within that approved usage, approval of this supplement will not result in a significant increase in the number of food-producing animals receiving medication. The Bureau of Veterinary Medicine concludes that approval of this supplemental NADA poses no increased human risk from exposure to residues of the new animal drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the human safety data supporting the parent application. The supplement is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a signifcant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.76 is amended in paragraph (e)(1) in the table by adding new item (ix) to read as follows:

§ 558.76 Bacitracin methylene disalicylate.

* * * * *

(e) * * *

(1) * * *

Bacitracin methylene disalicylate in grams per ton	Combinations in grams per ton	Indication for use	Limitations	Sponsors
*	*	*	*	*
(ix) 200		Turkeys: as an aid in the control of transmissible enteritis in growing turkeys complicated by organisms susceptible to bacitracin methylene disalicylate.		046573
*	*	*	*	*

Effective date. April 17, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: April 2, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-11307 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 940-81]

Audit Functions

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: Department of Justice Regulations on the organization and management of the Department currently assign audit functions to the Justice Management Division but except from that assignment external audits of grantees and law enforcement assistance contractors. This order eliminates the restriction in order to permit the centralization, in the Internal Audit Staff of the Justice Management Division, of all audit functions of the Department.

EFFECTIVE DATE: April 19, 1981.

FOR FURTHER INFORMATION CONTACT: Glen E. Pommerening, Director, Internal Audit Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530 [(703) 756-6121].

SUPPLEMENTARY INFORMATION: This order pertains to agency management. It is not a rule within the meaning of, or subject to the requirement of either the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, or Executive Order No. 12291 ("Federal Regulation").

Accordingly, by virtue of the authority vested in me as Attorney General by 5 U.S.C. 301, 28 U.S.C. 510, and 42 U.S.C.

3781, 3786, paragraph (t) of § 0.76 of Title 28, Code of Federal Regulations, is revised to read as follows:

§ 0.76 Specific functions.

* * * * *

(t) Providing for auditing and investigative services for the Department's contracts, cooperative agreements, grants, and, where appropriate, subcontracts, subgrants and contracts under grants.

* * * * *

Dated: April 10, 1981.

William French Smith,

Attorney General.

[FR Doc. 81-11716 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General

28 CFR Part 16

[AAG/A Order No. 63-81]

Production or Disclosure of Material or Information; Exemption of Records Systems Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Federal Bureau of Investigation is amending its Privacy Act regulations by revoking an exemption for the National Crime Information Center (Justice/FBI-001) system.

DATES: This rule will be effective April 17, 1981.

ADDRESSES: Administrative Counsel, Justice Management Division, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: This rule is exempt from the application of E.O. No. 12291 pursuant to section 1(a)(3) thereof. As explained in the Notice Section of today's **Federal Register**, the Federal Bureau of Investigation (FBI) proposes to modify its system of records entitled National Crime Information Center (NCIC) (JUSTICE/FBI-001). This rule, amends 28 CFR 16.96 by revoking the exemption of this system from subsection (m) of the Privacy Act.

Since revocation of this exemption would be in the public interest, it has been determined that it is impracticable and unnecessary to provide opportunity for public comment and that it is contrary to the public interest to delay the effective date of this rule. This determination is made in accordance with 5 U.S.C. 553(b)(B).

Accordingly, pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 793-78, 28 CFR 16.96 is hereby amended by revising paragraph (g) and removing paragraph (h)(6). Paragraph (g) as revised, is published below.

Dated: February 6, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

§ 16.96 of Title 28 of the Code of Federal Regulations is amended by revising paragraph (g) and removing paragraph (h)(6):

§ 16.96 Exemption of Federal Bureau of Investigation Systems—Limited access.

* * * * *

(g) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(8), (f) and (g): National Crime Information Center (NCIC) (JUSTICE/FBI-001). This exemption applies only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j).

* * * * *

[FR Doc. 81-11543 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-02-M

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28 CFR Part 59

[Order No. 942-81]

Guidelines on Methods of Obtaining Documentary Materials Held by Third Parties

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: As required by Title II of the Privacy Protection Act of 1980 (Pub. L. 96-440, Sec. 201 *et seq.*; 42 U.S.C. 2000aa-11, *et seq.*), these guidelines will govern the methods used by all federal officers and employees to obtain documentary materials in the possession of persons who are neither suspects in an offense, nor closely related to such suspects. The primary purpose of these guidelines is to limit the use of search warrants to obtain documentary materials held by third parties when less intrusive but equally effective means of obtaining such materials exist.

EFFECTIVE DATE: May 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mary Ellen Warlow, Criminal Division, United States Department of Justice, Room 2244a Main Justice, Washington, D.C. 20530, (202) 633-4528.

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on pages 1302-1304 of the **Federal Register** of January 6, 1981, and comments were invited for 30 days ending February 5, 1981. Comments were received from 9 sources, including associations of health and mental health care professionals, a press association, a business, an individual, the Attorney General's Office of the State of California, and the General Counsel of the Department of the Treasury. In addition, comments and suggestions were received from various components of the Department of Justice. The following summarizes the comments, suggestions and actions taken.

Approval Authority

The Department of the Treasury suggested that the requirement that all warrant applications for searches that might involve intrusions into recognized professional, confidential relationships be approved by a high-ranking Department of Justice official was not required under the Privacy Protection Act of 1980 (hereinafter cited as the "Act") and was unduly burdensome. Although it is correct that the Act does not require that the guidelines include such a provision, this requirement is incorporated as a means of evidencing special concern for the privacy interests that may be implicated in such a search. This requirement should not be overly burdensome, since it is anticipated that the number of such search warrant applications will be relatively small. In addition, centralizing this approval authority will facilitate collection of information on this category of searches which must be included in the annual Attorney General's report required under section 202 of the Act.

Criminal Tax Offenses

The Tax Division of the Department of Justice noted that established policy requires that any search for evidence of a criminal tax offense must be approved by the Tax Division. A footnote has been added to § 59.4 of the guidelines to make it clear that this policy is to continue.

Doctor-Like Therapeutic Relationships

Several comments were received that suggested that § 59.4(b)(5) of the proposed guidelines did not afford professionals involved in doctor-like therapeutic relationships the same degree of protection as that afforded third party physicians, attorneys, and clergymen under § 59.4(b)(1) of the proposed guidelines. Section 59.4(b)(5) of the proposed guidelines simply recognized that it is impossible to identify with absolute certainty all professional confidential relationships that are analogous to those which exist

between doctor and patient. Accordingly, this section of the guidelines required that the United States Attorney examine the facts and circumstances of the case and determine whether privacy interests similar to those existing in a doctor-patient relationship would be implicated if a search were executed. If such a finding is made, then the same standards and procedures as those applicable to a search involving a third party physician are to be applied. Thus the guidelines do not afford a lesser degree of protection to these other doctor-like therapeutic relationships.

Non-Applicability

The Treasury Department urged that it be made clear that guidelines do not apply to border searches. The Office of Intelligence Policy and Review of the Department of Justice made a similar suggestion with respect to foreign intelligence or counterintelligence activities. It is the view of the Department of Justice that neither of these activities would be governed by the guidelines since the Act provides that the guidelines are to control methods used to obtain documents "in connection with the investigation or prosecution of an offense." Neither border searches nor foreign counterintelligence activities fall within this category. However, to resolve any ambiguity, the guidelines have been changed to reflect these concerns.

Audits and Inspections

It was suggested that § 59.3(b)(2) of the guidelines, which provides that the guidelines are not to be applicable to audits, examinations, or regulatory or compliance inspections pursuant to a federal statute or the terms of a federal contract, would expand such inspection or audit authority. The guidelines in no way expand such current authority. It was also suggested that certain regulatory inspections are described as "administrative searches" and that therefore this section of the guidelines should be amended to contain a reference to this term as well. Section 59.3(b)(2) has been changed accordingly.

Sanctions

It was suggested that civil penalties be available for violations of the guidelines and that any evidence obtained in violation of the guidelines be inadmissible as evidence. Application of either of these suggested sanctions is prohibited by section 202 of the Act.

Mental Health Records

It was suggested that certain mental health records be absolutely exempt from disclosure to law enforcement authorities. The Act does not require inclusion of such a requirement, no such absolute privilege is recognized in federal criminal law, and its inclusion in these guidelines would be unduly restrictive.

Title I of the Act

It was suggested that the guidelines be amended to make it absolutely clear that Title I of the Act controls the use of search and seizure to obtain documents which are held for the purposes of public communication. Section 59.3(c) of the guidelines has been changed accordingly.

United States Attorney Functions

Attorneys within the Department of Justice pointed out that although the proposed guidelines referred to certain functions to be performed by the United States Attorneys, certain cases are handled by components of the Divisions of the Department of Justice and not by the United States Attorneys' Offices. Therefore, the guidelines have been amended to make it clear that where a case is not being handled by a United States Attorney's Office, the functions of the United States Attorney, with respect to these guidelines, may be exercised by another appropriate supervisory official of the Department of Justice. The term "supervisory official of the Department of Justice" is defined in § 59.2(e).

Other Statutory Limitations

A concern was raised that the guidelines might be misinterpreted as superseding existing statutory limitations which govern access to, use of, and disclosure of, certain types of records. A new § 59.3(d) has been added to make it clear that this is not the case.

Availability of Subpoenas

Comments from within the Department of Justice noted that subpoenas may not be available throughout the course of an investigation, as is the case, for example, after indictment. Therefore, it was suggested that the availability of a legally enforceable form of process should be listed among the considerations having a bearing on the appropriateness of using a search warrant. This would be a consideration in borderline cases in which reliance on a subpoena or other form of legally enforceable process would not create an intolerable risk of compromising the availability or usefulness of the materials, but reliance on an informal request may not be prudent. Therefore, a new § 59.4(c)(2)(iv) has been added to incorporate this suggestion.

Interest in Preventing Disclosure

It was suggested that it was improper to provide that the third party's interest in preventing disclosure to the government could be a factor considered in assessing whether use of a search warrant would be appropriate. The rationale expressed was that a physician or psychiatrist would always seek to prevent disclosure of confidential information concerning his patients. However, the guidelines address only interests in improperly preventing disclosure, for example by altering, concealing, or destroying the materials. Furthermore, § 59.4(c) of the guidelines specifically provides that the fact that a third party may seek to assert a privilege or raise other grounds to challenge a subpoena is not a sufficient basis for the use of a search warrant.

Hospital and Clinic Records

It was suggested that information furnished or developed in a doctor-patient relationship but placed by the doctor in the custody of a hospital or clinic would not be regarded as being in the "private possession" of the physician, and thus would not be governed by § 59.4(b) of the guidelines. This result was not intended. A footnote has been added to § 59.4(b)(1) to clarify this point.

Physician's Notes

Inasmuch as § 59.4(b) of the proposed guidelines referred to confidential information "furnished" for the purposes of professional treatment or counseling, it was suggested that a physician's notes or other confidential information developed on a patient or client would not be included in this reference. The guidelines have been revised to refer to information "furnished or developed" for purposes of professional counseling or treatment.

Notice and Consent

It was suggested that the notice to and the consent of the subject of medical records be requirements incorporated in the guidelines. The Act does not require such provisions, and the suggested changes would be burdensome on effective law enforcement. Furthermore, such provisions were the subject of medical records privacy legislation that was before the 96th Congress. It is not the purpose of these guidelines to incorporate segments of that proposed legislation.

Relevance of Documents

It was suggested that the guidelines incorporate a requirement that materials sought by search warrant be relevant to the offense being investigated. Such relevance is already required under the Fourth Amendment (see also, Rule 41 of the Federal Rules of Criminal Procedure) and need not be reiterated here.

Functions of the Deputy Assistant Attorneys General

The proposed guidelines required that certain functions be performed by the "Attorney General or his designee." The "designee" could be any Department of Justice official at the level of Deputy Assistant Attorney General or above. It was contemplated that these functions would be routinely performed by the appropriate Deputy Assistant Attorneys General. However, the proposed guidelines would have required the issuance of specific delegation orders. In order to avoid the necessity of this additional process, the guidelines have been changed so that the Deputy Assistant Attorneys General may exercise these functions without a specific delegation of authority. However, a new section 59.5 has been added to make it clear that any of the functions or authorities of the Deputy Assistant Attorneys General may be exercised by a higher level official.

Regulatory Analysis: Not required for this rulemaking.

For the reasons set out in the preamble and under the authority given the Attorney General under section 201 of the Privacy Protection Act of 1980 (Sec. 201, Pub. L. 96-440, 94 Stat. 1879 (42 U.S.C. 2000a-11)), Title 28 of the *Code of Federal Regulations* is amended by adding a new Part 59 to read as follows:

PART 59—GUIDELINES ON METHODS OF OBTAINING DOCUMENTARY MATERIALS HELD BY THIRD PARTIES

Sec.
59.1 Introduction.
59.2 Definitions.
59.3 Applicability.
59.4 Procedures.
59.5 Functions and authorities of the Deputy Assistant Attorneys General.
59.6 Sanctions.

Authority: Sec. 201, Pub. L. 96-440, 94 Stat. 1879 (42 U.S.C. 2000aa-11).

§ 59.1 Introduction.

(a) A search for documentary materials necessarily involves intrusions into personal privacy. First, the privacy of a person's home or office may be breached. Second, the execution of such a search may require examination of private papers within the scope of the search warrant, but not themselves subject to seizure. In addition, where such a search involves intrusions into professional, confidential relationships, the privacy interests of other persons are also implicated.

(b) It is the responsibility of federal officers and employees to recognize the importance of these personal privacy interests, and to protect against unnecessary intrusions. Generally, when documentary materials are held by a disinterested third party, a subpoena, administrative summons, or governmental request will be an effective alternative to the use of a search warrant and will be considerably less intrusive. The purpose of the guidelines set forth in this part is to assure that federal officers and employees do not use search and seizure to obtain documentary materials in the possession of disinterested third parties unless reliance on alternative means would substantially jeopardize their availability (*e.g.*, by creating a risk of destruction, etc.) or usefulness (*e.g.*, by detrimentally delaying the investigation, destroying a chain of custody, etc.). Therefore, the guidelines in this part establish certain criteria and procedural requirements which must be met before a search warrant may be used to obtain documentary materials held by disinterested third parties. The guidelines in this part are not intended to inhibit the use of less intrusive means of obtaining documentary materials such as the use of a subpoena, summons, or formal or informal request.

§ 59.2 Definitions.

As used in this part—

(a) The term "attorney for the government" shall have the same meaning as is given that term in Rule 54(c) of the Federal Rules of Criminal Procedure;

(b) The term "disinterested third party" means a person or organization not reasonably believed to be—

(1) A suspect in the criminal offense to which the materials sought under these guidelines relate; or

(2) Related by blood or marriage to such a suspect;

(c) The term "documentary materials" means any materials upon which information is recorded, and includes, but is not limited to, written or printed materials, photographs, films or negatives, audio or video tapes, or materials upon which information is electronically or magnetically recorded, *but does not include* materials which constitute contraband, the fruits or instrumentalities of a crime, or things otherwise criminally possessed;

(d) The term "law enforcement officer" shall have the same meaning as the term "federal law enforcement officer" as defined in Rule 41(h) of the Federal Rules of Criminal Procedure; and

(e) The term "supervisory official of the Department of Justice" means the supervising attorney for the section, office, or branch within the Department of Justice which is responsible for the investigation or prosecution of the offense at issue, or any of his superiors.

§ 59.3 Applicability

(a) The guidelines set forth in this part apply, pursuant to section 201 of the Privacy Protection Act of 1980 (Sec. 201, Pub. L. 96-440, 94 Stat. 1879, (42 U.S.C. 2000aa-11)), to the procedures used by any federal officer or employee, in connection with the investigation or prosecution of a criminal offense, to obtain documentary materials in the private possession of a disinterested third party.

(b) The guidelines set forth in this part do not apply to:

(1) Audits, examinations, or regulatory, compliance, or administrative inspections or searches pursuant to federal statute or the terms of a federal contract;

(2) The conduct of foreign intelligence or counterintelligence activities by a government authority pursuant to otherwise applicable law;

(3) The conduct, pursuant to otherwise applicable law, of searches and seizures at the borders of, or at international points of entry into, the United States in order to enforce the customs laws of the United States;

(4) Governmental access to documentary materials for which valid consent has been obtained; or

(5) Methods of obtaining documentary materials whose location is known but which have been abandoned or which cannot be obtained through subpoena or request because they are in the possession of a person whose identity is unknown and cannot with reasonable effort be ascertained.

(c) The use of search and seizure to obtain documentary materials which are believed to be possessed for the purpose of disseminating to the public a book, newspaper, broadcast, or other form of public communication is subject to Title I of the Privacy Protection Act of 1980 (Sec. 101, *et seq.*, Pub. L. 96-440, 94 Stat. 1879 (42 U.S.C. 2000aa, *et seq.*)), which strictly prohibits the use of search and seizure to obtain such materials except under specified circumstances.

(d) These guidelines are not intended to supersede any other statutory, regulatory, or policy limitations on access to, or the use or disclosure of

particular types of documentary materials, including, but not limited to, the provisions of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401, *et seq.*), the Drug Abuse Office and Treatment Act of 1972, as amended (21 U.S.C. 1101, *et seq.*), and the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended (42 U.S.C. 4541, *et seq.*).

§ 59.4 Procedures.[1]

(a) *Provisions governing the use of search warrants generally.*

(1) A search warrant should not be used to obtain documentary materials believed to be in the private possession of a disinterested third party unless it appears that the use of a subpoena, summons, request, or other less intrusive alternative means of obtaining the materials would substantially jeopardize the availability or usefulness of the materials sought, and the application for the warrant has been authorized as provided in paragraph (a)(2) of this section.

(2) No federal officer or employee shall apply for a warrant to search for and seize documentary materials believed to be in the private possession of a disinterested third party unless the application for the warrant has been authorized by an attorney for the government. Provided, however, that in an emergency situation in which the immediacy of the need to seize the materials does not permit an opportunity to secure the authorization of an attorney for the government, the application may be authorized by a supervisory law enforcement officer in the applicant's department or agency, if the appropriate United States Attorney (or where the case is not being handled by a United States Attorney's Office, the appropriate supervisory official of the Department of Justice) is notified of the authorization and the basis for justifying such authorization under this part within 24 hours of the authorization.

(b) *Provisions governing the use of search warrants which may intrude upon professional, confidential relationships.*

(1) A search warrant should not be used to obtain documentary materials believed to be in the private possession of a disinterested third party physician,[2] lawyer, or clergyman, under circumstances in which the materials sought, or other materials likely to be reviewed during the execution of the warrant, contain confidential information on patients, clients, or parishioners which was furnished or developed for the purposes of professional counseling or treatment, unless—

(i) It appears that the use of a subpoena, summons, request or other less intrusive alternative means of obtaining the materials would substantially jeopardize the availability or usefulness of the materials sought;

(ii) Access to the documentary materials appears to be of substantial importance to the investigation or prosecution for which they are sought; and

(iii) The application for the warrant has been approved as provided in paragraph (b)(2) of this section.

(2) No federal officer or employee shall apply for a warrant to search for and seize documentary materials believed to be in the private possession of a disinterested third party physician, lawyer, or clergyman under the circumstances described in paragraph (b)(1) of this section, unless, upon the recommendation of the United States Attorney (or where a case is not being handled by a United States Attorney's Office, upon the recommendation of the appropriate supervisory official of the Department of Justice), an appropriate Deputy Assistant Attorney General has authorized the application for the warrant. Provided, however, that in an emergency situation in which the immediacy of the need to seize the materials does not permit an opportunity to secure the authorization of a Deputy Assistant Attorney General, the application may be authorized by the United States Attorney (or where the case is not being handled by a United States Attorney's Office, by the appropriate supervisory official of the Department of Justice) if an appropriate Deputy Assistant Attorney General is notified of the authorization and the basis for justifying such authorization under this part within 72 hours of the authorization.

(3) Whenever possible, a request for authorization by an appropriate Deputy Assistant Attorney General of a search warrant application pursuant to paragraph (b)(2) of this section shall be made in writing and shall include:

(i) The application for the warrant; and

(ii) A brief description of the facts and circumstances advanced as the basis for recommending authorization of the application under this part.

If a request for authorization of the application is made orally or if, in an emergency situation, the application is authorized by the United States Attorney or a supervisory official of the Department of Justice as provided in paragraph (b)(2) of this section, a written record of the request including the materials specified in paragraphs (b)(3) (i) and (ii) of this section shall be transmitted to an appropriate Deputy Assistant Attorney General within 7 days. The Deputy Assistant Attorneys General shall keep a record of the disposition of all requests for authorizations of search warrant applications made under paragraph (b) of this section.

(4) A search warrant authorized under paragraph (b)(2) of this section shall be executed in such a manner as to minimize, to the greatest extent practicable, scrutiny of confidential materials.

(5) Although it is impossible to define the full range of additional doctor-like therapeutic relationships which involve the furnishing or development of private information, the United States Attorney (or where a case is not being handled by a United States Attorney's Office, the appropriate supervisory official of the Department of Justice) should determine whether a search for documentary materials held by other disinterested third party professionals involved in such relationships (*e.g.* psychologists or psychiatric social workers or nurses) would implicate the special privacy concerns which are addressed in paragraph (b) of this section. If the United States Attorney (or other supervisory official of the Department of Justice) determines that such a search would require review of extremely confidential information furnished or developed for the purposes of professional counseling or treatment, the provisions of this subsection should be applied. Otherwise, at a minimum, the requirements of paragraph (a) of this section must be met.

(c) *Considerations bearing on choice of methods.*

In determining whether, as an alternative to the use of a search warrant, the use of a subpoena or other less intrusive means of obtaining documentary materials would substantially jeopardize the availability or usefulness of the materials sought, the following factors, among others, should be considered:

[1] Notwithstanding the provisions of this section, any application for a warrant to search for evidence of a criminal tax offense under the jurisdiction of the Tax Division must be specifically approved in advance by the Tax Division pursuant to section 6-2.330 of the U.S. Attorneys' Manual.

[2] Documentary materials created or compiled by a physician, but retained by the physician as a matter of practice at a hospital or clinic shall be deemed to be in the private possession of the physician, unless the clinic or hospital is a suspect in the offense.

(1) Whether it appears that the use of a subpoena or other alternative which gives advance notice of the government's interest in obtaining the materials would be likely to result in the destruction, alteration, concealment, or transfer of the materials sought; considerations, among others, bearing on this issue may include:

(i) Whether a suspect has access to the materials sought;

(ii) Whether there is a close relationship of friendship, loyalty, or sympathy between the possessor of the materials and a suspect;

(iii) Whether the possessor of the materials is under the domination or control of a suspect;

(iv) Whether the possessor of the materials has an interest in preventing the disclosure of the materials to the government;

(v) Whether the possessor's willingness to comply with a subpoena or request by the government would be likely to subject him to intimidation or threats of reprisal;

(vi) Whether the possessor of the materials has previously acted to obstruct a criminal investigation or judicial proceeding or refused to comply with or acted in defiance of court orders; or

(vii) Whether the possessor has expressed an intent to destroy, conceal, alter, or transfer the materials;

(2) The immediacy of the government's need to obtain the materials; considerations, among others, bearing on this issue may include:

(i) Whether the immediate seizure of the materials is necessary to prevent injury to persons or property;

(ii) Whether the prompt seizure of the materials is necessary to preserve their evidentiary value;

(iii) Whether delay in obtaining the materials would significantly jeopardize an ongoing investigation or prosecution; or

(iv) Whether a legally enforceable form of process, other than a search warrant, is reasonably available as a means of obtaining the materials.

The fact that the disinterested third party possessing the materials may have grounds to challenge a subpoena or other legal process is not in itself a legitimate basis for the use of a search warrant.

§ 59.5 Functions and authorities of the Deputy Assistant Attorneys General.

The functions and authorities of the Deputy Assistant Attorneys General set out in this part may at any time be exercised by an Assistant Attorney General, the Associate Attorney General, the Deputy Attorney General, or the Attorney General.

§ 59.6 Sanctions.

(a) Any federal officer or employee violating the guidelines set forth in this part shall be subject to appropriate disciplinary action by the agency or department by which he is employed.

(b) Pursuant to section 202 of the Privacy Protection Act of 1980 (Sec. 202, Pub. L. 96–440, 94 Stat. 1879 (42 U.S.C. 2000aa–12)), an issue relating to the compliance, or the failure to comply, with the guidelines set forth in this part may not be litigated, and a court may not entertain such an issue as the basis for the suppression or exclusion of evidence.

Issued this 13th day of April 1981.

William French Smith,

Attorney General.

[FR Doc. 81-11715 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-01-M

POSTAL SERVICE

39 CFR Part 776

Floodplain Management and Protection of Wetlands Procedures

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is adopting procedures for implementing Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands. These procedures set forth general policy criteria, and requirements. Specific guidance for administrative personnel is provided by a more detailed Postal Service publication, Environmental Procedures Handbook RE–6.

EFFECTIVE DATE: May 17, 1981.

FOR FURTHER INFORMATION CONTACT: Frank Rowan, (202) 245–4348.

SUPPLEMENTARY INFORMATION: On February 3, 1981, the Postal Service published for comment in the **Federal Register** the proposed procedures described above. 46 FR 10513. Interested persons were invited to submit written comments concerning the proposed procedures by March 5, 1981. No comments were received. Accordingly, the Postal Service is adopting the procedures as a final rule.

We are, however, correcting a printing error and making a few minor conforming changes to the text.

In view of the above considerations, the Postal Service adds new part 776 of title 39, Code of Federal Regulations, reading as follows:

Fred Eggleston,

Assistant General Counsel, Legislative Division.

PART 776—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS PROCEDURES

Sec.

776.1 Purpose and Policy.
776.2 Responsibility.
776.3 Scope.
776.4 Definitions.
776.5 New Construction.
776.6 Existing buildings, owned or leased.
776.7 Disposal, lease, easement to non-federal public or private parties.
776.8 Public notice.

Authority: 39 U.S.C. 401.

§ 776.1 Purpose and Policy.

(a) Executive Order 11988, Floodplain Management, was issued on May 24, 1977, under authority of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, et seq.) (NEPA), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001), and the Flood Disaster Protection Act of 1973 (P.L. 93–234, 87 Stat. 9451). Executive Order 11990, Protection of Wetlands, was issued on May 24, 1977, under authority of NEPA. The purpose of these Orders was to avoid adverse impacts associated with the occupancy and/or modification of floodplains; or the modification and destruction of wetlands.

(b) These procedures implement Executive Orders 11988 and 11990 and are adopted under the Postal Reorganization Act rather than the statutes listed in § 776.1(a) to the extent these statutes do not apply to the Postal Service under 39 U.S.C. 410(a).

(c) These procedures provide guidance:

(1) To avoid direct or indirect, long or short term adverse impact on floodplains and wetlands;

(2) To reduce the risk of flood loss;

(3) To minimize the impact of floods on human safety, health, and welfare;

(4) To restore and preserve the natural and beneficial values served by floodplains;

(5) To minimize the destruction, loss, or degradation of wetlands;

(6) To preserve and enhance the natural and beneficial values of wetlands; and

(7) To avoid direct or indirect support of floodplain development.

(d) These procedures are general in nature. Postal Service Handbook RE–6, *Environmental Procedures*, provides

detailed procedures for implementing these executive orders.

§ 776.2 Responsibility.

The Assistant Postmaster General, Real Estate and Buildings Department, is responsible for overall compliance with these procedures.

§ 776.3 Scope.

These procedures are applicable to every proposed postal facility project which involves:

(a) New contruction, for ownership or lease;

(b) Existing buildings, owned or leased, except the acquisition of existing leased facilities when no substantial external change in the configuration of the facility will occur;

(c) Modernization or improvement of an existing facility where the external configuration of the building or the use of the facility is changed substantially and significantly;

(d) Disposal or lease of owned, excess property;

(e) Proposals for granting a property easement or right-of-way to non-federal public or private parties.

§ 776.4 Definitions.

(a) A *floodplain*, for the purposes of these procedures, is the area in which a flood has a one percent chance of occurrence in any given year (also known as a 100-year flood).

(b) A *wetland*, for the purposes of these procedures, is an area that is inundated by surface or ground water frequently enough to support a prevalence of vegetable or aquatic life requiring saturated or seasonally saturated soil conditions for growth and reproduction.

(c) A *Site Planning Report* is a document used to identify and evaluate sites available for a proposed construction or real estate action.

(d) An *Economic Analysis Report* is a document which evaluates the economic value of alternatives.

§ 776.5 New Construction.

(a) *Restriction on Consideration of Floodplain/Wetland.* During the evaluation of the preferred area for the proposed project, floodplain and wetland areas may be considered *only* when there is no practicable, alternative site.

(b) *Floodplain/Wetland Information.* Floodplain and wetland information must be compiled and considered throughout the facility planning process. If a proposed action will occur in or impact a floodplain or wetland site, specific floodplain or wetland information must be developed. As a minimum, the information should:

(1) Document whether the proposed action will directly or indirectly support floodplain development.

(2) Document the impacts a proposed action would have on the floodplain or wetland, including positive and negative; concentrated and dispersed; short-term and long-term.

(3) Document the flood hazard and risk to lives and property.

(4) Present the natural and beneficial floodplain values.

(5) Present measures which will preserve the floodplain, minimize harm to it, or restore it. Minimization of harm is assessed in terms of:

(i) The amount of investment at risk or the flood loss potential of the action itself,

(ii) The impact the action may have on others, and

(iii) The impact the action may have on floodplain values.

(c) *Environmental Assessment/Impact Statement.* Information developed concerning the floodplain or wetland must be evaluated in an Environmental Impact Statement or an Environmental Assessment, if either is prepared, and made available to the public under 39 CFR Part 775.

(d) *Site Planning Report.* During site evaluation and the preparation of the Site Planning Report, a determination must be made whether any of the identified site alternatives would require construction in, or appear to have an impact on, a floodplain or wetland. This information will be included as a part of the Site Planning Report and the Environmental Assessment.

(e) *Scope of Alternatives.* If any of the site alternatives identified in the Site Planning Report are located within a floodplain or wetland, the scope of alternatives considered in the preliminary Analysis Report must include:

(1) Alternate sites as identified in the Site Planning Report;

(2) Other means which accomplish the same purpose as the proposed action; and

(3) A no-action alternative.

(f) *Reevaluation.* If, after consideration of the Site Planning Report, Environmental Assessment, and preliminary Economic Analysis Report, the determination is that there appears to be no practicable alternative to locating in a floodplain or wetland, a final reevaluation of alternatives must be conducted. The Headquarters Director, Office of Program Planning, Real Estate and Buildings (RE&B) Department, is responsible for this reevaluation. To facilitate this reevaluation, the Regional Director, RE&B Department, must compile and submit the following data to the HQ Director, Office of Program Planning, RE&B Department:

(1) A summary of reasons why the rejected alternatives and alternatives sites, if any, were considered impracticable.

(2) Detailed descriptions of all rejected alternatives and alternative sites.

(3) A summary of comments received from the public and A–95 Clearinghouses as a result of proper public notices.

(4) The Site Planning Report.

(5) The Site Planning Report Environmental Assessment.

(6) The floodplain or wetland location map from which the determination was made. The map or other information should indicate appropriate site elevations (contours), base floor elevation, and the floodplain elevation at the site.

(7) The facility functional design specifications or site utlization drawings, if available.

(8) Other information pertinent to the proposal as determined by the stage of development of the project.

(g) *Alternative Available.* If the HQ Director, Office of Program Planning, RE&B Department, determines that there may be a practicable site alternative to the one selected, the appropriate Postal Service organization is advised to abandon the selected course and pursue other alternatives.

(h) *No Alternative.* HQ Director, Office of Program Planning, RE&B Department, determines that there is not a practicable alternative to siting in a floodplain or wetland, the appropriate Postal Service organization is so advised. The Director may provide instructions for mandatory measures to be accomplished during design and construction to minimize harm to the floodplain or wetland.

(i) *Public Notice.* If there is no practicable alternative to locating the site in a floodplain or wetland, the Regional Director, RE&B Department, must provide a public notice [see § 776.8] as soon as possible for the proposed action. The notice includes:

(1) A description of why the proposed action must be located in a floodplain or wetland;

(2) A description of all significant facts considered in making the determination, including alternative sites and actions;

(3) A statement indicating whether the actions conform to applicable state or local floodplain/wetland protection standards;

(4) If applicable, a statement indicating why the National Flood Insurance Program criteria are demonstrably inappropriate for the proposed action;

(5) A description of measures that will be taken to minimize harm to the floodplain or wetland;

(6) A statement indicating how the action affects natural or beneficial floodplain values; and

(7) A list of any other involved agencies or individuals.

(j) *Design Requirements.* If structures impact, are located in, or support development of a floodplain or wetland, the design must include measures necessary (1) to minimize harm to the floodplain or wetland; (2) to reduce the risk of flood loss; (3) to minimize destruction, loss, or degradation of wetlands; (4) to minimize the impact on human safety, health, and welfare; and (5) to restore and preserve the natural and beneficial floodplain and wetland values. Construction must conform, at a minimum, to the standards and criteria of the National Flood Insurance Program, except where those standards are demonstrably inappropriate for postal purposes.

§ 776.6 Existing buildings owned or leased.

(a) *Installing Markers for Flood Hazards.* If property used by the general public has suffered flood damage or is located in a floodplain or flood hazard area, conspicuous markers must be installed on structures and other appropriate places to show past flood record height and the probable 100-year flood height. These must be installed where they will be readily visible to the general public visiting or using the facility.

(b) *Warning Procedures for Floods.* The Regional Director, Mail Processing Department, must develop warning and evacuation procedures for properties subject to flash floods or rapid rise floods.

§ 776.7 Disposal, lease, easement to non-federal public or private parties.

For actions involving a lease, easement right-of-way, or disposal to non-federal public or private parties, a determination whether the proposed action will occur in a floodplain or wetland must be made. If the action will occur in a floodplain or wetland, the Postal Service must:

(a) Reference in the conveyance those uses that are restricted under identified federal, state, or local floodplain or wetland regulations; and

(b) Attach other appropriate restrictions to the use of properties by the Grantee or purchaser and any successors, which assure (1) that harm to lives, property, and the floodplain or wetland values are identified and are minimized, and (2) that floodplain or wetland values are restored and preserved, except where prohibited by law; or

(c) Withhold the property from conveyance.

§ 776.8 Public notice.

(a) Public notice of Postal Service plans for locating a proposed project in a floodplain or a wetland will be sent to: state, areawide, and local A–95 Clearinghouses listed in OMB Circular A–95 (Revised) for the geographic area involved; local public officials; local newspapers; and other parties who express interest in the project.

(b) The notice must contain the information described in § 776.5(i).

(c) The public notice also must contain a provision for a 30-day public commenting period before any action is taken to acquire the site.

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BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–7–FRL 1792–2]

Approval and Promulgation of Secondary Nonattainment Plans for Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Part D of the Clean Air Act, as amended in 1977, requires states to revise their State Implementation Plans for all areas that have not attained the National Ambient Air Quality Standards. The State of Iowa submitted the required revisions on June 22, 1979. In the final rulemaking on that submission (45 FR 14561 March 6, 1980), EPA took a number of actions including granting an extension until July 1, 1980, for submission of plans to attain secondary particulate standards in 12 nonattainment areas.

The State submitted secondary nonattainment plans on April 18, 1980. EPA proposed approvals and conditional approvals of all portions of the submission on August 4, 1980 (45 FR 51620). In this notice the Iowa submission is summarized and public comments and approval issues are discussed. EPA fully approves some portions of the Iowa submission and conditionally approves other portions.

Approval means that regulations adopted by the state will also be enforceable by the Federal Government. Any strategies committed to by the state become obligations upon the state.

EFFECTIVE DATE: May 18, 1981.

ADDRESSES: Copies of the state submission, public comments and the EPA prepared support document are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20406

Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand, Des Moines, Iowa 50319

The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20406

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler at 816–374–3791.

SUPPLEMENTARY INFORMATION:

A. General Discussion

The Clean Air Act as amended in 1977 contains requirements concerning air pollution which must be satisfied by all states. In particular, Section 107 of the Act requires an identification of each area which has not yet attained the National Ambient Air Quality Standards (NAAQS). Section 172 requires each State Implementation Plan (SIP) to be revised to provide for the attainment and maintenance of the NAAQS in these identified nonattainment areas. Section 172 also generally requires the submission of these revised plans by January 1, 1979, and requires that such plans be approved by July 1, 1979, unless the state has been granted an extension of time to submit a plan to attain secondary standards.

For general background the reader should refer to the **Federal Register** of April 4, 1979 (44 FR 20362) for the General Preamble to the Proposed Rulemaking for all nonattainment plan submissions. The General Preamble was supplemented 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). These **Federal Register** notices describe in greater detail the requirements for an approvable nonattainment plan.

This rulemaking includes a brief description of each requirement of the

Act, and evaluation of the SIP as it relates to the requirements and a discussion of pertinent public comments.

In some cases EPA is taking final action to conditionally approve portions of the SIP. The conditions require the state to submit additional materials by the deadlines specified in today's notice. There will be no extension of the conditional approval deadlines. EPA will follow the procedures described below when determining if the state has satisfied the conditions.

1. If the state submits the required material according to schedule, EPA will publish a notice in the **Federal Register** announcing receipt of the material. The notice of receipt will also announce that the conditional approval is continued pending EPA's final action on the submission.

2. EPA will evaluate the state's submission to determine if the condition is fully met. After review is complete, a notice will be published proposing or taking final action to either find the condition has been met and approve the plan, or to find the condition has not been met, withdraw the conditional approval and disapprove the plan.

3. If the state fails to timely submit the materials needed to meet a condition, EPA will publish a notice shortly after the expiration of the time limit for submission. The notice will withdraw conditional approval and disapprove the SIP.

B. Background

The Iowa Department of Environmental Quality (DEQ) submitted a package of SIP revisions pertaining to nonattainment areas to EPA on June 22, 1979. The submission contained plans to attain primary standards in four nonattainment areas and a package of proposed redesignations of attainment status under Section 107 of the Act. EPA proposed approval action on this submission in the **Federal Register** of September 7, 1979 (44 FR 52263). Final action was taken on March 6, 1980 (45 FR 14561). In the final rulemaking, EPA noted the state's commitment to submit secondary particulate attainment plans and granted the state an extension until July 1, 1980, for submitting these plans.

On April 18, 1980, the DEQ, at the request of the Governor, submitted plans to attain the secondary standard in four areas which exceed both primary and secondary standards and eight additional areas which exceed only the secondary standard. EPA published proposed rulemaking (PRM) on this submission on August 4, 1980 (45 FR 51620). In that notice EPA proposed approvals and conditional approvals with respect to all portions of the state submission.

Some actions in today's rulemaking are different from those proposed. This is because additional information submitted by DEQ has altered or even eliminated the noted deficiencies. In addition, certain deadlines for satisfying conditions being promulgated today are different from those in the PRM. In general, these revised deadlines are the result of comments by DEQ. EPA finds that notice and comment on these revised deadlines is unnecessary since the public has had opportunity to comment on the conditional approvals and on what deadlines should apply for these conditions; and the state is responsible for meeting the deadlines and has agreed to them.

C. Designated Nonattainment Areas

Nonattainment designations for Iowa under Section 107 were promulgated on March 3, 1978 (43 FR 8962). These nonattainment designations were codified at 40 CFR Part 81. At that time, eight areas were designated as exceeding the primary and secondary standards for total suspended particulates (TSP) and an additional four areas were designated as exceeding only secondary standards for TSP.

In the March 6, 1980, rulemaking, EPA changed the designation of four areas which had been designated both primary and secondary nonattainment by removing the primary nonattainment designations and retaining the secondary nonattainment designation. The final designations indicate the following cities exceed both primary and secondary TSP standards: Mason City, Cedar Rapids, Des Moines, and Davenport. The following cities exceed only secondary TSP standards: Keokuk, Council Bluffs, Fort Dodge, Sioux City, Clinton, Marshalltown, Muscatine, and Waterloo.

The June 22, 1979, state submission addressed attainment of primary standards in the four cities listed above. The submission April 18, 1980, addresses attainment of secondary standards in all 12 of these areas.

D. Nonattainment Plan Provisions

The SIP submission consists of a mix of strategies including more stringent emission limits and commitments to conduct studies to determine what additional control measures may be necessary.

The submission contains individual plans for each of the twelve nonattainment areas. The plans to attain secondary standards in the four areas which also exceed primary standards are in the form of addendum documents which update the previously submitted primary attainment plans to also address secondary standards. For the eight areas which exceed only the secondary standard, the state submittal is intended to address all part D requirements.

For convenience, the four areas referenced above which exceed the primary as well as secondary standards will be referred to as primary areas. Areas which exceed only the secondary standard will be referred to as secondary areas.

The following sections discusss each of the requirements of Section 172 and give the final approval status with respect to the requirement. The various requirements are addressed in the order that they appear in the Act.

(1) *Demonstration of Attainment.* Section 172(a)(1) requires the plans to provide for attainment of each NAAQS in each area as expeditiously as practicable. Primary particulate standards must be met by December 31, 1982, but no specific deadline is set for attaining the secondary standard.

(a) Primary Areas. Because the state believes that agricultural dust must be reduced to attain the standard, and because this reduction will be accomplished by soil erosion control programs, which are just beginning, the state has selected 1995 as the date to attain the secondary standard in the four primary areas. In the PRM, EPA stated that the plans do not adequately demonstrate that the attainment date is, in fact, as expeditious as practicable. However, EPA also stated that this is considered a minor deficiency in that the state may be able to make an adequate demonstration once the planned nontraditional studies, described in the PRM, are complete; and there is no evidence at this time that the attainment date is not expeditious.

EPA proposed approval on the condition that the state sumit reanalysis of the attainment date by December 31, 1981. This date was selected based on the completion date of scheduled studies on the control of nontraditional dust sources.

One commenter suggested that the attainment date is not expeditious but provided no evidence that it is not. Therefore, EPA has determined that conditional approval, as proposed, is appropriate.

EPA hereby approves the Iowa SIP for the four primary areas with resepct to Section 172(a)(1) on the condition that the reanalysis of the attainment date discussed above be submitted to EPA by December 31, 1981.

(b) Secondary Areas. Each of the secondary area plans specifies an attainment date of 1985. The state believes this will allow adequate time to conduct studies in the nonattainment areas and to implement the measures shown to be effective in reducing particulate levels. The schedule calls for studies to be completed in 1981, new regulations to be adopted in 1982, sources to come into compliance with the new rule in 1983 and 1984 and for attainment of the secondary standard in 1985. EPA proposed to approve the 1985 attainment date as being as expeditious as practicable because it will be the initial control effort for the nontraditional categories of sources and difficulties can be reasonably anticipated both in developing strategies and in implementing them.

No comments were received on this proposal. EPA hereby approves the Iowa SIP as providing for attainment of the secondary standard as expeditiously as practicable in the eight secondary areas.

(2) *Public Participation.* Section 172(b)(1) requires plans be adopted after reasonable notice and public hearing. The plans were considered at a public hearing held in Des Moines, Iowa on February 26, 1980. This hearing was announced in the Iowa Administrative Bulletin and in several newspapers during December 1979. The plans were officially adopted during a public meeting of the Iowa Air Quality Commission in Des Moines, Iowa, on March 11, 1980.

EPA proposed to accept this procedure as representing reasonable notice and public hearing. No comments were received on this proposal. EPA approves the state plans as satisfying Section 172(b)(1).

(3) *Reasonably Available Control Measures.* Section 172(b)(2) requires implementation of all reasonably available control measures as expeditiously as practicable.

(a) Fugitive Emissions. The submissions states that the current SIP does not require use of reasonably available control technology (RACT) to reduce fugitive emissions from all traditional sources in secondary nonattainment areas.

To require the use of RACT on all traditional sources in nonattainment areas the state modified its fugitive emission regulation to eliminate a provision requiring a complaint to start enforcement action. Previously, this rule applied only in primary nonattainment areas. The state has now extended its applicability to secondary nonattainment areas.

As discussed in the PRM, the fugitive emissions regulation does not state which sources are regulated and what they are expected to do. The state commented that reasonable efforts will not be the same in all cases and that to address all possible situations would be impossible. However, EPA believes that the state should specify which types of sources are affected and what each category is expected to do. EPA approved this rule as it relates to primary areas with the condition that the state develop an enforcement guidance manual for implementing this regulation in those areas and submit it by February 1, 1981.

In the PRM, EPA proposed approval of the rule as it relates to secondary areas on the condition that similar guidance be developed for these areas and that this material be submitted by February 1, 1981. No public comments were received on this proposal. The state has committed to submitting this material; however, because the exact nature of this condition is not known to state until this rulemaking is published, the proposed date is no longer appropriate. Therefore, the submission date is set at June 1, 1981. This is the only change from the proposal. EPA hereby approves the Iowa SIP on the condition that the material discussed above be submitted by June 1, 1981.

(b) Fuel Burning. The state submission does not demonstrate that fuel burning sources of particulate are controlled to levels representing RACT. However, the state has committed to make such a demonstration. For the primary nonattainment areas EPA approved this provision on the condition that the information be submitted by February 1, 1981. Since it will take additional time to analyze the sources in the secondary areas after the sources in the higher priority primary areas are completed, EPA proposed approval with respect to the eight secondary areas on the condition that the additional information be submitted by July 1, 1981. No comments were received on this proposal. The state has committed to submit this analysis and has it in process. EPA approves the state submission on the condition that the demonstration discussed above be submitted by July 1, 1981.

(4) *Reasonable Further Progress.* Section 172(b)(3) requires reasonable further progress (RFP) toward attaining the standard by the date specified in the SIP.

(a) *Primary Areas.* Each primary plan contains a schedule of emission reductions and a schedule of studies to be undertaken to develop control strategies which will achieve those reductions. The state proposes a number of studies concerning nontraditional sources of particulate; that is, such sources as roads and parking lots, rather than industrial buildings. The studies would include analysis of air samples to determine what types of sources are causing violations, inventories and evaluations to determine which sources need to be controlled and tests to determine what control methods would be most effective in controlling the sources which must be controlled.

In the primary areas the state schedule calls for studies during 1980 with new control strategies to become effective in 1981 to attain the primary standard. Adoption of additional strategies is expected following primary attainment but the plan does not firmly commit to the schedule of studies and implementation of needed control measures. For that reason, EPA proposed conditional approval with additional information to be submitted by November 1, 1980.

No public comments were received. However, because the exact nature of this condition is not known to the state until this rulemaking is published, the proposed date is no longer appropriate. Therefore the submission date is set at June 1, 1981. This is the only change from the proposal.

EPA hereby approves the Iowa SIP as demonstrating RFP in primary areas on the condition that, by June 1, 1981, the state submits a commitment and schedule for completing studies and expeditiously implementing the results of such studies in the form of control strategies.

(b) *Secondary Areas.* The secondary areas plans present base year inventories and graphs showing annual emission reductions with attainment by 1985. EPA proposed to approve this demonstration as demonstrating RFP. No comments were received on this proposal. EPA approves the Iowa SIP as demonstrating RFP in secondary areas.

(5) *Emission Inventory.* Section 172(b)(4) requires the plan to include a comprehensive and accurate current inventory of all sources in each nonattainment area. EPA proposed approval with respect to this requirement because Iowa has submitted adequate inventories for each nonattainment area and has committed to provide updates of emission information. No comments were received on this proposal. EPA approves the Iowa plan with respect to Section 172(b)(4).

(6) *Emission Growth.* Section 172(b)(5) requires the plan to expressly define and quantify the emissions, if any, which

will be allowed to result from the construction and operation of major new or modified stationary sources in a nonattainment area.

For primary areas, Iowa has provided for growth by an emission offset rule whereby new sources cannot be allowed to be built unless there are corresponding reductions in emissions from existing sources.

In secondary areas the state has selected a margin for growth. The state chose 5 micrograms per cubic meter, which is 3.3 percent of the standard of 150 micrograms per cubic meter, and the plans were written to accommodate this amount of growth. The state has committed to requiring additional emission reductions for existing sources any time the growth margin is used up, to allow economic growth while still providing for reasonable further progress and attainment.

EPA proposed to approve the state submission as meeting the requirements of Section 172(b)(5). One commentor wished to know how the growth margin was developed. As described above, the margin was selected for the purpose of accommodating new source emissions. The plans were then written, with sufficient emission reductions, to provide for the selected margin. EPA finds this procedure acceptable. EPA hereby approves the Iowa SIP as complying with Section 172(b)(5).

(7) *Permits.* Section 172(b)(6) requires permits for the construction and operation of new or modified major stationary sources. In the PRM, EPA discussed a number of points with respect to the state rules on offsets and new source permits. However, on December 30, 1980, the State submitted a package of regulatory revisions dealing with permits and offsets. Since it is not appropriate to act on state rules after they have been changed, EPA takes no action at this time with respect to the requirements of Section 172(b)(6). Therefore, the requirements of the Emission Offset Interpretative Ruling (40 CFR Part 51, Appendix S) remains in effect. When EPA has evaluated this latest submission, a new notice of proposed rulemaking will be published.

(8) *Resources.* Section 172(b)(7) requires an identification and commitment of resources to carry out the plan. EPA finds the state submission satisfies this requirement. The PRM proposed approval and no public comments were received on this proposal. EPA approves the Iowa SIP as meeting the requirements of Section 172(b)(7).

(9) *Limits and Schedules.* Section 172(b)(8) requires emission limits, schedules of compliance and other measures as may be necessary to meet the requirements of the Act. The secondary area plans do not contain schedules for compliance even though they do contain new emissions limitations. The rule relating to fugitive emissions became effective July 1, 1980. Sources on compliance schedules by July 1, 1980 would be allowed until June 30, 1981 to come into compliance. Since no compliance schedules were submitted as part of the SIP, all sources must be in compliance now.

The plan also contains other measures as necessary for attainment. In particular, it contains schedules to conduct studies of nontraditional source controls and to implement the results of these studies as control strategies as discussed in paragraph D.(1) above. EPA proposed to approve these as meeting the requirements relating to emission limits, compliance schedules and other measures. No comments were received on this proposal. EPA approves the state plan as meeting the requirements of Section 172(b)(8).

(10) *Consultation.* Section 172(b)(9) requires evidence of public, local government and state legislative involvement including an identification and analysis of air quality, health, welfare, economic, energy and social effects of the plans and a summary of the public comments on such analysis. The plans contain evidence that the local leaders in all areas were consulted in developing these plans. The required analysis was made available to the public in January 1980. No public comments on the analysis were received. The state legislature was involved in the review of the proposed plan through its Administrative Rules Review Committee.

EPA proposed to approve these plans as meeting this requirement. No comments were received on this proposal. EPA hereby approves the state submission as meeting the requirements of Section 172(b)(9).

(11) *Commitments.* Section 172(b)(10) requires written evidence that the necessary requirements, schedules and time tables have been legally adopted and are committed to be implemented. The plans contain evidence that the regulations thus far submitted have been legally adopted and are legally enforceable against subject sources. The future studies to be performed are firm commitments by the State of Iowa. Through the mechanism of the Iowa/EPA Agreement, EPA finds the necessary commitments exist and these plans are approvable with respect to this provision. EPA proposed approval and no public comments were received. EPA approves the Iowa submission as meeting the requirements of Section 172(b)(10).

E. Summary

The Administrator's decision to approve, disapprove or conditionally approve proposed revisions is based on comments received on a determination of whether or not the revisions meet the requirements of Part D and Section 110(a)(2) of the Clean Air Act and of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

Based on the Administrator's determination, EPA generally approves Iowa's plans to attain the secondary standards for total suspended particulate in the eight secondary nonattainment areas and in four primary nonattainment areas. EPA conditionally approves the plans with respect to reasonable further progress and secondary standard attainment date in primary areas and reasonably available control measures in secondary areas. No action is taken with respect to new source permits. EPA unconditionally approves the plans with respect to other requirements. The previously submitted plans to attain the primary standards are not changed, except as specifically noted in this document. In particular, the conditional approvals relating to maintenance of standards and to reasonably available control measures are not changed.

The measures approved today are in addition to, and not in lieu of, existing state regulations. The present emission control regulations remain applicable and enforceable to prevent a source from operating without controls or under less stringent controls, while it moves toward compliance with new regulations. Failure of a source to meet applicable existing regulations will result in appropriate enforcement action. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of any regulation, because of a court order or for any other reason, the preexisting regulations will be applicable and enforceable.

Under Section 307(b)(1) of the Clean Air Act, as amended, 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), 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. In this case, the appropriate court is the Eighth Circuit Court of Appeals.

Today's action also corrects an error in a previous **Federal Register** publication. In the notice of June 1, 1977 (42 FR 27892) the list of regulatory revisions submitted by the state inadvertently omitted the approval of Rule 3.2 as was discussed in the preamble. Today's revision of 40 CFR 52.820(c)(25) corrects this error.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it only approves state actions. It imposes no new 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 these comments are available at EPA Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

Note.—Incorporation by reference of the state implementation plan for the State of Iowa was approved by the Director of the Federal Register on July 1, 1980.

(Secs. 110, 172 and 301 of the Clean Air Act, as amended (45 U.S.C. 7410, 7502, and 7601))

Dated: April 8, 1981.

Walter C. Barber, Jr.

Acting Administrator.

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

Subpart Q—Iowa

1. Section 52.820 is amended by revising paragraph (c)(25) and adding paragraphs (c)(30), (c)(32), and (c)(33) as follows:

§ 52.820 Identification of plan.

* * * * *

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

* * * * *

(25) Revisions to Rules 1.2, 2.1, 3.1, 3.2, 4.1, 4.3, 4.4, and new Chapters 14 and 52 of the Iowa Administrative Code Relating to Air Pollution Control were submitted June 9, 1976, by the Department of Environmental Quality (Subrules 4.3(3)a(1) and 4.3(3)a(5) were disapproved).

* * * * *

(30) Nonattainment plan provisions as required by the Clean Air Act Amendments of 1977 were submitted on April 18, 1980, by the Department of Environmental Quality. The submission included amended rule 4.3(2) relating to fugitive dust and amended rule 3.5 relating to particulate matter offsets. The revisions included plans to attain the secondary particulate standards for all areas designated nonattainment as of March 6, 1980. The submission was conditionally approved with respect to several requirements.

(31) [Reserved]

(32) Additional information to support the April 18, 1980 submission was submitted on September 16, 1980, by the Department of Environmental Quality.

(33) Additional information to support the April 18, 1980 submission was submitted on November 17, 1980, by the Department of Environmental Quality.

* * * * *

2. Section 52.826 is amended by adding paragraphs (d) and (e) as follows:

§ 52.826 Conditions of Approval.

* * * * *

(d) Secondary standard attainment date. The state must submit by December 31 1981, a reanalysis of the attainment date for the secondary particulate standard based on the results of studies of non-traditional sources and control techniques, for the four areas designated nonattainment for primary particulate standard as of March 6, 1980.

(e) Reasonably available control measures for sources of particulate in secondary particulate nonattainment areas. The state must submit, by the date specified, the following:

(1) An enforcement guidance manual detailing the requirements on sources in secondary nonattainment areas subject to the Iowa Administrative Code, subparagraph (2) *Nonattainment Area*, of rule 4.3(2)c, *Fugitive Dust* (IAC 400—4.3(2)c.(2)), by June 1, 1981.

(2) A demonstration that the state requires all major fuel burning sources of particulate in secondary nonattainment areas to be controlled to a level representing reasonably available control technology, by July 1, 1980.

(3) A schedule for completing studies and a commitment to expeditiously implement measures found to be effective, by June 1, 1981.

3. Section 52.827 is revised to read as follows:

§ 52.827 Attainment dates for national standards.

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

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone
	Primary	Secondary	Primary	Secondary			
Metropolitan Omaha, Council Bluffs Interstate:							
a. Council Bluffs	*a*	*e*	b	*a*	c	c	c
b. Remainder of AQCR	*a*	*a*	b	*a*	c	c	c
Metropolitan Sioux Falls Interstate	b	*a*	c	c	c	c	c
Metropolitan Sioux City Interstate:							
a. Sioux City	b	*e*	c	c	c	c	c
b. Remainder of AQCR	b	*a*	c	c	c	c	c
Metropolitan Dubuque Interstate:							
a. Dubuque	*a*	*a*	d	d	c	c	c
b. Remainder of AQCR	*a*	*a*	c	c	c	c	c
Metropolitan Quad Cities Interstate:							
a. Davenport	d	f	c	c	c	c	c
b. Clinton	*a*	*e*	c	c	c	c	c
c. Muscatine	*a*	*e*	c	c	c	c	c
d. Remainder of AQCR	*a*	*a*	c	c	c	*e*	c
Burlington-Keokuk Interstate:							
a. Keokuk	*a*	*e*	*a*	*a*	c	c	c
b. Remainder of AQCR	*a*	*a*	*a*	*a*	c	c	c
Northwest Iowa Intrastate	c	c	c	c	c	c	c
North Central Iowa Intrastate:							
a. Fort Dodge	*a*	*e*	c	c	c	c	c
b. Mason City	d	f	c	c	c	c	c
c. Remainder of AQCR	*a*	*a*	c	c	c	c	c
Northeast Iowa Intrastate:							
a. Cedar Rapids	d	f	c	c	c	c	d
b. Waterloo	*a*	*e*	c	c	c	c	c
c. Remainder of AQCR	*a*	*a*	c	c	c	c	c
Southwest Iowa Intrastate	c	c	c	c	c	c	c
South Central Iowa Intrastate:							
a. Des Moines	d	f	c	c	c	d	*a*
b. Marshalltown	*a*	*e*	c	c	c	c	*a*
c. Remainder of AQCR	*a*	*a*	c	c	c	c	*a*
Southeast Iowa Intrastate	c	c	c	c	c	c	c

NOTE.—Dates of 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.

a. July 1975.
b. Air quality levels presently below primary standards.
c. Air quality levels presently below secondary standards.
d. December 31, 1982.
e. January 1, 1985.
f. January 1, 1995.

Sources subject to plan requirements and attainment dates established under Section 110(a)(2)(A) prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earlier attainment dates are set out at 40 CFR 52.827 (1978).

[FR Doc. 81-11620 Filed 4-16-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL 1787-7]

Approval and Promulgation of Michigan Implementation Plan—Ozone

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On October 28, 1980 (45 FR 71379), the Environmental Protection Agency (EPA) proposed approval of and invited public comment on the ozone control strategy and transportation control plan for Niles, Michigan, a portion of the South Bend, Indiana urbanized area. Two public comments were received. The purpose of this notice is to discuss the comments received and to announce EPA's final rulemaking action to approve this revision to the Michigan State Implementation Plan.

DATE: This final rulemaking becomes effective on April 1, 1981.

ADDRESSES: Copies of these SIP revisions, public comments received and EPA's final evaluation are available for public inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

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

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

FOR FURTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION:

General Information

On March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act (Act) as amended, EPA designated certain areas in each State as not meeting the National Ambient Air Quality Standards (NAAQS) for various pollutants. These areas are delineated at 40 CFR Part 81. Part D of the Act, which was added by the 1977 Amendments, requires each State to revise its State Implementation Plan (SIP) to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary standard as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions the attainment date may be extended to no later than December 31, 1987, for ozone and carbon monoxide.

On April 25, 1979, the State of Michigan submitted to EPA plans for all of the designated ozone and carbon monoxide nonattainment areas in the State.

Additional material concerning ozone attainment was submitted to EPA by the State on October 26, 1979, and on November 8, 1979. On December 26, 1979, the State of Michigan submitted transportation control plans (TCPs) for the major urban areas in the State. EPA announced receipt and availability of these SIP revisions on March 14, 1980 (45 FR 16504). On August 4 and August 8, 1980 the State submitted to EPA additional information on the transportation control plan (TCP) for Niles, Michigan, a portion of the South Bend, Indiana urbanized area. As defined by the U.S. Bureau of the Census in 1970, this area includes the urbanized portions of Cass and Berrien Counties. EPA approved the State's hydrocarbon control strategy for stationary sources in the May 6, 1980 **Federal Register** (45 FR 29790). In this notice, EPA takes final action to approve the TCP and the ozone attainment demonstration.

On October 28, 1980 (45 FR 71379), EPA proposed approval of the ozone control strategy and transportation control plan for the urbanized areas of Cass and Berrien Counties, Michigan. At that time, EPA solicited public comment on the revision to the Michigan SIP and on EPA's proposed approval. Two comments were received. One comment supported EPA's proposed rulemaking action. The other commentor was concerned about air quality in the Niles area.

Comment: Petroleum storage tanks in the Niles area are polluting the air with unburned hydrocarbons. These emissions will not be controlled until 1983.

EPA Response: Michigan has adopted a regulation which requires the implementation of reasonable available control technology (RACT) on petroleum storage tanks throughout the State. The schedule requires the phasing-in of control measures with final compliance as expeditiously as possible but no later than December 31, 1982. Their schedule meets all applicable Clean Air Act requirements and the State has demonstrated that sufficient emission reductions will be achieved in the Niles area to demonstrate attainment of the ozone standard by the statutory deadline.

Strategy	Implementors
Ridesharing Activities—Carpool demonstration.	Southwestern Michigan Regional Planning Commission.
Transit Improvements—Increase Niles Dial-A-Ride.	Niles Dial-A-Ride.
Traffic Flow Improvements Highway and traffic projects:	
17th Street (widening)	City of Niles.
Bertrand Road (bridge reconstruction).	Berrien County.
Lake Street (widening)	Cass County.
U.S. Route 33 (resurfacing).	Michigan Department of Transportation.
MI-51 (resurfacing)	Michigan Department of Transportation.

EPA's review of the Michigan submittal concluded that the transportation control plan and the attainment demonstration portions of the control strategy satisfy all of the nine requirements for an approvable non-attainment area SIP, as summarized in EPA's notice of proposed rulemaking on October 28, 1980 (45 FR 71379). The State has shown that sufficient emission reductions will be achieved to demonstrate attainment of the ozone standard by 1982. The transportation control plans, taken in conjunction with stationary source RACT requirements in Michigan, represent an acceptable ozone control strategy for the Niles urban area. Therefore, EPA takes final action to approve the transportation control plan and the ozone attainment demonstration for the urbanized areas of Cass and Berrien Counties, Michigan. EPA has determined that good cause exists for making these revisions immediately effective. By making this final rulemaking immediately effective, the restrictions on industrial growth contained in section 110(a)(2)(I) of the Clean Air Act will be lifted from the Niles area.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final 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 date of publication. 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.

(Sec. 110 and 172 of the Clean Air Act, as amended)

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

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

Dated: April 1, 1981.

Walter C. Barber, Jr.

Acting Administrator.

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

Section 52.1170(c) is amended by adding and reserving subparagraphs (33) and (34) and by adding subparagraph (35) to read as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(33)–(34) [Reserved]

(35) On August 4, 1980 and August 8, 1960, the State of Michigan submitted to EPA additional information on the transportation control plan for the Niles, Michigan urbanized area.

[FR Doc. 81-11621 Filed 4-16-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-5-FRL 1790-1]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice approves the new source review (NSR) portion of the Wisconsin State Implementation Plan (SIP), pursuant to Part D of the Clean Air Act (ACT) as amended in 1977. The notice also responds to the comments received in response to EPA's NSR notice of proposed rulemaking (NPR) (45 FR 38419, June 9, 1980).

EFFECTIVE DATE: April 17, 1981.

ADDRESSES: Copies of the Wisconsin Regulations and comments received in response to the June 9, 1980 NPR are available at:

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

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

Wisconsin Department of Natural Resource, Bureau of Air Management, 101 S. Webster, Madison, Wisconsin 53707

Copies of the regulations are available for review at:

Office of the Federal Register, 1100 L Street, SW., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert Miller, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6031.

SUPPLEMENTARY INFORMATION: On March 3, 1978 and October 5, 1978 (40 CFR 81.350; 43 FR 8962 and 43 FR 45993), pursuant to the requirements of section 107 of the Clean Air Act, EPA designated certain areas in the Region V States 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, added by the 1977 Amendments, requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. The requirements for an approvable SIP are described in the April 4, 1979 **Federal Register** (44 FR 20372) and in supplements dated July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, 67182). One of these requirements is that each SIP require permits for the construction and operation of new or modified major stationary sources. These permits are to be issued in conformance with the requirements of section 173 of the Act. Regulatory requirements related to preconstruction review are contained in 40 CFR 51.18.

To satisfy, among other things, the requirements for a new source review program in nonattainment areas, the State of Wisconsin submitted revisions to its SIP on July 12, 1979.

Additional background material was submitted by the State on September 4, 1979. On November 27, 1979, the State submitted copies of its air pollution control statutes and of its administrative regulations implementing the statutory powers and duties. The statutes and regulations contain changes from the statutes and regulations in the Wisconsin State Implementation Plan which was federally approved in 1973. On May 1, 1980, the State submitted copies of recent, significant revisions to its air pollution control laws, including new source review procedures. On June 9, 1980, EPA proposed rulemaking on only the portions of these statutes and regulations which address new source review in nonattainment areas (45 FR 38419). The State responded to the NPR on July 7, 1980. Additional comments were received from other parties. On February 18, 1981, the State submitted a revised version of Chapter 144 of the Wisconsin Statutes. This revised version incorporates the changes made by Chapters 34 and 221 of the Session Laws of 1979, and is identical in substance to the materials on which EPA proposed rulemaking on June 9, 1980. EPA today is incorporating this revised version into the SIP.

EPA's rulemaking action may take one of the following three forms: approval, disapproval, or conditional approval. EPA may conditionally approve a plan if the State proposal contains minor deficiencies, and if the State provides assurances that it will submit corrections on a specified schedule. Further details on conditional approval are contained in the July 2, and November 23, 1979 **Federal Registers.** EPA is today approving the Wisconsin NSR plan for nonattainment areas.

Wisconsin Preconstruction Review Program for Nonattainment Areas

To be approvable under Part D, a preconstruction review program must assure that permits for proposed major sources and major modifications are issued in conformance with the statutory requirements of section 173 of the Act. In addition, if an extension of the attainment date beyond 1982 is necessary, the plan must also require, before issuance of a permit to a source in an area needing an extension, and analysis of alternative sites, sizes, and other factors which demonstrates that the benefits of the proposed source significantly outweigh the environemntal and social costs.

The following sections of Chapter 144 of the Wisconsin Statutes, Chapters 34 and 221 of the Session Laws of 1979 and of Chapters NR 154 and NR 155 of the Wisconsin Administrative Code substantially contain, among other things, Wisconsin's authority and regulations for its preconstruction review program in nonattainment areas:

(1) From Chapter 144

(a) Section 144.01 (1), (2), (3), (9m) & (12)—Definitions

(b) Section 144.30—Air Pollution Definitions

(c) Section 144.31—Air Pollution Control Power and Duties

(d) Section 144.34—Inspections

(e) Section 144.371—Identification of Nonattainment Areas

(f) Section 144.375—Air Pollution Control: Standards and Determinations

(g) Section 144.38—Classification and Reporting
(h) Section 144.391—Air Pollution Control Permits
(i) Section 144.392—Permit Application and Review
(j) Section 144.393—Criteria for Permit Approval
(k) Section 144.394—Permit Conditions
(l) Section 144.395—Alteration, Suspension and Revocation of Permits
(m) Section 144.396—Permit Duration
(n) Section 144.397—Permit Renewal
(o) Section 144.398—Failure to Adopt Rule or Issue Permit for Exemption
(p) Section 144.399—Fees
(q) Section 144.402—Petition for Alteration
(r) Section 144.403—Hearings on Certain Air Pollution Actions
(s) Section 144.423—Violations-Enforcement
(t) Section 144.426—Penalties for Violations Relating to Air Pollution
(u) Section 144.96—Enforcement; Duty of Department of Justice; Expenses

(2) From Chapter 34 and Chapter 221, Session Laws of 1979

(a) Section 2033(1)—Air Pollution Study
(b) Section 2039(4g)—Air Pollution Revisions: Implementation
(c) Section 2039(4m)—Air Pollution Revisions: Impact on Existing Orders and Rules

(3) From Chapters NR 154 and NR 155, Wisconsin Administrative Code

(a) Section NR 154.01—Definitions (Previously approved)
(b) Section NR 154.03—Nonattainment Areas; Sources Affected
(c) Section NR 154.04—Notice of Intent (Direct and Indirect Sources)
(d) Section NR 154.05—Action on Application
(e) Section NR 154.055—Relocation of Portable Sources
(f) Section NR 154.06—Source Reporting, Recordkeeping, Testing Inspection and Operations
(g) Section NR 155.01—Definitions
(h) Section NR 155.02—Applicability of Air Standards
(i) Section NR 155.03—Air Standards

As discussed in the NPR, EPA reviewed the portions of these statutes and regulations applying to preconstruction review in nonattainment areas in light of the requirements of section 173 of the Clean Air Act, 40 CFR 51.18 including new paragcaphs j and k (May 13, 1980; 45 FR 31307), and the regulatory provisions proposed September 5, 1979 (44 FR 51924) amending 40 CFR 51.18.

EPA proposed in the September 5, 1979 notice to approve any state plan that would meet the existing SIP approval criteria or, alternatively, the criteria proposed in the September 5, 1979 notice. The State of Wisconsin chose to meet the criteria proposed in the September 5, 1979 **Federal Register.** On August 7, 1980, (45 FR 52675) EPA completed rulemaking on the September 5, 1979 notice. As allowed in the August 7, 1980 rulemaking, EPA is today taking final rulemaking action on Wisconsin's plan based solely on the September 5, 1979 NPR. The August 7, 1980 rulemaking gives Wisconsin until May 7, 1981 to meet the requirements of that rulemaking.

EPA noted in the NPR that Section 173 of the Act requires that any emission reductions required under the emission offset program must be legally binding before a permit can be issued. Section 144.391(1)(c) of the Wisconsin Statutes prohibits any source from operating under an "emission reduction option program" unless the source has an operating permit. Section 144.392(1)(c) of the Wisconsin Statutes requires that a permit can be issued to a source operating or seeking to operate under an "emission reduction option program" only if the required permit applications for other sources participating in that emission reduction option are approvable.

Although these provisions were considered to be generally acceptable, Wisconsin had not addressed the requirement that external offsets must be submitted to and approved by EPA as revisions to the federally approved SIP before the permit can be considered valid. EPA stated in the NPR that these permits must be submitted to insure federal enforceability of the external offsets. Therefore, EPA proposed to approve the revision as satisfying the statutory requirement that emission reduction offsets must be legally binding and enforceable before a permit is issued if during the comment period the State either submitted regulations requiring State submittal of external offset permits to EPA or made a commitment to submit external offset permits to EPA as SIP revisions.

In Wisconsin's July 7, 1980 response to the NPR, the State committed itself to submit all external offsets as revisions to the SIP. Therefore, EPA approves the external offset portion of the Wisconsin SIP. New Sources constructed under external offsets may not commence operation until EPA approves the required specific external offset as a portion of the SIP.

EPA also noted in the NPR that the State had added section 144.393(5) to the Wisconsin Statutes which provides for the issuance of a conditional permit. According to the statute, conditional air pollution control permits may be issued to sources which as proposed would not meet the requirements of Wisconsin Statutes Sections 144.393 (1) through (3), if the State prescribes permit conditions to assure that the source will eventually meet the requirements of sections 144.393 (1) through (3) prior to operation. Sections 144.393 (1) through (3) contain criteria for permit approval including requirements for reasonable further progress, lowest achievable emission rate, and compliance of all other sources in Wisconsin owned or operated by the applicant.

EPA had concerns about Wisconsin's issuance of conditional permits. For example, if a permit is issued to a new source on the condition that the permit for the source providing the emission offset is approved prior to start-up, the State would be violating the requirement of section 173 that all emission reductions be legally binding prior to the issuance of a permit to construct. Because of its concerns, EPA requested the State to submit documentation and clarification during the public comment period demonstrating that use of conditional permits would not violate or circumvent paragraphs (1), (2), and (3) of section 173 of the Clean Air Act.

In Wisconsin's July 7, 1980 response, the State described how other regulations allow it to issue permits only if they do not violate or circumvent section 173 of the Act. For example, NR 154.04(4) of the Wisconsin Administrative Code prohibits the State from approving a new source which would violate any control strategy, cause or exacerbate an ambient air quality violation, or degrade the air quality in a clean or unclassified area.

Another example is NR 154.04(9) of the Wisconsin Administrative Code. This section gives Wisconsin the authority to amend the plans for a deficient application and to impose conditions on the permit so that the source would meet the applicable requirements upon its construction or modification in accordance with the imposed conditions.

According to the State response, the adoption of section 144.393(5) of the Wisconsin Statutes was intended to parallel Wisconsin's authority under NR 154.04(9), which is the authority to amend a permit application without requiring a revised application. This allows Wisconsin to add permit conditions so that the source will meet the applicable requirements. Wisconsin does not construe the authority under section 144.393(5) as allowing the State to permit sources to commence construction or operation in nonattainment areas without satisfying sections 144.393 (1) through (3).

EPA accepts Wisconsin's finding that NR 154.04(4) would not allow the State to issue a permit in circumvention of

section 173 of the Clean Air Act, and EPA approves section 144.393(5).

Finally, although not discussed in the NPR, EPA notes that certain definitions in Wisconsin's regulations and legislation do not exactly parallel EPA's definitions contained in the September 5, 1979 NPR and the August 7, 1980 notice of final rulemaking. Wisconsin is currently revising its regulations, partially to meet the requirements of the August 7, 1980 **Federal Register**. Wisconsin's revised NSR regulations, when submitted, must reflect the EPA NSR definitions applicable at that time.

Comments raised by the public are as follows:

1. Several commentors discussed external offsets. Two felt that requiring external offsets to be submitted as revisions to the SIP needlessly delayed construction. Another commentor supported external offsets submittals on the grounds that the EPA approval process gave the commentor additional time to scrutinize the impact of the proposed new sources and gave needed federal oversight of the offset process.

EPA has determined that in order to assure federal enforceability of external offsets, they must be included in a revised SIP.

2. A commentor questioned whether the State may require greater than one for one offsets in order to allow construction in nonattainment areas. Another commentor supported the State's requirement. EPA's requirement is that the SIP for a nonattainment area must show "reasonable further progress (RFP)." A State may provide for RFP by several methods. One way is that the State may tailor its SIP so as to require existing sources to limit their emissions enough so that the NAAQS are just attained. It then must require offsets for new sources. Using this approach, more than one for one offsets may be required to provide for growth from other sources not covered by the offset provisions. Wisconsin has taken this approvable approach. Because the method for meeting the RFP requirement is left up to the States and Wisconsin's approach is approvable, EPA is today approving Wisconsin's more than one for one offset requirement.

In conclusion, EPA is today approving Wisconsin's NSR program as it pertains to nonattainment areas in Wisconsin. EPA's rulemaking on Wisconsin's NSR program does not apply to attainment areas. The State will revise its regulations for these areas later this year. EPA will rulemake on these revisions upon their submittal.

EPA is making these regulations effective immediately because they will remove the growth restrictions of section 110(a)(2)(I) of the Act for those areas where EPA has previously approved the SIP.

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 will not be "major" as defined by Executive Order 12291, because this action only approves a State action and does not promulgate any requirement beyond that which is required by the State. Its major economic impact will be to remove the growth restrictions of Section 110(a)(2)(1) in those areas where EPA has previously approved the State's plan for attaining the standards.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA responses to these comments are available for public inspection at the Region V EPA office, listed above.

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.

(Secs. 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: April 7, 1981.

Walter C. Barber, Jr.

Acting Administrator.

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

1. Section 52.2570(c) is amended by adding new paragraph (18) as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(18) On July 12, 1979 Wisconsin submitted its new source review regulations. Additional information was submitted on September 4, 1979, November 27, 1979, May 1, 1980, and February 18, 1981. EPA is only approving these submittals as they relate to the new source review plan for nonattainment areas.

* * * * *

[FR Doc. 81-11457 Filed 4-16-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6031]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; phone: (800) 638-6620

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the commodities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special

flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization of sale of flood insurance for area	Hazard area identified
Alabama:				
Jefferson	Birmingham, city of	010116	730330 emergency; 810316 regular	750626
Walker	Carbon Hill, city of	010204	770518 emergency; 810316 regular	751031
Do.	Cordova, city of	010205	750725 emergency; 810316 regular	740531
Shelby	Montevallo, town of	010349	810225 emergency; 810316 regular	770128
Etowah	Walnut Grove, town of	010252	750625 emergency; 810316 regular	750131
Connecticut: New Haven	Woodbridge, town of	090153	750618 emergency; 810316 regular	740628
Delaware: Kent	Wyoming, town of	100020	750320 emergency; 810316 regular	740524
Idaho: Blaine	Blaine County [1]	165167	710514 emergency; 810316 regular	
Illinois:				
McHenry	Algonquin, village of	170474	740904 emergency; 810316 regular	740308
Peoria	Bartonville, village of	170534	750611 emergency; 810316 regular	740315
St. Clair	Caseyville, village of	170621	730426 emergency; 810316 regular	761210
Winnebago	Cherry Valley, village of	170721	750218 emergency; 810316 regular	740301
Kane	East Dundee, village of	170323	750509 emergency; 810316 regular	740517
Do.	North Aurora, village of	170329	750520 emergency; 810316 regular	740301
Indiana:				
Delaware	Delaware County [1]	180051	750613 emergency; 810316 regular	741129
Lake	Gary, city of	180132	750317 emergency; 810316 regular	740628
Do.	Hammond, city of	180134	741210 emergency; 810316 regular	740315
Hendricks	Hendricks County [1]	180415	750317 emergency; 810316 regular	770626
Tippecanoe	Tippecanoe County [1]	180426	751224 emergency; 810316 regular	780303
Hamilton	Westfield, town of	180083	750615 emergency; 810316 regular	740201
Delaware	Yorktown, town of	180361	760318 emergency; 810316 regular	750321
Kansas: Cowley	Winfield, city of	200071	740530 emergency; 810316 regular	760319
Kentucky: Graves	Mayfield, city of	210089	750407 emergency; 810316 regular	740315
Maine: Kennebec	Pittston, town of	230243	750715 emergency; 810316 regular	741227
Michigan:				
Oakland	Commerce, township of	260473	760720 emergency; 810316 regular	770325
Wayne	Redford, township of	260236	711126 emergency; 810316 regular	731102
Minnesota: Clay	Hawley, city of	270084	740422 emergency; 810316 regular	740517
Mississippi: Alcorn	Corinth, city of	280002	740726 emergency; 810316 regular	740123
Missouri: St. Charles	O'Fallon, city of	290316	750417 emergency; 810316 regular	740201
Nebraska:				
Madison	Norfolk, city of	310147	740311 emergency; 810316 regular	740123
Cheyenne	Sidney, city of	310039	741210 emergency; 810316 regular	740201
New Jersey:				
Hunterdon	Frenchtown, borough of	340234	740115 emergency; 810316 regular	740412
Passaic	Haledon, borough of	340399	750513 emergency; 810316 regular	740510
Hunterdon	Holland, township of	340509	750624 emergency; 810316 regular	740726
Middlesex	Sayreville, borough of	340276	740121 emergency; 810316 regular	731226
New York: Jefferson	Henderson, town of	360338	760430 emergency; 810316 regular	760123
North Carolina: Orange	Orange County [1]	370342	750715 emergency; 810316 regular	780616
Ohio: Summit	Silver Lake, village of	390531	750604 emergency; 810316 regular	740208
Pennsylvania:				
Lancaster	East Cocalico, township of	420547	740424 emergency; 810316 regular	740201
Chester	Easttown, township of	422600	741114 emergency; 810316 regular	750103
Montgomery	Limerick, township of	421912	741107 emergency; 810316 regular	750411
Berks	Maidencreek, township of	421078	750609 emergency; 810316 regular	740802
Luzerne	New Columbus, borough of	421819	750709 emergency; 810316 regular	741101
Huntingdon	Porter, township of	421699	750822 emergency; 810316 regular	741206
Lehigh	Slatington, borough of	420592	750604 emergency; 810316 regular	740412
Chester	Spring City, borough of	420289	750604 emergency; 810316 regular	731228
Bradford	Towanda, borough of	420178	750527 emergency; 810316 regular	750425
Montgomery	Worcester, township of	421919	750304 emergency; 810316 regular	741101
Rhode Island: Washington	Hopkinton, town of	440026	750908 emergency; 810316 regular	740531
South Carolina: Charleston	McClellanville, town of	450039	751216 emergency; 810316 regular	741025
Tennessee:				
Shelby	Millington, city of	470178	741101 emergency; 810316 regular	740531
Obion	Obion, town of	470253	750811 emergency; 810316 regular	750103
Vermont:				
Grand Isle	Alburg, town of	500221	750910 emergency; 810316 regular	741108
Do.	Alburg, village of	500222	750715 emergency; 810316 regular	741206
Chittenden	South Burlington, city of	500195	751120 emergency; 810316 regular	741101
Virginia:				
Independent city	Danville, city of	510044	741017 emergency; 810316 regular	740531
Independent city	Petersburg, city of	510112	731107 emergency; 810316 regular	740531
Wisconsin:				
Calumet	Chilton, city of	550037	750611 emergency; 810316 regular	740412
Dodge	Fox Lake, city of	550097	750801 emergency; 810316 regular	740524
Trempealeau	Galesville, city of	550443	760223 emergency; 810316 regular	731130
Jackson	Melrose, village of	550188	750630 emergency; 810316 regular	731217
Oregon: Lane	Dunes City, city of	410262	780124 emergency; 810324 regular	770128

[1] Unincorporated areas.
Total is 62.

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

Issued: April 7, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-11623 Filed 4-16-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6032]

Suspension of Community Eligibility Under the National Food Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Alabama: Jefferson	Fultondale, city of	010121C	June 25, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	May 24, 1974, Jan. 9, 1976, and July 6, 1979.	May 5, 1981.
Florida: Seminole	Unincorporated areas	120289B	May 29, 1974, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Jan. 17, 1975 and Apr. 8, 1977.	Do.
Illinois: Cook	Sauk Village, village of	170157D	Apr. 3, 1974, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Mar. 8, 1974, June 4, 1976, Nov. 19, 1976 and July 7, 1978.	Do.
Indiana: Madison	Frankton, town of	180154C	June 5, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Dec. 17, 1973, Sept. 12, 1975, and June 15, 1979.	Do.
Michigan:					
Macomb	Harrison, township of	260123C	Dec. 8, 1972, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Nov. 16, 1973 and July 2, 1976.	Do.
Ingham	Lansing, township of	260632A	Aug. 25, 1975, emergency; Feb. 4, 1981, regular; May 5, 1981, suspended.	Feb. 4, 1981	Do.
Oakland	Rochester, city of	260326B	Apr. 9, 1976, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Apr. 11, 1975 and Nov. 19, 1976.	Do.
Minnesota:					
Wright	Hanover, city of	270540B	Oct. 25, 1974, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Nov. 23, 1973 and June 4, 1976.	Do.
Hennepin	Hopkins, city of	270166B	May 2, 1974, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Nov. 9, 1973 and May 7, 1976.	Do.
Mille Lacs	Milaca, city of	270289B	May 9, 1974, emergency; May 5, 1981, regular; May 5, 1981, suspended.	May 10, 1974 and Apr. 30, 1976.	Do.
Fillmore	Peterson, city of	270128B	Aug. 7, 1978, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Aug. 30, 1974 and Feb. 20, 1976.	Do.
Missouri: Butler	Neelyville, city of	290046A	July 3, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Dec. 6, 1974	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
New Jersey: Bergen	Park Ridge, borough of	340063B	Feb. 19, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Jan. 23, 1974 and Sept. 17, 1976.	Do.
North Carolina: Halifax	Unincorporated areas	370327B	Nov. 22, 1976, emergency; May 5, 1981, regular; May 5, 1981, suspended.	June 23, 1978	Do.
North Dakota: Cass	Casselton, city of	380020B	Mar. 12, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	May 24, 1974 and Feb. 27, 1976.	Do.
Oregon: Clakamas	Barlow, city of	410013A	Feb. 10, 1976, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Jan. 10, 1975	Do.
Texas:					
Henderson	Athens, city of	480324B	Apr. 10, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Aug. 23, 1974 and Apr. 9, 1976.	Do.
Fannin	Bonham, city of	480222B	Jan. 3, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	June 7, 1974 and June 4, 1976.	Do.
Dallas	Desoto, city of	480172B	June 12, 1974, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Aug. 2, 1974 and Apr. 16, 1976.	Do.
Willacy	Lyford, city of	480665A	Sept. 25, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	May 17, 1974	Do.
Vermont:					
Grand Isle	Alburg, town of	500221B	Sept. 10, 1975, emergency; Mar. 16, 1981, regular; May 5, 1981, suspended.	Nov. 8, 1974 and Mar. 16, 1981.	Do.
Do	Alburg, village of	500222B	July 15, 1975, emergency; Mar. 16, 1981, regular; May 5, 1981, suspended.	Dec. 6, 1974 and Mar. 16, 1981.	Do.
Windham	Jamaica, town of	500131B	Aug. 7, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	June 28, 1974 and May 10, 1977.	Do.
Washington:					
Kittitas	Ellensburg, city of	530234C	May 22, 1974, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Dec. 12, 1973, Apr. 16, 1976 and Mar. 13, 1979.	Do.
Kittitas	Unincorporated areas	530095B	Feb. 5, 1974, emergency; May 5, 1981, regular; May 5, 1981, suspended.	Nov. 8, 1977	Do.
King	Renton, city of	530088B	Nov. 7, 1975, emergency; May 5, 1981, regular; May 5, 1981, suspended.	June 7, 1974 and Nov. 7, 1975.	Do.
Kittitas	South Cle Elum, city of	530263A	Dec. 9, 1976, emergency; May 5, 1981, regular; May 5, 1981, suspended.	July 11, 1975	Do.

[1] Certain Federal assistance no longer available in special flood hazard area.

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

Issued: April 9, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-11622 Filed 4-16-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

National Flood Insurance Program; Letter of Map Amendment for St. Charles County, Missouri

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Charles County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Charles County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034; telephone: (800) 638–6620.

The map amendments listed below are in accordance with S. 70.7(b):

Map No. H & I 290315 Panel 0250A, published on October 6, 1980, in 45 FR 66107, indicates that Lot 29, Southgate Plat One, St. Charles County, Missouri, as recorded in Book 20, Pages 47 and 48, in the Office of the Recorder, St. Charles County, Missouri, is within the Special Flood Hazard Area.

Map No. H & I 290315 Panel 0250A is hereby corrected to reflect that the existing structure on the above mentioned lot is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

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

Issued: April 3, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-11626 Filed 4-16-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA—5909]

Letter of Map Amendment for City of Novato, Calif., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Novato, California. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Novato, California, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 060178 Panels 0002A and 0003A, published on October 6, 1980, in 45 FR 66118, indicates that the Administration Building, Pump Station and Corporation Yard Building, Novato Sanitary District, Novato, California, located on the property as recorded in Book 2181, Page 174; Book 2412, Page 228; Volume 583, Page 261; Volume 642, Page 24; Book 1020, Page 431; Book 1020, Page 128; Volume 581, Page 420; and Book 2412, Page 229, in the Office of the Recorder, Marin County, California, are within the Special Flood Hazard Area. These properties are also known as Assessor's Parcel Numbers 03 and 12 through 15, as shown on the Marin County Assessor's Map Book 153, Page 25.

Map No. H & I 060178 Panels 0002A and 0003A are hereby corrected to reflect that the existing Administration Building, Pump Station, and Corporation Yard Building located on the above mentioned properties are not within the Special Flood Hazard Area identified on January 19, 1978. These structures are in Zone C.

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

Issued: April 3, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-11625 Filed 4-16-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1080

[Docket No. 37669]

Reduction in Number of Carrier-Forwarder Contracts Required To Be Filed

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rules.

SUMMARY: Commission regulations presently require two copies of contracts between freight forwarders and motor carriers entered into pursuant to Section 10766 of Title 49, United States Code, be filed with the Commission. We have determined that two copies are no longer necessary. This document relaxes the regulation to require the filing of only one copy of a contract. This change lessens the paperwork burden on forwarders.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: William P. Geisenkotter, Phone: 202–275–7739.

SUPPLEMENTARY INFORMATION: Section 10766 of Title 49, United States Code, allows freight forwarders to enter into contracts with motor common or motor contract carriers of property. These contracts were formerly referred to as Section 409 contracts after the authorizing section of the Interstate Commerce Act. Under these contracts, the motor carriers agree to provide transportation for the forwarders.

The Commission's regulations governing these contracts are set forth in Part 1080 of Title 49 of the Code of Federal Regulations. Presently, two copies of the contract or amendment to a contract must be filed with the Commission (49 CFR 1080.1). One of the copies becomes the forwarder's official filing and is maintained in the official file in the Bureau of Traffic. The other copy is kept open for public inspection at the Commission's public tariff file. After approximately 60 days, the public file copy is discarded.

It has come to our attention that there is little if any public interest in reviewing these contracts. For this reason, we are amending 49 CFR 1080.1 to require that only one copy of the contract be filed.

This amendment will ease the regulatory burden on forwarders by eliminating the filing requirement and reducing paperwork. Filing one copy of the contract continues to satisfy the statutory requirement. Any party wishing to review a contract filed under Section 10766 will be allowed to see the Commission's official file copy.

Accordingly, Chapter X of Title 49 CFR, Part 1080 is amended by revising § 1080.1 to read as follows:

§ 1080.1 Filing.

All Contracts, and amendments thereto, between freight forwarders and motor common carriers, entered into pursuant to section 409 of the Interstate Commerce Act, as amended December 20, 1950, and amendments to contracts continued, shall be in writing, and the freight forwarder party thereto shall file with the Interstate Commerce Commission one true and legible copy thereof on paper of good quality, size 8½" x 11".

Because this amendment lessens a regulatory requirement that involves only Commission practice and procedure, it is being issued in final form and public comment is not being requested.

This decision will not have a negative impact on small businesses. However, comments on the subject may be filed on or before May 18, 1981.

This decision does not affect significantly either the quality of the human environment or energy resources.

This decision is issued under authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: April 1, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-10786 Filed 4-16-81; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 74
Friday, April 17, 1981

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

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Hearing on Proposed Amendment of Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and notice of hearing.

SUMMARY: Notice is hereby given of a public hearing to be held to consider a proposed amendment of the marketing agreement and order for onions grown in Idaho and Malheur County, Oregon. The proposal was submitted by the Idaho-Eastern Oregon Onion Committee, the industry group responsible for local administration of the program. The principal changes proposed are to authorize the prohibition of unfair trade practices and add a public member to the committee. A prenotice release announcing the proposal, inviting public comment, and offering copies of the proposal to interested persons was released on February 4, 1981.

DATE: The hearing will begin on May 13, 1981, at 9:00 a.m.

ADDRESSES: Conference Room, Malheur Co. Extension Service Office, 710 S.W. 5th Ave., Ontario, Oregon 97914.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2615. An impact statement relative to this action is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Actions 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291.

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 because it would not measurably affect costs for the directly regulated 23 handlers.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 VFR Part 900). The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of:

(a) Receiving evidence about the economic and marketing conditions which relate to the proposed amendment and the program it would be effective under.

(b) Determining whether there is a need for an amendment to the Idaho-Eastern Oregon onion marketing agreement and order.

(c) Determining whether the proposed amendment or an appropriate modification of it will tend to effectuate the declared policy of the act.

The proposals are as follows:

Proposal No. 1

Revise paragraph (a) of and add a new paragraph (c) to § 958.20 to read:

§ 958.20 Establishment and membership.

(a) The Idaho-Eastern Oregon Onion Committee, consisting of six producer members, four handler members, and one public member, is hereby established. Each shall have an alternate who shall have the same qualifications as the member.

* * * * *

(c) The public member shall be a resident of the production area and have no direct financial interest in the commercial production, financing, buying, packing or marketing of onions except as a consumer nor be a director, officer or employee of any firm so engaged.

Proposal No. 2

Add a new paragraph (g) to § 958.28 to read:

§ 958.28 Nominations.

* * * * *

(g) The producer and handler members of the committee shall nominate the public member and alternate. The committee shall prescribe such additional qualifications, administrative rules and procedures for selection and voting for each candidate as it deems necessary and as the Secretary approves.

Proposal No. 3

Add a new § 958.62 to read:

§ 958.62 Authorization for prohibition of trade practices.

Whenever the Secretary finds, upon recommendation of the committee, or other information, that continuance of certain practices in trade channels would tend to interfere with the achieving of the objectives of this part, he may prohibit handlers from using such practices, for any fiscal period or portion thereof. The prohibited practices may include shipping more than a specified maximum weight or number of containers of onions in certain types of rail cars. Prior to any such practices being prohibited, the committee shall recommend, for the approval of the Secretary, such rules and procedures as are necessary to administer these prohibitions and obtain compliance therewith.

Proposal No. 4

Make such changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from Joseph C. Perrin, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Boise-Cascade Bldg., Suite 805, 1600 SW. 4th Avenue, Portland, Oregon 97201, phone (503) 221–2724.

Signed at Washington, D.C., on April 13, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81–11611 Filed 4–16–81; 8:45 am]

BILLING CODE 3410–02–M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins Specification for Filled Telephone Cable, PE-39

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposes to amend Appendix A by issuing a revised Bulletin 345-67, Specification for Filled Telephone Cable, PE-39. This cable specification was revised to (1) include an optional jacket material, (2) an optional shield design, (3) allow for the preconnectorization of cables 100 pair and larger, and (4) tighten, in two steps, the capacitance unbalance to ground requirements. These revisions will generally result in an improvement in the mechanical and electrical performance of the cable at no increased cable cost. This will impact telephone borrowers by generally providing improved service life at no increase in cable costs.

DATE: Public comments must be received by REA no later than on or before June 16, 1981.

ADDRESS: Submit written comments to Joseph M. Flanigan, Director, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The draft Impact Analysis describing the options considered in developing this proposed rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA proposes to issue revised Bulletin 345-67, Specification for Filled Telephone Cable, PE-39. This action has been reviewed under USDA procedures established to implement Executive Order No. 12291 and has been classified as "not major".

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 Rural Telephone Loans and Loan Guarantees.

REA, in its effort to assure the best, most cost-effective telecommunications service for rural America, proposes to revise PE-39. The revision will provide an improved long-lived product and will give manufacturers uniform standards to which to develop and produce a product. All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address.

Dated: March 25, 1981.

John H. Arnesen,

Assistant Administrator, Telephone.

[FR Doc. 81-11618 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-15-M

Food Safety and Quality Service

7 CFR Part 2856

[Docket No. 80-025P]

Revision of Shell Egg Standards and Grades

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would make the following changes in the voluntary shell egg grading regulations:

a. Eliminate the C quality classification for individual eggs.

b. Eliminate three wholesale grades—U.S. Trades, U.S. Dirties, and U.S. Checks—and the two U.S. Procurement Grades.

c. Eliminate the consumer grade Fresh Fancy Quality and Grade A quality control programs.

d. Increase the tolerance for undergrade eggs. Tolerances for Checked eggs at destination for all egg sizes and for Jumbo size eggs at origin would be raised. The tolerance for Leakers and Dirties at destination would be slightly raised, and a small tolerance for Dirties would be provided at origin.

e. The minimum percent of eggs of a specified quality in consumer grades at origin and destination would be raised, except that the percent of eggs of the specified quality in U.S. Grade AA at destination would be adjusted more to accurately reflect what is in the marketplace.

f. The definition of origin grading would be clarified to indicate that this is a grading made at a plant where eggs are graded and packed.

DATE: Comments must be received on or before June 16, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, Food Safety and Quality Service, Compliance Program, Room 2637, South Agriculture Building, Washington, D.C. 20250. (For further information on comments, see Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Joseph B. Beck, Poultry and Dairy Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4411.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made an initial determination that this proposed rule is not a major rule under Executive Order 12291 because it does not impose additional burdens or requirements on the affected industry. It will not result in an annual effect on the economy of $100 million or more, a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Quality Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it involves changes that are limited to bringing the existing regulations into conformity with current industry production and marketing practices, but does not impose additional burdens or requirements on the affected industry.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the office of the Regulations Coordination Division and should bear a reference to the date and page number of this issue of the **Federal Register**. All comments made pursuant to this proposal will be made available for public inspection in the office of the Regulations Coordination Division during regular business hours (7 CFR 1.27(b)).

Background

The history of standards for shell eggs dates back to 1925 when the first quality standards for individual eggs were developed. In 1948, consumer grades were issued, and in 1967 separate standards for consumer grades at origin and destination were promulgated. The basic tolerances for undergrade eggs

which are allowed within each grade have undergone slight but not significant changes over the years. These tolerances are not designed to permit inferior products but rather to compensate for human error and unavoidable quality loss during handling and marketing. Without tolerances, it would be impossible to produce packs of eggs acceptable to consumers at prices they are willing to pay. Tolerances are also somewhat dependent upon the industry's capability to produce an acceptable product at reasonable prices.

The shell egg industry has undergone drastic changes since the standards were issued. From a manual hand-candling operation of sorting eggs into grades and weight classes by graders at a rate of six to eight 30-dozen cases per hour to a highly mechanized operation with mass scanning equipment capable of sorting 140 cases per hour per unit, the industry bears little resemblance to former days. The flock size has greatly increased and now units of a million or more hens producing uniform, high-quality eggs are not uncommon. Frequent gathering of eggs of uniform quality in large quantities, rather than assembling lots from small units over a period of time, makes an ideal situation to process eggs over mechanized equipment. With the uniform quality that generally exists in these situations, the scanning procedure becomes merely a sorting operation where the undergrades are removed and the other eggs move rapidly into the packing area.

While the Department periodically inspects eggs at retail outlets for grade and weight compliance, this is basically the responsibility of State regulatory agencies under State egg laws. From reports of State regulatory gradings at retail, as well as scattered retail gradings the Department had made, the question arose as to whether the destination grades are realistic and reasonable, and truly reflective of today's production and marketing practices. At this point, there were no studies to evaluate this situation. Accordingly, the Department made a comprehensive study of retail packs to determine how the actual grade and size compared with the marked grade and size. A randomly selected group of retail outlets comprised of various sizes and types was used in the study. There were 125 chains selected for the study with stores from nationwide chains being visited in many States. Gradings were made at retail outlets in 31 different States by supervisory U.S. Department of Agriculture personnel. The gradings were performed in April and May 1978 and duplicated in the same outlets again in July and August 1978. During the two periods, 12,312 100-egg samples were graded from the various sizes and grades available. The sample distribution was composed of 52.16 percent of product graded under USDA's voluntary grading program and identified with official USDA grademarks and 47.84 percent packed without USDA identification from other sources. However, since the various States regulate the labeling, grading, and marketing of eggs by their State egg laws and these laws reference the official U.S. standards, grades, and weight classes, it can be assumed that the U.S. standards were used as a basis in grading and sizing the eggs. Based on the study, the Department is proposing various revisions of the official U.S. standards and grades for shell eggs.

Revisions Being Proposed

a. *Elimination of "C" quality*—The Department is proposing the elimination of the "C" quality classification for individual eggs and placing the present "C" quality eggs in either the "Dirty" or "B" quality classification depending on the degree of defect. The overall percentage of "C" quality eggs has steadily decreased over the past several years. To obtain specific information concerning the actual percentage of "C" quality eggs, USDA undertook a study in February 1979 involving approximately 2,500 100-egg samples in 20 shell egg plants nationwide with USDA resident grading service. The results of this study showed that approximately 1 percent of the eggs from laying houses (nest-run eggs) were of "C" quality—.7 percent due to shell shape and texture, .2 percent due to stains, and .1 percent as a result of various other factors such as air cell development and small meat or blood spots.

The Department believes that the percentage of "C" quality eggs found in the total egg production has decreased to a point where it is now insignificant and thus finds it difficult to justify continuing the "C" quality category in the standards. The Department proposes to place the present "C" quality eggs due to shell deformities in the "B" quality classification and moderately stained eggs now classified as "C" quality in the "Dirty" category except for moderate stains covering up to 1/32 of the shell surface when localized or up to 1/16 of the shell surface when scattered. These would be classified as "B" quality. U.S. Consumer Grade C was dropped from the standards in 1963.

Realignment of the present "C" quality standards into "B" quality and Dirty categories would result in adjustments in the percentages of various qualities permitted and/or required within a grade. Both the grade for a lot and the tolerance for individual cases within a lot would be affected in this regard.

b. *Elimination of wholesale and procurement grades*—The Department is proposing the elimination of three U.S. Wholesale grades—"U.S. Trades," "U.S. Dirties," and "U.S. Checks"—since these grades have not been used for years. Wholesale grades "U.S. Specials," "U.S. Extras," and "U.S. Standards" would remain, except that reference to tolerances for "C quality" eggs would be deleted since it is being proposed to eliminate "C quality." Reference to tolerances for "C quality" eggs in "U.S. Nest-Run Grade" for shell eggs would also be deleted.

The U.S. Procurement Grades I and II would be eliminated since they are now obsolete. Procurement Grade II has not been used for a number of years. Procurement Grade I is practically identical to U.S. Consumer Grade A; thus, the consumer grade standard can readily be used in place of the procurement standard. The Department of Defense is the principal user of Procurement Grade I.

c. *Elimination of the consumer grade Fresh Fancy quality and Grade "A" quality control programs*—These programs are based on a more objective way of determining quality than the predominant mass-scanning system using high-intensity lights. A small sample of eggs is randomly selected from flocks under the programs. These eggs are then broken out and the height of the thick white is measured with a micrometer and the reading is correlated with the weight of the egg. This results in a Haugh unit figure used to determine the quality of the egg. The higher the Haugh unit (named after its inventor), the higher the quality of the egg. While the programs are excellent marketing tools for high-quality eggs, their use has been very limited. The Fresh Fancy Quality program has practically ceased and the Grade "A" program is not used. Special handling is required for these programs and additional equipment and facilities are required beyond those for the regular voluntary programs. Probably, the use of these programs has been restricted by their cost and the fact that producers and packers did not receive premiums for the product sufficient to justify the costs.

d. *Increase tolerances for undergrade eggs*—The Department is proposing two amendments to the shell egg standards which would increase the tolerance for undergrade eggs. The first proposal

would raise the tolerance for checked eggs at destination for all egg sizes and, in addition, at origin for Jumbo size eggs. A "Check" is defined as "an individual egg that has a broken shell or a crack in the shell but with its shell membrances intact and its contents not leaking." Checks are an unavoidable problem in the marketing of eggs because eggs cannot be assembled, graded, packed, transported, and merchanized without some breakage. Most obvious Checks are removed during the grading process, but "hairline" Checks often escape detection because they cannot be seen. As time passes, many of these Checks become detectable (due primarily to contraction caused by cooling); however, the eggs have usually moved into marketing channels. Handling of eggs during the marketing process also may cause Checks.

The current standards provide that "AA" and "A" grade eggs may contain up to 5 percent Checks at both origin and destination. The retail study recently conducted by the Department indicates that slightly over 30 percent of "AA" and "A" grade cartoned eggs at retail stores exceed the 5-percent Check tolerance. Yet, the average percent of Checks at retail was 4.53, well under the 5 percent allowed. When the 5-percent tolerance was adopted in 1967, it was based on the layman's approach of "averages" rather than "frequency tables" which are used by statistical experts. Thus, the present destination standards are and have been in error and do not accurately reflect what is reasonable under normal egg production and marketing practices and what is in the marketplace today.

Accordingly, the Department would raise the tolerance for Checks at destination from 5 to 7 percent for all weight classes except Jumbo. The destination study demonstrated that this action would lower the 30-percent noncompliance rate found at the current 5-percent Check tolerance to an approximate 15-percent noncompliance rate at the proposed 7-percent Check tolerance.

Jumbo size eggs present a special problem with respect to Checks. Part of the problem is due to the difficulty of packaging these oversized eggs in material that will accommodate them since all eggs above the 30-ounce-to-the-dozen size go in this pack. The extensive shell area subject to damage is also a factor. Because of these problems confirmed through the analysis of the 1978 study, the Department would raise the tolerance for Checks to 7 percent at origin and 9 percent at destination for U.S. Grade "AA" and "A" Jumbo eggs.

The second proposal would slightly raise tolerances in U.S. Consumer Grades for Leakers and Dirties at destination. Currently, the U.S. Grade "AA" and U.S. Grade "A" destination tolerance for Leakers, Dirties, or Loss due to meat or blood spots in any combination is 0.5 percent, except that Loss may not exceed 0.3 percent. The retail study indicates that this tolerance is unrealistically low since the average incidence of eggs in those categories was 0.81 percent. The Department would increase this tolerance from 0.5 to 1.0 percent, with Loss to remain at the 0.3-percent level. The U.S. Grade "AA" and U.S. Grade "A" at origin standards allow 0.3 percent Leakers and Loss due to meat or blood spots, but there is currently no tolerance for Dirties. The study conducted in resident plants during 1979 revealed a small incidence of Dirties. It is unrealistic to have zero tolerance for Dirties at origin; thus, the Department would increase the present tolerance at origin from 0.3 to 0.5 percent and include Dirties in this tolerance. Loss permitted would again not be allowed to exceed 0.3 percent. The current tolerances for Leakers, Dirties, and Loss apply equally to U.S. Grade "AA," U.S. Grade "A," and U.S. Grade "B" product and to both origin and destination grades; therefore, tolerances for all these grades would be adjusted accordingly.

e. *Upgrade minimum percent of eggs of a specified quality in consumer grades*—Individual shell eggs are judged for quality by a USDA-licensed grader based on their candled appearance. Eggs may then be packed under various USDA grademarks provided they meet all minimum requirements as outlined in the Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs.

The proposed amendments to the voluntary shell egg grading regulations would change the description of clean shells to include slight cage marks and minor stains that do not appreciably detract from the generally clean appearance of the egg. In addition, slight ridges or rough areas not materially affecting the shape or strength of the shell would be permitted in "AA" or "A" quality eggs.

Based on a review of past consumer research in the area of shell egg appearance and texture, data indicate that consumers are primarily interested in quality with respect to freshness, internal quality, and strength of shell as compared to the aesthetic aspects of texture and minor stains. A recent study found no significant difference in the acceptance of eggs graded "A" or "B" due to texture (calcium deposits) or slight to moderate stains.

These amendments to the regulations, along with the elimination of the "C" quality category for individual eggs, would make it possible to upgrade the minimum percent of eggs of the specified quality in the consumer grades. Accordingly, the minimum percent of "AA" or "A" quality or better eggs required in U.S. Grade "AA" or U.S. Grade "A," respectively, would be increased from 85 to 87 at origin and 80 to 82 at destination for U.S Grade "A." An exception would be in U.S. Grade "AA" eggs at destination to require 72 percent "AA" quality eggs instead of 80 percent and require at least 10 percent of the remaining eggs to be "A" quality. This would still maintain a quality pack and increase the percent of product within grade at retail. For U.S. Grade "B," the minimum percent of "B" quality or better eggs would be increased from 85 to 90 at origin and 80 to 90 at destination.

Advance Notice of Proposed Rulemaking

Public comment was solicited through an advance notice of proposed rulemaking published in the May 27, 1980, **Federal Register**, open for comment until August 25, 1980. Fifty-five (55) comments were received; 22 from egg producers, packers, distributors, and other interested persons; 10 from trade organizations; 18 from State Government Departments of Agriculture; and 5 from consumers. The majority of these comments indicates that the review of the voluntary shell egg standards is long overdue and that the proposed changes, with one exception, are both reasonable and necessary. The one exception to the changes suggested in the advance notice was the elimination of U.S. Grade "AA." Comments received indicated that elimination of U.S. Grade "AA" would not necessarily eliminate Grade "AA" regulated under State egg laws, that it would create an economic hardship on producers marketing this grade, and that there could be an economic impact on retailers in certain States. After reviewing these comments, the Department decided not to propose the elimination of U.S. Grade "AA" through rulemaking procedures but to maintain this grade with the modification previously indicated. Otherwise, the changes being proposed are basically those on which public comments were solicited in the advance notice and which were considered by the Department for this proposed rule.

In consideration of the foregoing, the proposed amendments to the voluntary shell egg grading regulations (7 CFR Part 2856) are as follows:

1. In § 2856.1, the definition for "Origin grading" would be revised to read as follows:

§ 2856.1 [Amended]

* * * * *

"Origin grading" is a grading made on a lot of eggs at a plant where the eggs are graded and packed.

§ 2856.17 [Amended]

2. In § 2856.17, paragraph (c) would be removed.

§ 2856.36 [Amended]

3. In § 2856.36, paragraph (b)(2) would be amended by changing the wording "Figures 2, 3, and 6" to read "Figures 2, 3, and 4", and paragraphs (b)(3) and (b)(4), including figures 4, 5, and 7, would be removed. Figure 6 would be moved to paragraph (b)(2) and renumbered as Figure 4.

§ 2856.37 [Amended]

4. In the first sentence of § 2856.37, the phrase "Figures 2, 3, and 6" would be changed to read "Figures 2, 3, and 4."

§ 2856.39 [Amended]

5. In § 2856.39, the wording "§§ 2856.35 to 2856.43" would be amended to read: "§§ 2856.35 to 2856.41".

§ 2856.40 [Amended]

6. In § 2856.40, paragraph (a) would be amended by changing the wording "Figures 2, 3, and 6" to read "Figures 2, 3, and 4".

§§ 2856.42 and 2856.43 [Reserved]

7. Sections 2856.42 and 2856.43 would be removed and the section numbers would be reserved.

8. In § 2856.76, the first sentence of paragraph (f)(1) would be removed and paragraph (g) would be revised to read as follows:

§ 2856.76 Minimum facility and operating requirements for shell egg grading and packing plants.

* * * * *

(g) The following substances used in the plant shall be approved and handled in accordance with the manufacturer's instructions: Pesticides, insecticides, and rodenticides, cleaning compounds, destaining compounds, foam control compounds, sanitizers, and inks and oils coming into contact with the product.

§ 2856.200 [Amended]

9. In § 2856.200, the first sentence of paragraph (b) would be amended by ending the sentence with the word "light" and removing the phrase "except as otherwise provided in § 2856.42 or § 2856.43."

10. Section 2856.203 would be revised to read as follows:

§ 2856.203 B Quality.

The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell may be over 3/16 inch in depth, may show unlimited movement, and may be free of bubbly. The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood clots or spots (aggregating not more than 1/8 inch in diameter) may be present.

§ 2856.204 [Reserved]

11. Section 2856.204 would be removed and the section number would be reserved.

12. In § 2856.208, paragraph (e) would be removed and paragraphs (a), (b), (c), and (d) would be revised to read as follows:

§ 2856.208 Terms descriptive of the shell.

(a) Clean. A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks, stains, or cage marks, if such specks, stains, or cage marks are not of sufficient number of intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(b) Dirty. A shell that is unbroken and that has dirt or foreign material adhering to its surface, which had prominent stains, or moderate stains in excess of those permitted in B quality.

(c) Practically normal (AA or A quality). A shell that approximates the usual shape and that is sound and is free from thin spots. Slight ridges and rough areas that do not materially affect the shape and strength of the shell are permitted.

(d) Abnormal (B quality). A shell that may be somewhat unusual or decidedly misshapen or faulty in soundness or strength or that may show pronounced ridges or thin spots.

13. In § 2856.210, paragraph (d) would be removed, paragraphs (e), (f), and (g) would be redesignated (d), (e), and (f), respectively, and redesignated paragraphs (d) and (e) would be revised to read as follows:

§ 2856.210 Terms descriptive of the white.

* * * * *

(d) Weak and watery (B quality). A white that is slightly weak, thin, and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled. With respect to a broken-out egg, a weak and watery white has a Haugh unit value lower than 60 when measured at a temperature between 45° and 60° F.

(e) Blood clots and spots (not due to germ development). Blood clots or spots on the surface of the yolk or floating in the white. These blood clots may have lost their characteristic red color and appear as small spots or foreign material commonly referred to as meat spots. If they are small (aggregating not more than 1/8 inch in diameter), the egg may be classed as "B quality." If larger, or showing diffusion of blood in the white surrounding them, the egg shall be classified as Loss.

* * * * *

14. Section 2856.211 would be revised to read as follows:

§ 2856.211 Terms descriptive of the yolk.

(a) Outline slightly defined (AA quality). A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(b) Outline fairly well defined (A quality). A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(c) Outline plainly visible (B quality). A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(d) Enlarged and flattened (B quality). A yolk in which the yolk membranes and tissues have weakened and moisture has been absorbed from the white to such an extent that it appears definitely enlarged and flat.

(e) Practically free from defects (AA or A quality). A yolk that shows no germ development but may show other very slight defects on its surface.

(f) Serious defects (B quality). A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(g) Clearly visible germ development (B quality). A development of the germ spot on the yolk of a fertile egg that has

progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(h) Blood due to germ development. Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

§ 2856.215 [Amended]

15. In § 2856.215, paragraph (e) would be removed and paragraph (f) would be redesignated (e).

16. Section 2856.216 would be revised to read as follows:

§ 2856.216 Grades.

(a) U.S. Grade AA (1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over ⅜ inch, meat or blood spots (aggregating not more than ⅛ inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for Jumbo size) Checks are permitted and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least 10 percent A quality and the remainder shall be B quality, except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over ⅜ inch, meat or blood spots (aggregating not more than ⅛ inch in diameter) or serious yolk defects. Not more than 7 percent (9 percent for Jumbo size) Checks are permitted and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(b) U.S. Grade A (1) U.S. Consumer Grade A (at origin) shall consist of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over ⅜ inch, meat or blood spots (aggregating not more than ⅛ inch in diameter) or serious yolk defects. Not more than 5 percent (7 percent for Jumbo size) Checks are permitted and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade A (destination) shall consist of eggs which are at least 82 percent A quality or better. Within the maximum tolerance of 18 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over ⅜ inch, meat or blood spots (aggregating not more than ⅛ inch in diameter) or serious yolk defects. Not more than 7 percent (9 percent for Jumbo size) Checks are permitted and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(c) U.S. Grade B. (1) U.S. Consumer Grade B (at origin) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be Checks and not more than 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(2) U.S. Consumer Grade B (destination) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be Checks and not more than 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

(d) Additional tolerances:

(1) In lots of two or more cases:

(i) For Grade AA—No individual case may exceed 10 percent less AA quality eggs than the minimum permitted for the lot average.

(ii) For Grade A—No individual case may exceed 10 percent less A quality eggs than the minimum permitted for the lot average.

(iii) For Grade B—No individual case may exceed 10 percent less B quality eggs than the minimum permitted for the lot average.

(2) For Grades AA, A, and B, no lot shall be rejected or downgraded due to the quality of single egg.

17. Section 2856.217 would be revised to read as follows:

§ 2856.217 Summary of grades.

The summary of U.S. Consumer Grades for Shell Eggs follows as Table I and Table II of this section:

Table I—*Summary of U.S. Consumer Grades for Shell Eggs*

U.S. consumer grade (origin)	Quality required [1]	Tolerance permitted [2]	
		Percent	Quality
Grade AA	87 percent AA.	Up to 13 Not over 5 Checks [4]	A or B.[3]
Grade A	87 percent A or better.	UP to 13 Not over 5 Checks [4]	B.[3]
Grade B	90 percent B or better.	Not over 10 Checks.	

U.S. consumer grade (destination)	Quality required [1]	Tolerance permitted [2]	
		Percent	Quality
Grade AA	72 percent AA.	Up to 28 [4] Not over 7 Checks [4]	A or B.[3]
Grade A	82 percent A or better.	Up to 18 Not over 7 Checks [4],	B.[3]
Grade B	90 percent B or better.	Not over 10 Checks.	

[1] In lots of two or more cases, see Table II of this section for tolerances for an individual case within a lot.

[2] For the U.S. Consumer grades (at origin), a tolerance of 0.50 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

[3] For the U.S. Consumer grades (destination), a tolerance of 1 percent Leakers, Dirties, or Loss (due to meat or blood spots) in any combination is permitted, except that such Loss may not exceed 0.30 percent. Other types of Loss are not permitted.

[4] For U.S. Grade AA at destination, at least 10 percent must be A quality or better.

[5] For U.S. Grades AA and A at origin and destination within the tolerances permitted for B quality, nor more than 1 percent may be B quality due to air cells over ⅜ inch, meat or blood spots (aggregating not more than ⅛ inch in diameter), or serious yolk defects.

[6] For U.S. Grades AA and A Jumbo size eggs, the tolerance for Checks at origin and destination is 7 percent and 9 percent, respectively.

Table II—*Tolerance for Individual Case Within a Lot*

U.S. Consumer Grade	Case quality	Origin (percent)	Destination (percent)
Grade AA	AA (min)	77	62
	A or B (max)	13	28
	Check (max)	10	10
Grade A	A (min)	77	72
	B (max)	13	18
	Check (max)	10	10
Grade B	B (min)	80	80
	Check (max)	20	20

§§ 2856.221, 2856.222, and 2856.223 [Reserved]

18. Sections 2856.221, 2856.222, and 2856.223 would be removed and the section numbers would be reserved.

19. Section 2956.226 would be revised to read as follows:

§ 2856.226 Grades.

(a) "U.S. Specials—% AA Quality" shall consist of eggs of which at least 20 percent are AA quality; and the actual percentage of AA quality eggs shall be stated in the grade name. Within the maximum of 80 percent which may be below AA quality, not more than 7.5 percent may be B quality, Dirties, or

Checks in any combination and not more than 2.0 percent may be Loss.

(b) "U.S. Extras—% A Quality" shall consist of eggs of which at least 20 percent are not less than A quality; and the actual total percentage of A quality and better shall be stated in the grade name. Within the maximum of 80 percent which may be below A quality, not more than 11.7 percent may be Dirties or Checks in any combination and not more than 3.0 percent may be Loss.

(c) "U.S. Standards—% of B Quality" shall consist of eggs of which at least 84.3 percent are not less than B quality; and the actual total percentage of B quality and better shall be stated in the grade name. Within the maximum of 15.7 percent which may be below B quality, not more than 11.7 percent may be Dirties or Checks in any combination and not more than 4.0 percent may be loss.

20. Section 2856.227 would be revised to read as follows:

§ 2856.227 Summary of grades.

A summary of the United States Wholesale Grades for Shell Eggs follows as Table I of this section:

Table I—*Summary of United States Wholesale Grades for Shell Eggs*

Wholesale grade designation	Minimum percentage of eggs of specific qualities required [1]			Maximum tolerance permitted (lot average)		
	AA quality	A quality or better	B quality or better	B quality dirties and checks (percent)	Dirties and checks (percent)	Loss (percent)
U.S. Specials—% AA Quality [2]	20	Balance	None except for tolerances	7.5		2
U.S. Extras—% A Quality [2]		20	Balance		11.7	3
U.S. Standards—% B Quality [2]			84.3		11.7	4

[1] Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.
[2] The actual total percentage must be stated in the grade name.

21. Section 2856.228 would be revised to read as follows:

§ 2856.228 Weight classes.

The weight classes for United States Wholesale Grades for Shell Eggs shall be as indicated in Table I of this section.

22. Secton 2856.230 would be revised to read as follows:

§ 2856.230 Grade.

"U.S. Nest Run—% AA Quality" shall consist of eggs of current production of which at least 20 percent are AA quality; and the actual percentage of AA quality eggs shall be stated in the grade name. Within the maximum of 15 percent which may be below A quality, not more than 10 percent may be B quality for shell shape, interior quality (including meat or blood spots), or due to rusty or blackish-appearing cage marks or bloodstains, not more than 5 percent may have adhering dirt or foreign material on the shell ½ inch or larger in diameter, not more than 6 percent may be Checks, and not more than 3 percent may be Loss. Marks which are slightly gray in appearance and adhering dirt or foreign material on the shell less than ½ inch in diameter are not considered quality factors. The eggs shall be officially graded for all other quality factors. No case may contain less than 75 percent A quality and AA quality eggs in any combination.

§ 2856.231]Amended]

23. Section 2856.231, Table I would be amended by removing the words "and C" and the words "texture or" from the heading reading "B and C quality for shell texture or shape, interior quality (including blood and meat spots) or cage marks footnote 5 and blood stains", and by changing the figure "2" to "5" under the column reading "Adhering dirt or foreign material ½ inch or larger in diameter".

(Agricultural Marketing Act of 1946; Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624)

Done at Washington, D.C., on April 3, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-11713 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-DM-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Credit Unions; Share, Share Draft, and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: On December 29, 1980, the NCUA Board approved the issuance of a proposed rule which provided for the penalty-free withdrawal of funds from share certificate accounts prior to maturity in the event of bankruptcy of the certificate holder. The public comments on this proposal (as well as a similar proposal of the Depository Institutions Deregulation Committee) were overwhelmingly negative. Therefore, the Board has determined to withdraw the proposed rule from further consideration.

FOR FURTHER INFORMATION CONTACT: Randall J. Miller, Director, Division of Regulatory Policy and Research, Office of Policy Analysis, National Credit Union Administration (202-357-1091).

SUPPLEMENTARY INFORMATION: At its December, 1980 meeting, the Depository Institutions Deregulation Committee approved the issuance of a proposed rule permitting an exception to the early withdrawal penalty on time deposit accounts in the event of bankruptcy of the depositor. On December 29, 1980, the NCUA Board issued a similar proposed rule with a comment period of 45 days (46 FR 920; January 5, 1981).

A total of 37 comments were received on the proposed rule; 30 from individual credit unions and seven from credit union leagues and trade groups. All 37 commenters were opposed to the proposed rule for one or more of the following reasons:

—The bankruptcy code is already too lenient. Therefore, it is inappropriate to establish a rule which provides a further incentive to declare bankruptcy.

—By providing more exceptions to the penalty, the other members or the credit union are penalized through the loss of revenue which the credit union might have otherwise realized.

—The amounts involved in most cases would have only a marginal impact on the debtor's ability to meet obligations.

—The experience of credit unions suggests that few certificate holders declare bankruptcy.

In view of the overwhelming negative response to the proposed rule, the NCUA Board has determined to withdraw the proposed rule from further consideration.

By order of the National Credit Union Administration Board, April 13, 1981.

Beatrix Fields,

Acting Secretary of the Board.

[FR Doc. 81-11724 Filed 4-16-81; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 440, 539, and 540

[Docket No. 81N-0072]

Iodometric Assay Method for Ampicillin and Amoxicillin

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug regulations by revising the iodometric assay method for ampicillin and amoxicillin for both human and veterinary use. The change is proposed to improve the iodometric assay for these antibiotic drugs.

DATES: Comments by June 16, 1981; requests for informal conference by May 18, 1981.

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

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

SUPPLEMENTARY INFORMATION: The iodometric assay in § 436.204 (21 CFR 436.204) of the antibiotic regulations is a residual titration procedure used to determine the potency of penicillin antibiotic drugs. The amount of intact penicillin is determined by measuring the difference between the volume of titrant (iodine) consumed in a titration of a control sample (blank) and that consumed in a titration with an alkaline hydrolyzed (inactivated) sample, in which penicillin is hydrolyzed to penicilloic acid. When the iodine is added to the sample and standard solutions, it reacts with, and is subsequently bound to, any hydrolysis products present in these solutions. For this reason, the assay method requires two identical sets (blank and inactivated) of sample and standard solutions to avoid false results caused by preexisting hydrolysis products.

However, based on its own laboratory findings, the agency has determined that iodine is also bound to intact ampicillin and amoxicillin in the blank solutions thereby causing false results. To obtain valid results, it is necessary to add a few drops of acid to the blank solutions to release the iodine bound to these antibiotic drugs. The addition of acid to the inactivated solutions is not necessary because these solutions are acidic.

So that the regulations may reflect only the most accurate methods of assay, FDA is proposing to amend the antibiotic drug regulations by revising the iodometric assay for ampicillin and amoxicillin for human and veterinary use.

In addition, several individual monographs for these antibiotic drugs are amended by making corrections in the diluent used for sample preparation in the iodometric assay.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required. Because this proposed rulemaking would not impose substantial amendments to existing requirements, an initial regulatory flexibility analysis as required by section 603 of the Regulatory Flexibility Act (RFA) of 1980, 94 Stat. 1166-1167, is unnecessary. Accordingly, pursuant to section 605(b) of the RFA, the Commissioner of Food and Drugs certifies that this rulemaking, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 701(f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350-351 (21 U.S.C. 357, 360b(n), 371(f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), it is proposed that Chapter I of Title 21 of the Code of Federal Regulations be amended in Parts 440, 539, and 540 as follows:

PART 440—PENICILLIN ANTIBIOTIC DRUGS

1. Part 440 is amended:

a. In § 440.3 by revising paragraph (b)(1)(ii) to read as follows:

§ 440.3 Amoxicillin trihydrate.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

* * * * *

b. In § 440.5 by revising paragraph (b)(1)(ii) to read as follows:

§ 440.5 Ampicillin.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

* * * * *

c. In § 440.7 by revising paragraph (b)(1)(ii) to read as follows:

§ 440.7 Ampicillin trihydrate.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

* * * * *

d. In § 440.7a by revising paragraph (b)(1)(ii) to read as follows:

§ 440.7a Sterile ampicillin trihydrate.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

* * * * *

e. In § 440.9a by revising paragraph (b)(1)(ii)(*b*) to read as follows:

§ 440.9a Sterile ampicillin sodium.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution.

* * * * *

f. In § 440.103a by revising paragraph (b)(1)(ii) to read as follows:

§ 440.103a Amoxicillin trihydrate capsules.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

* * * * *

g. In § 440.103b by revising paragraph (b)(1)(ii) to read as follows:

§ 440.103b Amoxicillin trihydrate for oral suspension.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriately sized volumetric flask and dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

* * * * *

h. In § 440.105a by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105a Ampicillin tablets.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place a representative number of tablets in a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

* * * * *

i. In § 440.105b by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105b Ampicillin chewable tablets.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Blend a representative number of tablets in a high-speed blender with sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

* * * * *

j. In § 440.105c by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105c Ampicillin capsules.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar, and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

* * * * *

k. In § 440.105d by revising paragraph (b)(1)(ii) to read as follows:

§ 440.105d Ampicillin for oral suspension.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Reconsitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriate-sized volumetric flask and dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

* * * * *

l. In § 440.107a by revising paragraph (b)(1)(ii) to read as follows:

§ 440.107a Ampicillin trihydrate chewable tablets.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place a representative number of tablets into a high-speed glass blender jar containing sufficient distilled water to give a convenient concentration. Blend for 5 minutes. Further dilute with distilled water to the prescribed concentration.

* * * * *

m. In § 440.107b by revising paragraph (b)(1)(ii) to read as follows:

§ 440.107b Ampicillin trihydrate capsules.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar, and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

* * * * *

n. In § 440.107c by revising paragraph (b)(1)(ii) to read as follows:

§ 440.107c Ampicillin trihydrate for oral suspension.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriate-sized volumetric flask and dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

* * * * *

o. In § 440.107d by revising paragraph (b)(1)(ii)(*b*) to read as follows:

§ 440.107d Ampicillin trihydrate-probenecid for oral suspension.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Dilute an aliquot of the aqueous solution to the prescribed concentration.

* * * * *

p. In § 440.107e by revising paragraph (b)(1)(ii) to read as follows:

§ 440.107e Ampicillin trihydrate-probenecid capsules.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar with sufficient distilled water to give a convenient concentration. Blend for 8 to 10 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

* * * * *

q. In § 440.207 by revising paragraph (b)(1)(ii)(*b*) to read as follows:

§ 440.207 Sterile ampicillin trihydrate for suspension.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

* * * * *

PART 539—BULK ANTIBIOTIC DRUGS SUBJECT TO CERTIFICATION

2. Part 539 is amended in § 539.3 by revising paragraph (b)(1)(ii) to read as follows:

§ 539.3 Sterile amoxicillin trihydrate.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution.

* * * * *

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

3. Part 540 is amended:

a. In § 540.103a by revising paragraph (b)(1)(ii) to read as follows:

§ 540.103a Amoxicillin trihydrate film-coated tablets.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of tablets into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

* * * * *

b. In § 540.103b by revising paragraph (b)(1)(ii) to read as follows:

§ 540.103b Amoxicillin trihydrate for oral suspension.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) in a suitable volumetric flask. Dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

* * * * *

c. In § 540.103c by revising paragraph (b)(1)(ii) to read as follows:

§ 540.103c Amoxicillin trihydrate oral suspension.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place an accurately measured aliquot (usually 5 pump doses) in a separatory funnel containing 100 milliliters of petroleum ether. Shake vigorously until homogeneous. Add 140 milliliters of distilled water. Shake for 5 minutes. Allow the layers to separate. Drain the lower aqueous layer into a 250-milliliter volumetric flask. Repeat the extraction twice with 50-milliliter portions of distilled water. Combine the second and third extractives with the first. Dilute to volume with distilled water.

* * * * *

d. In § 540.105 by revising paragraph (b)(1)(ii) to read as follows:

§ 540.105 Ampicillin capsules.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend 3 to 5 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

* * * * *

e. In § 540.107a by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107a Ampicillin trihydrate tablets.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place a representative number of tablets into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 minutes. Further dilute an aliquot of the

stock solution with distilled water to give the prescribed concentration.

* * * * *

f. In § 540.107b by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107b Ampicillin trihydrate capsules.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 minutes. Filter through Whatman No. 2 filter paper. Further dilute an aliquot of the filtrate with distilled water to the prescribed concentration.

* * * * *

g. In § 540.107c by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107c Ampicillin trihydrate for oral suspension.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot, usually a single dose, in a suitable volumetric flask. Dilute to volume with distilled water. Mix well. Further dilute with distilled water to the prescribed concentration.

* * * * *

h. In § 540.107d by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107d Ampicillin trihydrate soluble powder.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Dissolve an accurately weighed sample, usually 1 gram, in sufficient distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

* * * * *

i. In § 540.107e by revising paragraph (b)(1)(ii) to read as follows:

§ 540.107 Ampicillin trihydrate boluses.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Place a representative number of boluses into a high-speed glass blender jar. Add sufficient distilled water to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

* * * * *

j. In § 540.203 by revising paragraph (b)(1)(ii)(*b*) to read as follows:

§ 540.203 Sterile amoxicillin trihydrate for suspension.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

* * * * *

k. In § 540.207a by revising paragraph (b)(1)(ii) to read as follows:

§ 540.207a Sterile ampicillin trihydrate suspension.

* * * * *

(b) * * *

(1) * * *

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to the sample and working standard solutions after the addition of 0.01*N* iodine solution. Prepare the sample as follows: Using a suitable syringe and needle, transfer a 2.5-milliliter portion of the sample to a separatory funnel containing 100 milliliters of diethyl ether. Extract twice with 150 milliliters of 0.2*N* hydrochloric acid. Collect the extracts in a 500-milliliter volumetric flask. Bring to volume with distilled water to obtain a concentration of 1 milligram per milliliter (estimated).

* * * * *

l. In § 540.207b by revising paragraph (b)(1)(ii)(*b*) to read as follows:

§ 540.207b Sterile ampicillin trihydrate for suspension.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, except in paragraph (d) of that section, add 3 drops of 1.2*N* hydrochloric acid to both the sample and working standard solutions after the addition of 0.01*N* iodine solution. Dilute an aliquot of the stock solution with distilled water to the prescribed concentration.

* * * * *

Interested persons may, on or before June 16, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before May 18, 1981, submit to the Dockets Management Branch (address above) a request for an informal conference. If an informal conference is held, interested persons will have until June 16, 1981 or 30 days from the date of the conference, whichever is later, to submit their comments.

Dated: April 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-11569 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-03-M

Food and Drug Administration

21 CFR Part 876

[Docket Nos. 78N-1979, 78N-1981, and 78N-2062]

Medical Devices; Classification of Certain Gastroenterology-Urology Devices; Correction; Reopening of Comment Period and Meeting Announcement

Correction

In FR Doc. 81-10509 appearing at page 20687 in the issue for Tuesday, April 7, 1981, make the following correction:

On page 20688, in the second column, in the second full paragraph, in the eleventh line, "March 12" should have read "March 13".

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Denial of Petition To Decontrol Mazindol; Rescheduling of Mazindol Into Schedule IV

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Proposed rule and denial of petition.

SUMMARY: This is a denial of the petition, filed by Sandoz, Inc., to deschedule mazindol (Sanorex), Schedule III, from the list of substances covered by the Controlled Substances Act.

This denial is by the Administrator of the Drug Enforcement Administration, and, based upon receipt of a scientific and medical evaluation and recommendation from the Assistant Secretary for Health, Department of Health and Human Services, and in accordance of the Controlled Substances Act, the Administrator of the Drug Enforcement Administration has determined that mazindol should remain on the list of substances covered by the Controlled Substances Act, and therefore declines to initiate proceedings to deschedule it. The Secretary recommended that the Administrator remove mazindol from Schedule III of the CSA ad place it into Schedule IV and the Administrator issues this notice of Proposed Rulemaking to initiate that action.

DATE: All interested persons may submit their comments on or before June 16, 1981.

ADDRESS: Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: On November 18, 1975, Sandoz Inc. filed a petition with the Administrator of the Drug Enforcement Administration to initiate administrative proceedings to deschedule mazindol, from the list of substances covered by the Controlled Substances Act. By agreement, proceedings on the Sandoz Inc. petition were postponed pending completion of DEA's then ongoing review of mazindol and other anorectic drugs controlled in Schedule III and Schedule IV of the CSA. Sandoz Inc. supplemented its petition with additional correspondence to DEA dated April 7, 1978 which included an update of Drug Experience Reports through April 4, 1978. On May 25, 1978, following completion of DEA's general anorectic review and an analysis and review of the Sandoz Inc. petition, the Drug Enforcement Administration transmitted the petition and materials related to the issue of mazindol decontrol to the Food and Drug Administration, Department of Health and Human Services, for further analysis and review by the Secretary as to the medical and scientific aspects of the petition, and for subsequent receipt by the Administrator of the Secretary's scientific and medical evaluation and recommendation. On November 9, 1978, at DEA's request, a supplemental petition was filed by Sandoz Inc., and made a part of the record.

The Secretary's evaluation and recommendation were provided by the Assistant Secretary for Health in his letter dated January 16, 1981 to the Administrator; the January 16, 1981 letter is set forth here in its entirety:

January 16, 1981.

Mr. Peter B. Bensinger,
Administrator, Drug Enforcement Administration, 1405 "Eye" Street, N.W., Washington, D.C.

Dear Mr. Bensinger: In November 1978, Sandoz, Inc., petitioned the Drug Enforcement Administration to deschedule mazindol (Sanorex), Schedule III, from the list of substances covered by the Controlled Substances Act "CSA". This petition was forwarded to the Secretary of HEW for a medical and scientific evaluation.

The Bureau of Drugs within the Food and Drug Administration reviewed the relevant data on mazindol pursuant to Section 201 of the CSA and recommended that mazindol be removed from Schedule III of the CSA and placed into Schedule IV of the same. The Commissioner of Food and Drugs agrees with this recommendation.

I concur with this scientific and medical evaluation. A summary of the basis for this recommendation is enclosed.

Sincerely yours,

Julius B. Richmond,

Assistant Secretary for Health and Surgeon General.

Enclosure: Basis for the recommendation for rescheduling for mazindol.

In essence and in effect, this recommendation from the Assistant Secretary is not to decontrol mazindol as the petitioner has requested.

Consequently, the Administrator of the Drug Enforcement Administration, in accordance with the provisions of Section 201(b) of the Act, will not institute proceedings to deschedule mazindol and, in lieu thereof, mazindol shall remain in Schedule III as currently listed.

In the Assistant Secretary's evaluation and recommendation letter of January 16, 1981, he recommended that mazindol be removed from Schedule III of the CSA and placed into Schedule IV of the same. The above-referenced enclosure to his letter set forth the basis for the recommendation for rescheduling mazindol.

Accordingly, the Administrator of the Drug Enforcement Administration, under the authority of the Act and regulations of the Department of Justice and the Drug Enforcement Administration, hereby proposes that Part 1308, Title 21, Code of Federal Regulations (CFR), be amended:

§ 1308.13 [Amended]

(1) By removing mazindol as item (5) of § 1308.13(b) and renumbering item (6) phendimetrazine as item (5); and

(2) By revising paragraph (e) of § 1308.14 of Title 21, Code of Federal Regulations (CFR), to include mazindol therein as item (2), to read as follows:

§ 1308.14 Schedule IV.

* * * * *

(e) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Diethylpropion	1610
(2) Mazindol	1605
(3) Pemoline (including organometallic complexes and chelates thereof)	1530
(4) Phentermine	1640

* * * * *

All interested persons are invited to submit their comments regarding this proposal on or before June 16, 1981. These comments should state with particularity the issues concerning which the person desires to be heard. Comments should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that removal of mazindol from Schedule III of the Controlled Substances Act and placement of it into Schedule IV of the same, will have no significant impact upon small businesses or other entities whose interest must be considered under the Regulatory Flexibility Act. This action involves continuing control of a substance previously approved for marketing in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal ruelmaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 4 U.S.C. 556 and 557 and as such, have been exempted from the consultation requirements of Executive Order 12291.

Dated: April 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-11700 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD-170]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of regulatory agenda.

SUMMARY: As required by section 5 of Executive Order No. 12291, Federal Regulation, the first 1981 agenda of regulations is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW, Washington, D.C. 20520, telephone (202) 632-2350.

Regulatory Agenda

A notice inviting public comment on the proposed International Traffic in Arms Regulations (ITAR) was published December 19, 1980 (45 FR 83970). The Authority for these regulations is contained in 22 U.S.C. 2778 and 2779. Because these regulations concern export licensing of munitions control items and thus competition with foreign based firms, they are being reconsidered under the criteria of Executive Order 12291 before being made final, even though they involve a foreign affairs function and, therefore, are excluded from mandatory review by Section 1(a)(2) of the order.

The point of contact for this regulation in the Department is Mr. William B. Robinson, Director, Office of Munitions Control, Department of State, 2201 C Street, NW, Washington, D.C. 20520, telephone (202) 632-9755.

There are no Department of State rules under consideration or in existence which would be considered major rules.

Two existing actions are scheduled for review in accordance with Section 2 of Executive Order 12291.

First, there are regulations to implement the Hostage Relief Act of 1980 (Pub. L. 96-449). These regulations, after review by the Office of Management and Budget under E.O. 12291, entered into force as an interim rule (46 FR 17543). They: (1) extend certain provisions of the Soldiers' and Sailors' Relief Act (50 U.S.C. App. section 547) to United States Government employees who have been taken captive abroad, such as those seized at the American Embassy in Iran; (2) provide for medical benefits to these hostages and members of their families; and (3) provide for education and training for the hostages and members of their families. The President's Commission on Hostage Compensation is conducting a study which could result in new legislation, modification in the regulations, or both. Any such recommendations would take account of E.O. 12291.

The point of contact for these regulations is Mr. Walter F. Weiss, Special Assistant to the Assistant Secretary for Administration, Department of State, 2201 C Street, NW., Washington, D.C. 20520, telephone (202) 632-1728.

The Department published notice of revisions in its procedures, prepared pursuant to Executive Order 12114, relating to assessment of environmental impacts abroad of Department actions (September 9, 1980; 45 FR 59469).

The point of contact in the Department is Ms. Irene Dybalski, Office of Environment and Health, Department of State, 2201 C Street, NW., Washington, D.C. 20520, telephone (202) 632-9267.

Flexibility Agenda

The Department of State has reviewed presently planned regulations in the light of the interim guidance issued December 10, 1980, by the Office of Management and Budget on incorporating regulatory flexibility into the regulatory process. We have not identified any which will have a significant economic impact on a substantial number of small entities.

The Department plans to publish its next semiannual agenda in October 1981.

Dated: April 10, 1981.

For the Secretary of State.

Richard T. Kennedy,

Under Secretary of State for Management.

[FR Doc. 81-11634 Filed 4-16-81; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 235

[Docket No. R-81-916]

Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation

AGENCY: Office of the Secretary (HUD).

ACTION: Notice of Congressional Waiver request.

SUMMARY: Section 7(o)(4) of the Department of HUD Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This Notice lists and briefly summarizes for public information an interim rule with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of the General Counsel, 451 Seventh Street SW., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the interim rule listed below. The purpose of the transmittal is to request waiver of the 15-day prepublication review period under

Section 7(o)(2), and the 30-day delayed effective date for the interim rule under Section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Interim Rule—24 CFR Part 235, § 235.12—Mortgage Insurance and Assistance Payments for Home Ownership and Project Rehabilitation

This interim rule amends Section 235 in order to comply with the intent of the Housing and Community Development Act of 1980. The new provision will provide for the recapture of all, or a portion of the assistance payments made on behalf of mortgagors who obtained insured financing under Section 235(i) of the National Housing Act, subject to the recapture provisions imposed by Section 235(c).

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o); Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 9, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-11603 Filed 4-16-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 31

[LR-50-81]

Withholding Exemption Certificates; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to submission of certain withholding certificates.

DATES: The public hearing will be held on June 2, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 19, 1981.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-50-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 3402(f) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Thursday, March 19, 1981 (46 FR 17566).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the public hearing and the time they wish to devote to each subject by May 19, 1981. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive for improving government regulations appearing in the **Federal Register** for Wednesday, November 8, 1978.

By direction of the Commissioner of Internal Revenue.

David E. Dickinson,

Acting Director, Legislation and Regulations Division.

[FR Doc. 81-11741 Filed 4-16-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 42

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1691

Employment Discrimination; Procedures for Handling Complaints

AGENCIES: Department of Justice; Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth procedures for the handling of complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and other provisions of Federal law which prohibit discrimination on grounds of race, color, religion, age, sex or national origin in programs or activities receiving Federal financial assistance. The regulations allow the fund granting agency to refer complaints to the Equal Employment Opportunity Commission (EEOC). For complaints covered both by Title VII of the Civil Rights Act of 1964, as amended, or other statutes within EEOC's jurisdiction and by Title VI of the Civil Rights Act or Title IX, the regulations contemplate that most complaints of individual acts of discrimination will be referred to EEOC for investigation and conciliation, while most complaints of systemic discrimination will be retained by the fund granting agency. Employment discrimination complaints which are not covered by Title VI or Title IX will be transferred to EEOC. This proposed rule is not a "major rule" as defined by Section 1(b) of Executive Order 12291.

DATES: Written comments should be received on or before June 16, 1981.

ADDRESSES: Written comments may be addressed to: Executive Secretariat, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20503. All public comments may be reviewed from 9:30 a.m. to 4:30 p.m., Monday through Friday, at: Library (Room 2303), Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:

Francesta E. Farmer, Director, Office of Interagency Coordination, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20503, (202) 634-6915;

David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Tenth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530, (202) 633-3831.

SUPPLEMENTARY INFORMATION: Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*, prohibits employment discrimination on the basis of race, sex, national origin, religion and color. The Equal Employment Opportunity Commission

(EEOC) is authorized to investigate and attempt to resolve complaints of employment discrimination under Title VII, the Age Discrimination in Employment Act, as amended, 29 U.S.C. 621 *et seq.*, and the Equal Pay Act of 1963, 29 U.S.C. 206(d). President's Reorganization Plan No. 1 of 1978, 92 Stat. 3781.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, prohibits discrimination on the basis of race, color or national origin by programs or activities receiving Federal financial assistance. Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, prohibits sex discrimination in federally assisted education programs. Title VI covers employment discrimination which (1) exists in a program where a primary objective of the Federal financial assistance is to provide employment, or (2) causes discrimination with respect to beneficiaries or potential beneficiaries of the assisted program. The Federal Government has taken the position that Title IX reaches employment discrimination.[1] Federal funding agencies are authorized to investigate and attempt to resolve complaints of employment discrimination under Title VI and Title IX.

The authority of EEOC to enforce Title VII overlaps with the authority of Federal funding agencies to enforce the Title VI and Title IX prohibitions against employment discrimination. There is, therefore, a potential for duplicative efforts by Federal agencies which may cause needless burdens on the recipients. In addition, victims of discrimination may be confused about where to file their complaints of employment discrimination.

The EEOC has responsibility to coordinate the Federal effort to enforce Federal equal employment opportunity law (Executive Order 12067, 43 FR 28967), and the Attorney General has responsibility to coordinate Federal enforcement of Title VI and Title IX (Executive Order 12250, 45 FR 72995).

[1] The Supreme Court has granted certiorari in two cases that raise the issue of the extent that Title IX covers employment discrimination. *North Haven Board of Education* v. *Hufstedler*, 629 F. 2d 773 (2d. Cir. 1980), *cert. granted*, No. 80-986 (February 23, 1981); *Seattle University* v. *United States Department of HEW*, 621 F. 2d 992 (9th Cir. 1980), *cert. granted*, No. 80-493 (December 1, 1980). See also *Dougherty County School Systems* v. *Harris*, 622 F. 2d 735 (5th Cir. 1980); *Romeo Community Schools* v. *United States Department of HEW*, 600 F. 2d 581 (6th Cir.), *cert. denied*, —— U.S. ——, 100 S. Ct. 467 (1979); *Junior College District of St. Louis* v. *Califano*, 597 F. 2d 119 (8th Cir.), *cert. denied*, —— U.S. ——, 100 S. Ct. 467 (1979); *Isleboro School Committee* v. *Califano*, 593 F. 2d 424 (1st Cir.), *cert. denied*, —— U.S. ——, 100 S. Ct. 467 (1979).

They are, therefore, promulgating this joint regulation in order to coordinate enforcement of Federal equal employment opportunity law and to minimize the potential for duplicative investigations of employers covered by such law.

Upon receiving a complaint of employment discrimination, the Federal agencies which extend Federal financial assistance subject to Title VI, Title IX or similar provisions in Federal grant statutes should determine which Federal statute(s), if any, covers the allegations raised in the complaint. When a complaint of employment discrimination is covered by Title VII, the Age Discrimination in Employment Act, or the Equal Pay Act of 1963, the date of receipt by the Federal agency will be deemed the date of receipt by the EEOC. With respect to complaints covered by Title VII, the agency shall be obliged, as the EEOC is obliged, to notify the respondents of the filing of the complaint within ten days. The failure to provide such notice within ten days, however, does not bar the charging party from enforcing his or her Title VII rights. *E.g., National Organization of Women* v. *Sperry Rand Corp.*, 457 F. Supp. 1338 (D. Conn. 1979); *McAdams* v. *Thermal Industries, Inc.*, 428 F. Supp. 156 (W.D. Conn. 1977).

Under this proposed regulation federal agencies may delegate to EEOC their authority under Title VI, Title IX or similar provisions in federal grant statutes to investigate complaints of employment discrimination which are also covered by Title VII, the Age Discrimination in Employment Act, or the Equal Pay Act of 1963, i.e. "joint complaints". Such delegation is contemplated by existing regulations. See 28 CFR 42.413. Because the EEOC does not have authority to investigate complaints of discrimination by private, state or local employers on grounds of handicap, there is no basis for referring such complaints to the EEOC. This joint regulation, therefore, does not apply to complaints of employment discrimination on grounds of handicap.

In general, joint complaints of individual acts of employment discrimination will be referred to the EEOC, whereas joint complaints of systemic acts of employment discrimination will be retained by the federal agency. When a federal agency refers a case to the EEOC, the agency is required to notify the complainant and the respondent of such referral and the basis of the referral. The EEOC will process the complaint pursuant to its authority under Title VII and the President's Reorganization Plan No. 1 of 1978, 92 Stat. 3781, as well as pursuant to the delegated authority under Title VI and Title IX and the implementing regulations of federal agencies.

The EEOC will process an employment discrimination complaint referred by a federal agency which states a claim under either Title VI or Title IX and a statute administered by the EEOC (i.e., a joint complaint) as it processes other charges within its jurisdiction. The EEOC may request the referring agency to participate in settlement or conciliation negotiations. Upon such a request, the regulations provide that the referring agency "shall participate." Such participation shall include, where feasible, the presence of a representative of the referring agency at settlement discussions with respondents. At a minimum at the time that EEOC initiates settlement or conciliation discussions, the referring agency will notify the recipient of its participation in efforts to resolve the complaint.

The proposed regulations do not affect the confidentiality requirements of Title VII in regard to information obtained by EEOC pursuant to EEOC's investigative powers under Title VII. However, federal agencies are not bound by such requirements when EEOC investigates a joint complaint of employment discrimination, because the information obtained during the course of such an investigation is provided by the employer pursuant to Title VI or Title IX, and the implementing regulations, as well as Title VII. Federal agencies are, therefore, entitled to use that information in Title VI or Title IX enforcement proceedings.

This joint regulation does not apply to the State and Local Fiscal Assistance Act of 1972, as amended, 31 U.S.C. 1221 *et seq.*, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3701 *et seq.*, the Juvenile Justice and Delinquency Prevention Act, as amended, 42 U.S.C. 5601 *et seq.*, and the Comprehensive Employment Training Act of 1973, as amended, 29 U.S.C. 801, *et seq.*, although these federal funding statutes contain anti-discrimination provisions that cover employment. Congress has provided specific administrative procedures for processing and investigating complaints of employment discrimination under each of these statutes. The Department of the Treasury's Office of Revenue Sharing and the EEOC plan to enter into a Memorandum of Agreement concerning the sharing of information and the processing of complaints of employment discrimination by recipients of revenue sharing funds.

This proposed rule is not a "major rule" as defined by Section 1(b) of Executive Order 12291. The proposed rule simply coordinates federal agency investigation and enforcement of certain employment discrimination complaints; it will not have a major or significant impact on the economy.

Signed at Washington, D.C. this 7th day of April, 1981.

For the Department:

James P. Turner,

Acting Assistant Attorney General for the Department of Justice.

Signed at Washington, D.C. this 24th day or March, 1981.

For the Commission:

J. Clay Smith, Jr.,

Acting Chair for the Equal Employment Opportunity Commission.

When adopted as final, these provisions will be added to the rules of the Justice Department at 28 CFR Part 42 as a new Subpart H and to the rules of the Equal Employment Opportunity Commission at 29 CFR Chapter XIV as a new Part 1691.

The proposed rules are as follows:

PART ——— PROCEDURES FOR COMPLAINTS OF EMPLOYMENT DISCRIMINATION FILED AGAINST RECIPIENTS OF FEDERAL FUNDS

General Provisions

Sec.

———.1 Purpose and application.
———.2 Exchange of information.
———.3 Timeliness of complaints.
———.4 Standards for investigations, reviews and hearings.
———.5 Confidentiality.

Responsibilities of Federal Agencies

———.6 Processing complaints of employment discrimination.
———.7 Agency enforcement of unresolved complaints.

Action by the EEOC

———.8 Dismissals of complaints.
———.9 Negotiated settlements and conciliation agreements.
———.10 Reasonable cause determinations and conciliation efforts.

Interagency Coordination

———.11 Consultation.

Definitions

———.12 Definitions.

Authority: Executive Order 12250, 45 FR 72995 (November 4, 1980) and Executive Order 12067, 43 FR 28967 (June 30, 1978).

General Provisions

§ ———.1 Purpose and application.

The purpose of this joint regulation is to implement procedures for processing and resolving complaints of employment discrimination filed against recipients of federal financial assistance subject to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and similar provisions in federal grant statutes. Enforcement of such provisions in federal grant statutes is covered by this joint regulation to the extent they relate to prohibiting employment discrimination on the ground of race, color, natonal origin, religion, age, or sex in programs receiving federal financial assistance of the type subject to Title VI or Title IX. This joint regulation does not, however, apply to the State and Local Fiscal Assistance Act of 1972, as amended, the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinqnecy Prevention Act, as amended, 42 U.S.C. 5601 *et seq.*, the Comprehensive Employment Training Act of 1973, as amended, or Executive Order 11246.

§ ———.2 Exchange of information.

The EEOC and federal agencies shall share any information relating to the employment policies and practices of recipients of federal financial assistance that may assist each office in carrying out its responsibilities. Such information shall include, but not necessarily be limited to, affirmative action programs, annual employment reports, complaints, investigative files, conciliation or compliance agreements, and compliance review reports and files.

§ ———.3 Timeliness of complaints.

For all purposes under Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act, as amended, and the Equal Pay Act, the date a complaint was received by a federal agency shall be deemed the date it was received by the EEOC.

§ ———.4 Standards for investigation, reviews and hearings.

In any investigation, compliance review, hearing or other proceeding, federal agencies shall consider the Uniform Guidelines on Employee Selection Procedures, 43 FR 38290 (August 25, 1978), 29 CFR Part 1607, and other EEOC Guidelines, and Title VII case law in determining whether recipients of federal financial assistance have engaged in unlawful employment practices.

§ ———.5 Confidentiality.

(a) Title VII prohibits the EEOC from making public (1) the fact that a charge under that Title has been filed, (2) anything said and done during the course of conciliating a charge without the consent of the parties to the charge, and (3) investigative material compiled during the course of investigation of a charge until a proceeding under Title VII has commenced.

(b) Federal agencies shall observe the confidentiality of EEOC charges, conciliation and investigation files as would the EEOC except in cases where the agency has referred a joint complaint to EEOC under this regulation. In such cases, the agency may use information obtained by EEOC under the agency's investigative authority in any subsequent Title VI or Title IX enforcement proceedings. Questions concerning confidentiality shall be directed to the Regional Attorney of the EEOC District Office which has processed a complaint under this joint regulation.

Responsibilities of Federal Agencies

§ ———.6 Processing complaints of employment discrimination.

(a) A federal agency shall, within ten days of receipt, serve a notice of a complaint of employment discrimination covered by Title VII (including the date, place and circumstances of the alleged unlawful employment practice) on the respondent.

(b) A federal agency shall, within ten days of receipt, transfer a complaint of employment discrimination covered by Title VII, the Age Discrimination in Employment Act or the Equal Pay Act but not covered by Title VI or Title IX, to the appropriate EEOC office. At the same time, the federal agency shall notify the complainant and the recipient of the transfer and the location of the EEOC field office to which the complaint was transferred.

(c) A federal agency may refer a complaint of individual acts of employment discrimination covered by Titles VI or IX and Title VII, the Age Discrimination in Employment Act or the Equal Pay Act, i.e. a joint complaint, to the appropriate EEOC field office. As a general rule, joint complaints of individual acts of employment discrimination should be referred to the EEOC.

(d) Joint complaints of systemic acts of employment discrimination should ordinarily be retained by the federal agency. If the agency refers such a complaint to the EEOC, the EEOC may limit its investigation to allegations which directly affect the charging party.

(e) Where a joint complaint alleges discrimination in employment and in other practices of a recipient, only the allegations of employment discrimination may be referred to the EEOC under this joint regulation. Allegations of discrimination in activities other than employment shall

be handled under the agency's own investigation procedures. The agency and EEOC shall coordinate the investigation of such "mixed" complaints, including, but not necessarily limited to, the initiation of joint or simultaneous investigations.

(f) Whenever any joint complaint is referred to the EEOC, the agency shall advise the EEOC of the relevant civil rights provision(s) applicable to the employment practices of the recipient and notify the complainant and the recipient of the referral, the location of the EEOC field office to which the complaint was referred, and the identity of the civil rights provision(s) involved and the authority of the EEOC under this joint regulation. Specifically, the notice shall inform the recipient that the agency has delegated its investigative authority under Title VI or Title IX, and the implementing regulations, to EEOC. The agency, therefore, may use information obtained by EEOC under the agency's investigative authority in any subsequent Title VI or Title IX enforcement proceedings.

§ ———.7 Agency enforcement of unresolved complaints.

(a) Upon the EEOC's transmittal of a reasonable cause determination and notice of failure of conciliation concerning a joint complaint under section 10(b) of this joint regulation, the referring agency shall determine, within thirty days, whether the recipient has violated any applicable civil rights provision(s) which the agency has a responsibility to enforce. The referring agency shall give due weight to the EEOC's determination that reasonable cause exists to believe that Title VII has been violated.

(b) If the referring agency determines that the recipient has violated any applicable civil rights provision(s) which the agency has a responsibility to enforce, the agency shall so notify the recipient and determine whether further efforts to obtain voluntary compliance are warranted. In reaching that determination, the agency shall give due weight to the failure of efforts to resolve the complaint by informal methods of conference, conciliation and persuasion. If the referring agency determines that further efforts to obtain voluntary compliance are not warranted or if such further efforts fail, the agency shall initiate appropriate enforcement proceedings under its own regulations.

(c) If the referring agency determines that the recipient has not violated any applicable civil rights provision(s) which the agency has a responsibility to enforce, the agency shall notify the Assistant Attorney General and the Chair of the EEOC in writing of the basis of that determination.

Action by the EEOC

§ ———.8 Dismissals of complaints.

(a) Where the EEOC determines that a joint complaint on its face, as amplified by the statements of the person claiming to be aggrieved, or after investigation is not timely filed, fails to state a claim, or that there is not reasonable cause to believe that Title VII has been violated, the EEOC shall dismiss the complaint and notify the referring agency of the reasons of that determination.

(b) Where a joint complaint is dismissed by the EEOC as being untimely or failing to state a claim under Title VII, the referring agency may investigate the complaint under its own regulations if it determines that the complaint is both timely and states a claim under a civil rights provision(s) which the agency has a responsibility to enforce. In all other cases, the agency shall give due weight to the EEOC's dismissal of a joint complaint for lack of reasonable cause to believe that Title VII has been violated.

(c) Whenever a joint complaint is dismissed by the EEOC, the referring agency shall advise the complainant of the reason for the dismissal, the effect such dismissal has on the complainant's rights under the relevant civil rights provision(s) and what, if any, action the agency intends to take with respect to the complaint.

§ ———.9 Negotiated settlements and conciliation agreements.

(a) If the parties enter into a negotiated settlement (as described in 29 CFR 1601.20) prior to a determination or a conciliation agreement (as described in 29 CFR 1601.24) after a determination, the EEOC shall notify the referring agency that the complaint has been settled. The agency shall take no further action on the complaint of employment discrimination thereafter except that the agency may take the existence of the complaint into account in scheduling the recipient for a post-award review under its own regulations.

(b) Upon the EEOC's request, the referring agency shall participate in settlement or conciliation negotiations.

§ ———.10 Reasonable cause determinations and conciliation efforts.

(a) Where, after investigation of a joint complaint, EEOC determines that reasonable cause exists to believe that Title VII has been violated, the EEOC shall advise the recipient of that determination and attempt to resolve the complaint by informal methods of conference, conciliation and persuasion.

(b) Where the EEOC's efforts to resolve the complaint by informal methods of conference, conciliation and persuasion fail, the EEOC shall promptly transmit to the referring agency a copy of EEOC's investigative file, including its Letter of Determination and notice of failure of conciliation.

Interagency Coordination

§ ———.11 Consultation.

(a) Before investigating whether the employment practices of a recipient of federal financial assistance constitute a pattern or practice of unlawful discrimination or initiating formal administrative enforcement procedures on that basis, a federal agency shall, to the extent practical, consult with the Chair of the EEOC and the Assistant Attorney General to assure that duplication of effort will be minimized.

(b) Prior to the initiation of any legal action against a recipient of federal financial assistance alleging unlawful employment practices, the Department of Justice and/or the EEOC shall, to the extent practical, notify the appropriate Federal agency or agencies of the proposed action and the substance of the allegations.

(c) If the EEOC, in the course of an investigation of a joint complaint, is unable to obtain information from a recipient through voluntary means, the EEOC shall consult with the referring agency to determine an appropriate course of action.

Definitions

§ ———.12 Definitions.

As used in this joint regulation, the term:

(a) "Agency" means any Federal department or agency which extends federal financial assistance subject to any civil rights provision(s) to which this joint regulation applies.

(b) "Assistant Attorney General" refers to the Assistant Attorney General, Civil Rights Division, United States Department of Justice, or his or her delegate.

(c) "Chair of the EEOC" refers to the Chairman of the Equal Employment Opportunity Commission, or his or her delegate.

(d) "EEOC" means the Equal Employment Opportunity Commission and, where appropriate, any of its District Offices.

(e) "Federal financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission of use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) "Joint Complaint" means a complaint of employment discrimination covered by Title VII, the Age Discrimination in Employment Act, or the Equal Pay Act, and either Title VI or Title IX.

(g) "Recipient" means any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, organizaton, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(h) "Title VI" refers to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to 2000d–4. Where appropriate, this term also refers to the civil rights provisions of other federal statutes or regulations to the extent that they prohibit employment discrimination on the ground of race, color, religion, age, sex or national origin in programs receiving federal financial assistance of the type subject to Title VI itself.

(i) "Title VII" refers to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq.*

(j) "Title IX" refers to Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 to 1683.

(k) "Covered employment" means employment practices covered by Title VI. Such practices are those which (1) exist in a program where a primary objective of the federal financial assistance is to provide employment, or (2) cause discrimination with respect to beneficiaries or potential beneficiaries of the assisted program.

[FR Doc. 81-11467 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 730, 731, 732, and 800

Permanent Regulatory Program for Surface Coal Mining and Reclamation Operations

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

ACTION: Notice of availability of draft rules.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) hereby gives notice of opportunities for public participation in developing certain revised rules for the permanent regulatory program for surface coal mining and reclamation operations under the Surface Mining Control and Reclamation Act of 1977. OSM has drafted these revisions in response to both the Secretary's direction to remove burdensome or counterproductive regulations and to comments from the States and the general public. Under the terms and according to the schedule set forth below, copies of the draft rules for 30 CFR 730.5, 731.13, 732.15 ("State Window") and Part 800 (Bonding) will be available to the public. OSM personnel also will be available upon request for meetings with interested members of the public.

DATES: Copies of these draft rules will be available to the public during the week of April 13, 1981. From April 13, 1981 to May 8, 1981, OSM personnel in Washington, D.C. will be available to meet at the request of the public to discuss these draft rules. Written comments must be received on or before 5 p.m. on May 8, 1981, at the address listed below.

ADDRESSES: Copies of the draft rules will be available from OSM, Department of the Interior, Washington, D.C. and from OSM's five regional offices at the following addresses:

OSM Region I, First Floor, Thomas Hill Building, 603 Morris St., Charleston, W. Va. 25301, 304–342–8125;

OSM Region II, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee 37902, 615–971–5100;

OSM Region III, Federal Building and U.S. Courthouse, 46 East Ohio Street, Indianapolis, Ind. 46204, 317–269–2609;

OSM Region IV, 818 Grand Avenue, Scarritt Building, 5th Floor, Kansas City, Mo. 64106, 816–758–2193;

OSM Region V, Brooks Tower, 1020 15th Street, Denver, Colo. 80202, 303–837–5421.

The meetings between the public and OSM personnel will be scheduled as requested by the public and will be held at OSM offices at the Department of the Interior, Washington, D.C. 20240. OSM may request members of the interested public to meet in groups to facilitate this review of the draft regulations.

Written comments may be mailed or hand delivered to: Office of Surface Mining, Administrative Record, Room 153, 1951 Constitution Avenue, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Andy Bailey, Office of Surface Mining, Department of the Interior, Washington, D.C. 20240, telephone 202–343–4006, Edward Johnson or Tom Leshendok, Office of Surface Mining, telephone 202–343–2601.

SUPPLEMENTARY INFORMATION: OSM is required to provide for public participation in the development of its regulations. Section 102(i) of the Surface Mining Act requires OSM to assure that appropriate procedures are provided for public participation in the development, revision and enforcement of regulations, standards, reclamation plans or programs established by the Secretary or any State under this Act.

OSM is proposing in this notice two methods for public participation in the development of certain revisions of its permanent rules prior to promulgating proposed revised rules. First, drafts of the proposed rules will be available to the public, upon request, from OSM's offices in Washington, and from each regional offices of OSM. The first portion of draft rules including 30 CFR Part 800 (Bonding) and 30 CFR 730.5, 731.13 and 732.15 ("State Window") will be available to the public on or after April 13, 1981. Second, during April and the first week of May, OSM personnel will be available to meet at the request of the public to discuss the draft rules. The meetings will be open to the public.

Other draft revisions of the permanent program rules will be made publicly available at a later date. OSM will announce the availability of such drafts in future **Federal Register** notices. Inquiries may also be made to OSM offices at the telephone numbers listed above, concerning which portions of the draft rules are available at any particular time.

During public meetings, OSM personnel will receive suggestions for substantive changes, recommended clarifications and any supporting data or technical literature from the public. Any member of the public may request such a meeting by contacting individuals of the Washington office at the address

and telephone number listed above. The requester of a meeting should specify the topics to be discussed so that arrangements can be made for appropriate OSM personnel to attend the meetings. All documents or other submissions received from the public concerning these draft revisions will be included in the administrative record and will be available for public inspection at the address listed above for the administrative record.

OSM specifically requests comments on the following issues:

(1) The economic effects of the draft regulations including effects on prices, markets, competition, employment, productivity or costs;

(2) The effects of the draft rules on small entities;

(3) Less costly alternatives to the draft regulations which still meet the requirements of the Surface Mining Control and Reclamation Act of 1977;

(4) Specific information about whether the potential benefits of the draft rules outweigh the costs.

All comments, statements, and recommendations from the public will be considered by OSM in drafting the proposed revisions for these rules. OSM will coordinate review of the draft regulations, as appropriate, with other Federal agencies and officials such as the Environmental Protection Agency, the Mining Safety and Health Administration, the Corps of Engineers, and the Department of Agriculture. After the proposed rules are published in the **Federal Register**, a further opportunity for written comments and a formal public hearing will be provided prior to adoption of final revised regulations.

Dated: April 13, 1981.

Andrew Bailey,

Acting Director, Office of Surface Mining Reclamation & Enforcement.

[FR Doc. 81-11576 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[TS-FRL 1806-5; OPTS-00022A]

Administrator's Toxic Substances Advisory Committee; Rescheduling of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: The date of the meeting of the Administrator's Toxic Substances Advisory Committee to discuss matters related to EPA's implementation of the Toxic Substances Control Act (Pub. L. 94-569) orginally scheduled for April 23 and 24, 1981, has been changed. Notice of this meeting appeared in the **Federal Register** of March 16, 1981 (46 FR 16916). Only the dates have been changed.

DATES: The meeting will be held from 9:15 a.m. to 4:45 p.m. on Monday, May 18, 1981 and from 9:00 a.m. to 12:45 p.m. on Tuesday, May 19, 1981.

FOR FURTHER INFORMATION CONTACT: Marsha Ramsay, Executive Secretary, Administrator's Toxic Substances Advisory Committee (TS-777), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-426-2680).

Dated: April 10, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-11714 Filed 4-16-81; 8:45 am]

BILLING CODE 6560-31-M

40 CFR Part 410

[WH FRL 1806-4]

Textile Mills Point Source Category Effluent Limitations Guidelines Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability; extension of Comment Period.

SUMMARY: On January 27, 1981 (46 FR 8590), EPA published a notice of availability of additional information relating to the proposed effluent limitations and standards for the Textile Mills Point Source Category as published October 29, 1979 (44 FR 62204). The purpose of the notice was to invite comments related to this information. EPA is extending the comment period from March 13, 1981 to June 16, 1981.

DATE: Comments on the notice of availability (46 FR 8590) must be submitted to EPA by June 16, 1981.

ADDRESS: Send comments to Mr. Richard E. Williams, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Attention: EGD Docket Clerk, TEXTILES.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Williams, (202) 426-2554.

SUPPLEMENTARY INFORMATION: On October 27, 1979, EPA proposed regulations to limit effluent discharges to waters of the United States and the introduction of pollutants into publicly owned treatment works from facilities that produce intermediate and finished textile products from various types of fiber, yarn or fabric (44 FR 62204). On January 27, 1981, EPA published a notice of availability of additional data, as well as possible changes in subcategorization, costing assumptions, and other factors affecting the proposed regulations (46 FR 8590). The January 27 notice stated that comments were to be submitted on or before March 13, 1981.

After a preliminary review of the information published in the January 27 notice, the industry requested additional time to prepare comments.

Based upon this request and the nature of the information presented in the notice, EPA has decided to allow the public additional time for review and comment on the information contained in the notice of availability. This review period will end 60 days from today.

We feel that these actions will provide the textile industry and other interested parties with sufficient opportunity to comment on the additional data summarized in the January 27, 1981, notice of availability.

Dated: April 13, 1981.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 81-11629 Filed 4-16-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-235; RM-3693, RM-3792]

FM Broadcast Stations in Montpelier, Stowe, Vergennes, and Waterbury, Vermont; and Moriah and Port Henry, N.Y.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This action proposes the reassignment of Channel 292A from Moriah, New York, to Vergennes, Vermont, as that community's first Fm assignment; the assignment of Channel 221A to Port Henry, New York; the reassignment of Channel 269A from Waterbury, Vermont, to Stowe, Vermont, to reflect its actual usage; and the reassignment of unused Channel 276A from Montpelier, Vermont, to Waterbury, Vermont. These proposals are made in response to the requests of Russell P. Kinsley and Linda M. Kinsley,

and of Masterpeace Communications Corporation, Inc.

DATES: Comments must be filed on or before June 2, 1981; reply comments must be filed on or before June 22, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION: In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Montpelier, Stowe, Vergennes, and Waterbury, Vermont; and Moriah and Port Henry, New York); Proposed rule making and order to show cause.

Adopted: April 3, 1981.

Released: April 14, 1981.

By the Chief, Policy and Rules Division.

1. A petition for rule making [1] was filed by Russell P. Kinsley and Linda M. Kinsley ("Kinsley"), proposing the reassignment of unoccupied and unapplied for Channel 276A from Montpelier, Vermont, to Vergennes, Vermont, as that community's first FM assignment. Kinsley states that if Channel 276A is reassigned to Vergennes, it will apply for authorization to build and operate a station. A second petition for rule making [2] was filed by Masterpeace Communications Corporation, Inc. ("Masterpeace"), proposing the reassignment of Channel 269A from Waterbury, Vermont, to Stowe, Vermont, to reflect its actual usage at Stowe. If this action is taken, Masterpeace states that it will then apply for Channel 276A (currently assigned to Montpelier) for use at Waterbury, Vermont, under § 73.203(b) of the Commission's Rules ("10-mile rule").[3] These proposals are mutually exclusive because if Channel 276A is assigned to Vergennes, Masterpeace could not apply for it at Waterbury.

2. On January 26, 1981, Masterpeace filed an amendment to its petition which proposes that Channel 292A be assigned to Vergennes, and Channel 221A be substituted for Channel 292A at Moriah, New York.[4] According to Masterpeace, the conflict between the two proposals would be removed while still allowing a first assignment to Vergennes. No comments were submitted in response to the original proposal or the amended proposal of Masterpeace.

3. *Community Data:*

(a) *Location:* Vergennes, in Addison County, is located near the New York state border approximately 55 kilometers (34 miles) east of Montpelier, Vermont. Waterbury, in Washington County, is located 16 kilometers (10 miles) northwest of Montpelier, Vermont. Stowe, in Lamoille County, is located approximately 16 kilometers (10 miles) north of Waterbury.

(b) *Population:* [5] Vergennes—2,242; Addison County—24,266; Montpelier—8,609; Waterbury—2,840; Washington County—47,659; Stowe—2,388; Lamoille County—13,309.

(c) *Local Aural Broadcast Service:* Vergennes currently has no local aural broadcast service. Montpelier is served by full-time AM Station WSKI and FM Station WNCS (Channel 244A). Waterbury is served by full-time AM Station WDEV, and Stowe is served by FM Station WRFB (Channel 269A, currently allocated to Waterbury).

4. In support of the proposed assignment to Vergennes, Kinsley states the Vergennes is a thriving and self-sufficient community whose economy is supported by manufacturing, tourism, and retail, wholesale, and service businesses. Kinsley asserts that Vergennes is a growing community which has the economic viability necessary to support a local broadcast service. According to Kinsley a Class A FM station at Vergennes could also provide service to a number of small communities in northern Addison County.

5. With regard to the reassignment of channel 269A to Stowe, and the concomitant availability of Channel 276A for use at Waterbury, Masterpeace states that Waterbury needs a local FM outlet. According to Masterpeace, Waterbury is the third largest town in Washington County, and, "with its many state government facilities, is the right arm of Montpelier for service to the state of Vermont."

6. A staff study verifies that all of the assignments proposed in the amended petition of Masterpeace—the assignment of Channel 292A to Vergennes, the substitution of Channel 221A for Channel 292A at Moriah, and the reassignment of Channel 269A to Stowe—may be made in full compliance with the Commission's minimum distance separation requirements.[6] No preclusion information is necessary because all of the proposed assignments represent first assignments of Class A channels. Accordingly, we shall propose to amend the Table of Assignments as requested in the Masterpiece petition with two exceptions. Due to the recent grant of a construction permit for Channel 292A at Port Henry, we shall propose to assign the substitute channel, Channel 221A to that city and delete the assignment from Moriah. Similarly, because Masterpeace intends to apply for authority to use Channel 276A at Waterbury instead of Montpelier, where it is currently assigned. We shall also propose the reassignment of Channel 276A to Waterbury. In this regard, we note that Channel 276A has been unused at Montpelier since 1963, and we are aware of no interest in its use there. If an interest is expressed during this proceeding, we would consider retaining the assignment in Montpelier so that no potential applicant would be prejudiced. [7]

7. In conjunction with the proposed channel substitution at Moriah, New York, we are issuing an *Order to Show Cause* to the permittee, Peter Edward Hunn, of Channel 292A (See footnote 4). Because the construction permit for Channel 292A was only recently granted, we anticipate that construction has not progressed too far or, perhaps has not yet begun. The issue of reimbursement for the reasonable costs of the proposed channel conversion would take into account only the charges needed, based on the extent of the present construction.

8. Because the communities involved in the rule making are located within 402 kilometers (250 miles) of the U.S.-Canada border, the proposed amendment to the Table of Assignments require coordination with the Canadian government.

9. In light of the foregoing, the Commission proposed to amend the FM Table of Assignments, § 72.202(b) of the Commission's Rules, with respect to the listed communities as follows:

City	Channel No.	
	Present	Proposed
Moriah, New York	292A	.....
Port Henry, New York	.....	221A

[1] *Public Notice* of the petition was given on July 7, 1980, Report No. 1238.

[2] *Public Notice* of the petition was given on November 25, 1980, Report No. 1258.

[3] Application for an FM station under the 10-mile rule is available only to communities unlisted in the Commission's Table of Assignments. Waterbury is listed in the Table even though the station assigned to Waterbury is licensed to Stowe. Thus, if Channel 269A is reassigned to Stowe, Waterbury would no longer be listed in the Table and an application could be accepted for use of Channel 276A at Waterbury under the 10-mile rule.

[4] A construction permit has been granted for the use of Channel 292A (assigned to Moriah) at Port Henry, New York, under the 10-mile rule (BPH 800813AC). Channel 221A is available at the Port Henry construction site if a site restriction on the proposed Hanover, New Hampshire, assignment (BC Docket No. 80-276) is modified.

[5] Population figures are taken from the 1970 U.S. Census.

[6] See footnote 4, *supra*.

[7] If Channel 276A is assigned to Waterbury, an application for its use at Montpelier under the 10-mile rule would not be permitted, § 73.203(b).

City	Channel No.	
	Present	Proposed
Montpelier, Vermont	224A, 276A	224A.
Stowe, Vermont		269A.
Vergennes, Vermont		292A.
Waterbury, Vermont	269A	276A.

10. It is ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, Peter Edward Hunn, permittee for Channel 292A at Port Henry, New York, shall show cause why his permit should not be modified to specify operation on Channel 221A as proposed herein instead of the present Channel 292A.

11. Pursuant to § 1.87 of the Commission's Rules, Peter Edward Hunn may, not later than June 2, 1981, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Peter Edward Hunn may, not later than June 2, 1981, file a written statement showing with particularity why its permit should not be modified as proposed in the *Order to Show Cause*. In this case, the Commission may call on Peter Edward Hunn to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an *Order* modifying the permit as provided in the *Order to Show Cause*. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Peter Edward Hunn will be deemed to have consented to the modifications as proposed in the *Order to Show Cause* and a final *Order* will be issued by the Commission, if the above mentioned channel modifications are ultimately found to be in the public interest.

12. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

13. Interested parties may file comments on or before June 2 1981, and reply comments on or before June 22, 1981.

14. It is further ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Notice and Order to Show Cause* to Peter Edward Hunn, 649 South Henderson Road, King of Prussia, Pa. 19406, the permittee affected by the *Order to Show Cause*.

15. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.302(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

16. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington D.C.

[FR Doc. 81-11688 Filed 4-16-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 74
Friday, April 17, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–163), notice is hereby given of a meeting of the Committee on Rulemaking of the Administrative Conference of the United States, to be held at 2:00 p.m., Wednesday, April 29, 1981 in the Library of the Administrative Conference, 2120 L Street NW., Suite 500, Washington, D.C.

The Committee will meet to discuss the use of specific procedures in informal rulemaking under the Administrative Procedure Act.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Michael W. Bowers (202–254–7065). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.

April 13, 1981.

[FR Doc. 81–11710 Filed 4–16–81; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Feed Grain Donations for the Papago Indian Tribe in Arizona

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Papago Indian Tribe in Arizona has been materially increased and become acute because of severe and prolonged drought substantially reducing range forage and hay production, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Papago Indian Tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of the tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through May 31, 1981, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on April 8, 1981.

Edward D. Hews,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81–11335 Filed 4–16–81; 8:45 am]

BILLING CODE 3410–05–M

Animal and Plant Health Inspection Service

Mediterranean Fruit Fly Eradication Program; Environmental Assessment

AGENCY: Animal and Plant Health Inspection Service.

ACTION: Notice of Availability of Environmental Assessment.

SUMMARY: This gives notice that the Animal and Plant Health Inspection Service and the California Department of Food and Agriculture have prepared an environmental assessment of the alternatives available for the Mediterranean fruit fly eradication program being conducted in Santa Clara and Alameda Counties, California.

ADDRESS: Requests for copies of the environmental assessment should be addressed to: Pest Program Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 630 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; or the Mediterranean Fruit Fly Project Headquarters, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Ralph Berry School, 14855 Oka Street, Los Gatos, CA 95030.

FOR FURTHER INFORMATION CONTACT: Ed L. Ayers, Jr., Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, APHIS, USDA, Room 630 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8745.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA), in cooperation with the California Department of Food and Agriculture (State), intends to eradicate a recent outbreak of Mediterranean fruit flies (Medfly) in certain parts of California. If this outbreak is not eradicated, significant adverse effects could result to California agriculture and to the Nation through the damage caused to fruits and vegetables by this plant pest and by increased control costs. This would ultimately be expected to result in substantially increased costs of such plant products to consumers. Additionally, the establishment of the Medfly in California may result in action by foreign countries to restrict or prohibit the import of American agricultural products into such countries.

The Animal and Plant Health Inspection Service and the California Department of Food and Agriculture have prepared an environmental assessment of the alternatives available for the Mediterranean fruit fly eradication program being conducted in Santa Clara and Alameda Counites, California.

Copies are available on request from the offices specified above.

Done at Washington, D.C., this 15th day of April 1981.

Harvey L. Ford,

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

[FR Doc. 81-11781 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Economic and Social Analysis; Proposed Policy

AGENCY: Forest Service, USDA.

ACTION: Notice of proposed policy.

SUMMARY: This document is proposed for inclusion as a chapter in the Forest Service Manual. It provides policy and principles for economic and social analysis of programs, resource plans, and projects within the Forest Service. This chapter implements and fulfills the requirements for economic and social analysis set forth in 36 CFR Part 219, National Forest System Land and Resource Management Planning. Its purpose is to ensure that Forest Service planners and analysts comply with legislative intent and that economic and social factors be considered in planning and decisionmaking. Further, it provides for a level of consistency in analyses and assessments carried out by individual Forest Service management units.

DATE: Comments must be received on or before June 16, 1981.

ADDRESSES: Comments may be mailed to R. Max Peterson, Chief, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Policy Analysis Staff, 202-447-5425.

SUPPLEMENTARY INFORMATION: Chapter FSM 1970 was written by Forest Service economists and has received extensive review from all management levels as well as functional areas. FSM 1970 and 1971 were published as Interim Directive No. 7 on September 2, 1980. Public comments on this proposed addition to the Forest Service Manual are being solicited to the end of the review period on June 16, 1981.

J. Lamar Beasley,

Deputy Chief, P&L.

April 1, 1981.

Title 1900—Planning

Chapter 1970—Economic and Social Analysis

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1973—Assessing Local, Regional and National Social Impacts (Reserved)

1970 Economic and Social Analysis. This chapter provides policy and principles for economic and social analysis of programs, resource plans, and projects in the Forest Service. These policies and principles apply to analysis specified in 36 CFR 219, FSM 1910, FSM 1920, FSM 1930, FSM 1950, and FSM 1990.

Analyses contained in draft plans completed more than six months after this chapter's affective date must comply fully with all its provisions. Any draft completed prior to six months after the effective date must be examined. If substantial compliance is found, the draft shall include a statement confirming the examination and substantial compliance. If the draft is not in substantial compliance, it shall be revised so that it does comply.

1970.1 Authorities.

1. *Multiple Use Sustained Yield Act of 1960* (MU-SY) 74 Stat. 215; 16 USC 528-531) as amended.

2. *National Environmental Policy Act of 1969* (NEPA) (83 Stat. 852; 42 USC 4321, 4331-4335, 4341-4347).

3. *Forest and Rangeland Renewable Resources Planning Act of 1974* (RPA) (PL 93-378; 88 Stat. 476; 16 USC 1600-1614) as amended by the *National Forest Management Act of 1976* (NFMA) (PL 94-588; 90 Stat. 2949; 16 USC 472a, 476, 500, 513-516, 521b, 528, 576b, 594, 1600-1602, 1604, 1606, 1608-1614).

4. *Title 36 Code of Federal Regulations Part 219, September 17, 1979.* Provides guidelines for evaluating alternatives in Land and Resource Management Plans in implementation of the National Forest Management Act of 1976.

5. *Office of Management and Budget Circular A-94,* revised March 27, 1972. Provides guideline for evaluating the economic efficiency of programs and projects by federal agencies.

6. *Office of Management and Budget Circular A-116,* issued August 16, 1978. Requires urban and community impact analyses by executive branch agencies for major initiatives and long-range planning.

7. *Water Resources Council (WRC) Principles and Standards* (FR December 14, 1979). Applies to projects undertaken by the Forest Service alone or in cooperation with other agencies to develop water and related land resources.

8. *Public Rangelands Improvement Act of 1978* (43 USC 1901). Applies to economics of livestock industry, fee formulas, and funding of rangeland programs.

9. *Federal Land Policy and Management Act of 1976 (FLPMA)* (43 USC 1701 (note)). Governs aspects of the Forest Service's range and lands progams.

1970.2 Objectives. The objectives of economic and social analysis in the Forest Service are to:

1. Provide decisionmakers with factual analyses of economic and social factors which, along with other factors, shall be considered in making decisions.

2. Use economic and social measures to compare and evaluate future alternative programs and projects, and to review existing programs.

3. Assure that the activities in each alternative are the most cost effective way to achieve the objectives of that alternative.

4. Provide consistent and comparable service-wide economic and social information.

1970.3 Policy.

1. Economic and social analyses shall be integrated into the Forest Service planning process.

2. Economic efficiency along with other factors shall be considered in making decisions and in implementing and reviewing programs.

3. Economic and social impacts that affect local, regional, and national populations shall be recognized in long-range planning processes and projects that require separate environmental analyses (see FSM 1950).

4. Economic and social analysis shall include the costs, benefits, and effects upon society as a whole. This approach differs from financial analyses of the impact of programs or projects on firms or individuals by including and evaluating significant economic and social impacts normally omitted if they do not affect the firm or individual.

1970.4 Responsibilities.

1970.41 Chief.

1. Establishes service-wide principles and procedures for economic and social analysis used, along with other factors, to make decisions and to implement and review programs.

2. Directs economic and social analyses of national assessments and programs, such as RPA, other general policy studies, and special evaluations.

1970.42 Regional Foresters.

1. Establish regional direction to implement service-wide principles, procedures, and guidelines for economic and social analysis.

2. Direct regional economic and social analyses. This includes joint responsibility for subregional market assessments with Area and Station Directors.

3. Coordinate market value and cost studies activities within their regions.

1970.43 Station Directors.

1. Establish Station direction to implement service-wide principles, procedures, and guidelines for economic and social analyses.

2. Cooperate with Regional Foresters and Area Directors on regional economic and social analyses.

3. Supervise evaluation of proposed and ongoing research programs and projects.

1970.44 Area Directors.

1. In cooperation with State Foresters, provide direction and assistance for economic and social analysis.

2. Cooperate with Regional Foresters and Station Directors on regional economic and social analyses.

3. Conduct analyses of program activities within areas.

1970.45 Forest Supervisors.

1. Conduct economic and social analyses of forest land and resource management plans, supporting activities, and major proposed initiatives in annual budgets and recommend action to Regional Foresters where needed.

2. Assist in subregional market value and cost studies.

3. Consider economic and social impacts in conducting environmental analyses.

1970.5 Definitions. The following definitions used in this manual shall be used in economic and social analyses. Those also in 36–CFR–219 are designated with a "#".

Activity. Actions, measures or treatments, undertaken directly or indirectly to manage forest and rangeland resources. Examples: reforestation, timber sale preparation, recreation plans and inventory.

Activity type. Specific kinds of actions, measures or treatments within an activity. Examples: planting with site preparation, sale area inspection, RIM inventory.

Alternative. One of the several policies, plans, or projects proposed for a specified decision. An alternative need not substitute for another in all respects.

Assets, capital. Man-made structures, facilities, or improvements in natural resources used as inputs in production fuctions over several 5-year planning periods.

Benefit. Value of output or other effect expected to be received by the public from a proposed activity, program, or project. Negative or undesirable outputs or effects should be deducted from total benefits.

Benefit-cost ratio. Measure of economic efficiency, computed by dividing total discounted primary benefits by total discounted economic costs. The benefit-cost ratio may be computed for either a single alternative or for incremental differences between alternatives.

Benefits, direct. Primary benefits that help fulfill objectives of the alternative policy, program, or project.

Benefits, induced. Benefits that accrue to resource owners or users but are incidental to objectives.

Benefits, primary. Benefits that accrue to resource owners or users. They include both direct and induced benefits.

Benefits, residual. The total remaining value of assets used in a management process after the evaluation time horizon.

Benefits, secondary. Benefits that occur to parties other than the resource owners or users.

Complex planning action. A planning action in which individual components of the alternatives require separate decisions (see 1970.62).

Constraint. A limit which restricts alternatives.

Cost effective. The least cost method of achieving specified outputs or objective.

Costs, administrative. Costs of required administration which are prorated over fixed, variable, and investment costs.

Costs, associated. In functional analyses, the indirect cost impacts on other activities, including transportation and protection.

Costs, cooperators. Costs of activities of cooperators or other non-Forest Service agencies which are part of Forest Service management programs but which are not paid from Forest Service funds. Example: Cooperator costs for range improvement, cooperator logging cost.

Costs, economic. Total fixed and variable costs for inputs, including costs incurred by other public and private parties, and opportunity costs. Economic costs include adjustment for cost savings, and opportunity costs, if any.

Costs, fixed. Costs of the minimal level of activities: legal requirements (other than contractual), protection and maintenance of assets in the absence of controllable use, and planning and inventory.

Costs, general administration. (See costs/administrative).

Costs, with joint outputs. Costs contributing to the production of more than one type of benefit.

Costs, maintenance level. Costs of activities needed to meet minimum ownership requirements, to protect natural resources on adjacent lands in other ownership and costs needed to protect and maintain assets in the absence of controllable use.

Costs, minimal level. Cost of activities needed to meet minimum ownership requirements and protect environmental natural resources on adjacent lands.

Costs, operating. Costs of program activities to produce controllable outputs.

Costs, opportunity. Value of the most economic use for an input that is foregone by using it differently in a given alternative.

Costs, planning and inventory. Costs, of long-term management planning and necessary resource inventories.

Costs, separable. Costs of a jointly used, manmade resource or service which are required to produce only one objective or output.

Costs, site specific. Costs (of resource management and investments) that reflect the difficulty of activities at specific sites or classes of resources.

Costs, transaction. Total accounting cost of acquiring an input.

Costs, variable. Costs of program activities above the maintenance level.

Decision criteria. Rules or standards used to evaluate and rank alternatives.

Decision unit. A component of a policy, plan, or project for which a separate decision is required. Decision units may be classes of resources, organization units, or transportation, protection, or other plan components.

Demand. The amount of a good or service that users would be willing to take at a specified price, time period, and condition of sale.

Demand analysis. A study of the factors affecting the schedule of demand for a good or service, including the price-quantity relationship if applicable.

Demand curve or schedule. A schedule of amounts of a good or service that users would take at a range of prices, but for the same time period and conditions of sale. Same as price-quantity relationship.

Discount rate. An interest rate that reflects the cost or time value of money. It is used in discounting future costs and benefits.

Discount rate, nominal. Discount rate expressed in relation to current dollars, slightly more than the real discount rate plus the rate of inflation.

Discount rate, real. Nominal discount rate adjusted for the rate of inflation. It is used in discounting costs and benefits expressed in real dollar values.

Discounting. An adjustment for the time value of money, which involves mathematically reducing costs and/or benefits occurring in the future to a common point in time, usually the present, for comparison.

Economic and social analysis. Evaluation of plans or projects using economic and social measures, including economic efficiency, and impacts on affected areas and groups.

Economic impact, direct. Impacts that derive directly from forest products or forest uses.

Economic impact, indirect. Impacts that arise from supporting industries selling goods or services to directly impacted industries.

Economic impact, induced. Impacts resulting from employees or owners of directly and indirectly impacted industries spending their income within the economy.

Efficiency, cost. A measure of how well specified inputs are used to achieve specified outputs, under constraints. It differs from economic efficiency in that some costs and benefits (such as some nonmarket outputs or environmental, economic, or social impacts) are not valued, but achieved at specified levels.

Efficiency, economic. A measure of how well inputs are used to achieve outputs when all inputs and outputs (including environmental) are identified and valued. It is usually measured by incremental present net value. Other mesures, such as benefit-cost ratio, or rate-of-return, may be used. (See also cost efficiency).

Elasticity, price. The ratio between the proportion of change in quantity of a good or service and the associated proportion of change in price.

Employment. Labor input into a production process measured in person-years rather than number of jobs.

Evaluation. An assessment of alternative plans or projects based on economic and social measures.

Externalities. Effect or impacts of Forest Service activities on parties other than active participants and resource owners.

Good, market. A good (or service) that is normally exchanged in a market after at least one stage of production before final consumption.

Good, merit. A good (or service) which is deemed by political process or authority to be worthy to be provided to the public or a segment of the public in excess of what would be provided by competitive markets. They are either provided free, at a minimal charge, or at actual cost.

Good, nonmarket. A good (or service) that is not normally exchanged in a market at any stage of production before consumption.

Good, public. A good (or service) for which it is impractical to impose a charge, either because if it is supplied to one it is supplied to all, or because costs of collection and control would exceed likely revenues.

Goods and services. The various outputs produced by forest and rangeland renewable resources.

Improved physical resource productivity. Increased capability of resource classes, particularly land, to produce outputs brought about by resource management investments, measured by the increased stream of expected outputs.

Impact area. The geographical area that includes the major social, cultural, and economic activities affected by the alternatives of a program or plan.

Impact area, local. An impact area consisting of one or several counties closely associated with a forest area. One individual forest area's effects may extend into several local impact areas, or to a region or the Nation.

Impact, biological/physical. The change, positive or negative, in physical or biological conditions directly or indirectly resulting from one or more Activities, or Activity Types.

Impact, economic. The changes, positive and negative, that an existing or proposed program may make on economic conditions, especially the distribution, and stability of employment and income in affected local, regional, and national economies.

Impact, social. The changes, positive or negative in social conditions directly or indirectly resulting from an existing or proposed program.

Income. Employee compensation, profits, rents, and other payments to households.

Industry. A class of firms engaged in raw material production, manufacture, or trade. In economic impact analysis, an industry comprises the firms in a 4-digit Standard Industrial Code.

Input/output analysis. A technique for analyzing the interdependence of producing and consuming sectors in an economy.

Inputs. Land, labor, and capital required for production functions to produce outputs. Inputs are generally represented by costs of an activity or activity types.

Interest, implicit. The amount that would have to be paid for use of value of capital assets if the value were borrowed.

Investment. Activities that create or improve capital assets to obtain benefits occurring over several 5-year planning periods.

Investment, joint-use. Investments in roads, structures, or other facilities which are used to produce several benefits.

Investment, resource management. Investments to improve natural resources, including land, vegetation, or animal populations, to increase future net benefits or reduce losses in several 5-year periods. Examples: reforestation, developed recreation sites, range revegetation, fuel breaks.

Least-cost analysis. Determination of the least cost means of attaining specified results.

Loss. Net change in the discounted value of resources due to fire, storm, or pests.Low-income. Household income below the poverty level defined by the U.S. Department of Health and Human Services.

Management practice. (See activity).

Management prescription. Management practices selected and scheduled for application on a specific area to attain multiple-use and other goals and objectives.

Marginal analysis. A comparison of the marginal (or incremental) discounted benefits for each additional unit of program or project size with its discount marginal (or incremental) cost.

Market. The processes of exchanging a good or service for money or other goods or services according to a customary procedure. A market need not be an established institution located at a specific place.

Market area. The area from which a market draws or to which it distributes its goods or services, and for which the same general prices and price influences prevail.

Market assessment. The study of a market describing the good or service exchanged, the sources of supply, the demands for its use, the pricing processes, and influences on its value.

Market subarea. Portions of a market area in which the price is affected by differences in local costs of production or transport.

Maximum. The solution or alternative that achieves the greatest level of some measure or measures. It is an optimum only if all decision criteria are used. (See optimum)

Minority. Persons in categories specified by the U.S. Bureau of the Census as being minorities.

Multipliers. The ratio of a total impact to a component of the impact in input/output analysis; for example, the ratio of the sum of direct, indirect, and induced impacts to direct impacts.

Net public benefits. Present net value when all costs and benefits that affect any segment of the public are included in the computations.

On-site use A service which the user consumes at the site of the resources that produces it. For example: recreation.

Occupation. Type of employment in terms of skills, as classified by U.S. Bureau of the Census.

Optimum. The best solution or alternative of achieving specified objectives using all decision criteria. (See Maximum).

Output. The various goods and services produced from forest and rangeland resources. Examples: timber sold, water yields, recreation use.

Output, controllable. The amount of an output which management has the legal and practical ability to control with management activities.

Output, minimum level. The amount of an output which will occur regardless of management activity.

Payments in lieu of taxes. Payments to local or state governments based on ownership of federal land and not directly dependent on production of outputs or receipt sharing.

Person year of employment. Approximately 2,000 working hours by one person working year long or by several people filling seasonal employment.

Present net value. The difference in discounted total benefits and discounted total costs.

Present net worth. The same as present net value, which is the preferred term.

Price. The unit value of an output expressed in dollars.

Price-quantity relationship. A schedule of prices that would prevail in a market for various quantities of the good or service exchanged. This is also called a demand curve or schedule.

Production function or process. A description of the process that transforms inputs to outputs.

Project. An organized effort to achieve an objective identified by location, activities, outputs, impacts and time period and responsibility for execution. Projects can be for operation, maintenance and protection, or for investment purposes.

Quality of output. The usefulness or desirability of a good or service, expressed as a physical measure, index, or grade.

Rate-of-return. Rate of interest at which all discounted benefits equal all discounted costs. (Internal rate-of-return is a similar measure appropriate to the benefits and costs that affect private firms or individuals.)

Real dollar value. A value from which the effect of change in purchasing power of the dollar has been removed.

Receipt sharing. The sharing of receipts received from resource management with state and county governments, such as the Forest Service "25-percent fund" payments.

Schedule, benefit and cost. List of the sequence of benefits and costs over time.

Schedule, input and output. List of the sequence of management practices and outputs over time.

Sensitivity analysis. A comparison of the consequences of varying the level of one or several factors with other factors held constant.

Short-term evaluations. Evaluations of a plan, or project for a limited time period, after which the residual assets have a significant present value.

State of production. One of a series of production processes which change a raw material or a direct resource output into final goods or services used by consumers.

Structural change. Change in composition or mix of economic and social activities or industries.

Supply. The amount of a good or service that producers are willing to provide at a specified price, time period, and conditions of sale.

Supply curve or schedule. A schedule of amounts of a good or service that producers would provide at a range of prices, but for the same time period and conditions of sale.

Supply, alternate sources. The supply of a good or service from a source whose production processes are not considered in a planning process or evaluation.

Taxes. Obligatory payments to a government that go into a fund for one or more general governmental purposes. Taxes do not include social security or other employment insurance, or assessments or payments for benefits received directly by the payer as a consequence of the payment.

Technology Change. A change in the relationship of inputs and outputs of a production process resulting from the implementation of new technology, or a new application of existing technology.

Time horizon. Time limit for plan or evaluation.

Time period. An interval of time for which inputs and outputs are identified in planning processes. There are usually a number of time periods from the present to the time horizon.

Under-employment. Includes unemployed persons not actively seeking employment, but with proper opportunity would seek employment, also persons employed part-time but who are capable of full time work or doing work with higher requirements.

Unemployment. Persons not employed but actively seeking employment.

Values, market. Prices of market goods and services in terms of what people are willing-to-pay as evidenced by market transactions. They are measured in real dollars.

Values, nonmarket. Prices of nonmarket goods and services imputed from other economic values.

With-without comparison. An evaluation which compares outputs, benefits, costs and other effects with a base alternative.

1970.6 Scope of analyses. Early in a planning process line officers shall determine the appropriate level of analyses needed. In many planning and management situations, evaluation requirements are specified by laws and regulations, and by Forest Service policy (see FSM 1910, FSM 1920, FSM 1930, and FSM 1950). In other situations, the scope and depth of evaluations should depend upon the potential impacts of the type of program or project being planned or reviewed.

1970.61 Types of measures that analyses are to provide. Economic and social analysis of alternative programs, plans, and projects seek two types of measures:

1. Economic efficiency measures, discussed in FSM 1971. Economic efficiency evaluations shall be conducted whenever economic and social analyses of resource programs, plans, and projects are required.

2. Social welfare measures, which include economic and social impacts on local, regional and national areas, discussed in FSM 1972 and FSM 1973. Results of economic and social impact assessments for appropriate areas affected shall be included in analyses of major programs and land and resource plans whenever such analysis are required or needed.

1970.62 Decision units in complex planning actions. Planning the scope of evaluations includes determining whether individual components of the alternatives require separate decisions. If separate decisions are required for components such as classes of resources, organizational units, or transportation, protection, and land purchase and exchange programs, identification of costs and benefits, or additional analysis, is normally needed for each component. Evaluation processes shall strive to develop the best combination of input and output decision unit options within each alternative.

1970.63 Scope of partial analyses. When analyzing only part of a plan or program, or from the viewpoint of one function, include both direct and induced primary outputs and costs. Of course, when an entire plan is evaluated, all primary outputs are direct.

1970.64 Comparison of alternatives. Analyses of proposed alternatives for programs and for land and resource management plans shall compare with and without conditions. The base or "without" alternative against which other alternatives should be compared is, in general, that which would prevail without the program or project. This, of course, may depend on the assumptions made in the planning process. Specific guidelines are given in FSM 1910, FSM 1920, and FSM 1930.

1970.7 Coordination of economic and social analyses.

1970.71 Inclusion in planning process. Plans for economic and social analyses to be conducted for a planning action shall be included in the plans and procedures for conducting the planning process (see FSM 1910 and FSM 1950).

1970.72 Delineation of assessment impact areas. The impact areas used for the economic and social impact assessments for the same planning action should be the same, unless substantial and documented reasons suggest considering different areas.

1970.73 Base economic and social assumptions. Economic and social analyses for all planning actions should use the same basic population, economic activity, and income projections used in the most recent RPA assessment, unless updated information or specific authorization to vary from them is issued by the Chief. For example, the same series of population and economic growth projections should be used. These projections have been prepared for federal agencies by the Bureau of the Census and Bureau of Economic Analysis (USDC).

1970.74 Adjustments for real dollar values. Real dollar values shall be used for costs and benefits in analyses. The deflator should be the GNP deflator as given in the Economic Report of the President each year. The base year will be that of the most recent RPA, currently the first quarter of 1978 for the 1980 RPA.

Analyses should recognize that real price changes in costs and output values may occur as some price trends deviate from those of the general economy. Expected real price change trends, if significant, should be projected by output or cost category and by region of the U.S.

1971 *Evaluating Economic Efficiency.*

1971.1 *Purposes of Evaluating Economic Efficiency.* Evaluations of economic efficiency provide decision-makers with estimates of how efficiently resources and investments of funds in an alternative are used to provide present and future benefits from the point of view of society in general.

1971.2 *Tasks in Evaluating Economic Efficiency.* The basic tasks in evaluating economic efficiency are:

1. Determining the measures to be used.

2. Identifying inputs, outputs, and management processes.

3. Developing input and cost data.

4. Assessing markets and developing output values.

5. Computing measures of economic efficiency.

6. Conducting needed supplemental procedures.

These tasks are parts of the planning processes described in FSM 1910, FSM 1920, and FSM 1930. FSH 1909.17—Economic and Social Analysis Handbook, is being written to provide further detail, procedures, background, and data sources for analysis.

1971.3 *Measures.* The primary measure of economic efficiency used in comparing program, plan, or project alternatives in the Forest Service is the present net value. OMB Circular A-94 also requires the computation of marginal benefit-cost ratios, and rates-of-return for alternatives. Present net values should be computed for options for decision units and alternatives. Neither benefit-cost ratios nor rates-of-return need be computed for individual decision units of a complex evaluation.

Present net values measure economic efficiency in using the opportunities for managing forest and rangeland resources. In general, present net values are more appropriate measures than benefit-cost ratios or rates-of-return, which indicate the economic efficiency in terms of the growth of the capital used in investments and operating funds. Benefit-cost ratios and rates-of-return are often useful in evaluating specific programs and non-resource projects.

1971.4 *Identifying Inputs, Outputs, and Production Functions.* Economic efficiency evaluations must clearly identify significant inputs and outputs of production function. Inputs are the amounts of land, labor, and capital required. In schedules of inputs and outputs, inputs do not need to be listed directly. They may be combined into activities and management practices with their associated costs. Outputs are amounts of goods and services expected to be produced. A description of the production functions by which inputs are transformed into outputs is needed, in a format appropriate for each evaluation.

1971.41 *Stands for level of detail.* Evaluations should present quantitative schedules of input and output flows expected over time, or refer to such schedules in associated documents. The following general guidelines apply:

1. *Time horizon and periods.* Schedules of inputs and outputs of production functions should include significant inputs and outputs measured from the present to an equivalent time horizon. In situations where time horizons of production processes are unequal, adjustments should be made to assure comparability of evaluation. The number and length of time periods from the present to the horizon should be appropriate to the evaluation—they should encompass significant changes in flows of costs and benefits. FSM 1910, 1920, and 1930 specify time periods for the planning they require.

2. *Stage of production.* Production functions should include only one stage in the series of stages required in any production process. Inputs and outputs must be pertinent to that stage of production.

3. *Technology transfer.* Evaluations proposing the use of new technology should indicate the assumptions or changes in production functions resulting from its application, when it will become available, how soon it can be implemented, and the potential opportunities to which it is likely to be applied.

1971.42 *Standards for inputs.*

1. Inputs, described by activities or management practices necessary for the production functions, should be included. Activities or management practices should be consistent with classifications in the Management Information Handbook, FSH 1309.11.

2. Activities or management practices should permit estimation of the economic costs by decision units within an evaluation, if the cost differences by decision units significantly affect measures of economic efficiency.

3. Legally required activities to protect the environment or maintain land productivity should be included when applicable.

1971.43 *Standards for outputs.*

1. Primary outputs—goods and services—that contribute to program objectives should be measured or estimated. Other outputs, including those that may be unplanned or not included as program objectives should also be measured or estimated if they provide useful information to decision makers or the public. Secondary benefits should be kept separate.

2. Quality measures of outputs should be specified by decision units if the quality measurably affects value and thus resource allocation, and alternative programs or projects would substantially affect quality.

3. Biological/physical impacts should also be included as outputs in economic analysis if alternative programs and projects would substantially affect biological or physical conditions and these effects can be valued credibly.

4. Major planning processes should distinguish three kinds of output levels—minimum level, no-action level, and other alternative program levels.

5. Improved resource productivity should be reflected in increased future outputs, and need not be valued separately.

6. Long-term accumulative effects shall be evaluated either in increments or at one point in time, so that these effects are not double counted.

7. Average expected rates of loss to fire, storm and pest should be deducted from flow projections of output and use. Loss estimates should be based on analyses of fire, storm, or pest programs, when conducted.

1971.5 Analyzing costs.

1971.51 Purposes.

1. To insure that realistic cost relationships are used in planning.

2. To identify marginal or incremental costs.

3. To aid in preparing annual budgets.

4. To monitor program implementation.

1971.52 Classifications. Two kinds of costs are needed in planning—budget and economic.

1. *Budget costs.* These are federal government outlays for inputs of labor (wages, salaries, and related benefits); services; supplies; and equipment. These costs should be determined when preparing a budget or administering a program. The principal categories are administrative costs, operating costs, and investment costs. All budget costs are included in economic costs.

2. *Economic cost.* In addition to budget costs, the overall cost to society of Forest Service programs inlcudes costs incurred by private parties cooperating in land and resource management, costs incurred by other government agencies, and changes in costs incurred by users in extracting outputs or in engaging in on-site uses. The additional economic costs should include only those costs in the production process up to the point of evaluation (FSM 1971.64) or which influence the values of outputs.

Within these broad categories, costs will be further classified as follows:

1971.52a—State and Private Forestry and Research. For State and Private Forestry and Research Programs, a simplified structure of economic costs may be used:

1. *Fixed costs:*	
Operational	Activities to conduct programs at the "minimum level"
Planning	Long-term management planning
Fixed general administration	Costs of line officers, their immediate clerical staff, and administrative facilities
Variable general administration	Variable administration costs to be prorated over fixed costs
2. *Variable costs:*	
Operational	Program activities above the minimum level, other than facility construction
Investment	Facility construction and investment in long-term plant and equipment
Variable general administration	Variable general administration to be prorated over variable costs.
Costs of public and private cooperators	Costs of cooperators or other public agencies which are an integral part of Forest Service management but not appearing in the Forest Service budget; user costs.

1971.52b National Forest System. A more detailed classification of costs to meet National Forest Management Act regulations should be used for NFS planning. Two special groups of economic costs must be identified.

The minimum cost level consists of those essential activities for insuring public safety and environmental protection not associated with controllable outputs, allowing for a moderate degree of risk. It does not include maintenance and protection of assets and resources. These would be unnecessary if no controllable outputs were to be produced.

Maintenance level costs include minimum costs plus costs for maintenance of existing capital assets. In planning for short-term periods, capital assets will be maintained. But in planning future periods, decisions must be made on whether to continue maintaining classes of assets, replace them, reconstruct them, or perhaps to cease their use. Thus the proportion of present fixed maintenance costs usually declines with time, and the proportion of variable costs spent on investment (and subsequent maintenance of new assets) usually increases.

The NFS classification separates fixed and variable costs as follows:

1. *Fixed costs:*		
Operational:		
Minimum level		
Maintenance level	Minimum ownership requirements	Nondeferrable activities for insuring public safety and environmental protection not associated with controllable outputs
	Fixed protection costs	Activities to protect natural resources on adjacent lands
	Maintenance costs	Costs that would be incurred to keep existing capital assets at agreed levels of service and availability in the absence of controllable use
Planning and inventory		Long-term management planning and resource inventories
Fixed general administration		Costs of line officers, their immediate clerical staff, and administrative facilities
Variable general administration		Variable general administration costs to be prorated over fixed costs
2. *Variable costs:*		
Investment	Common use roads facilities	Construction and reconstruction of arterial and collector roads or jointly used administrative and other facilities
	Resource management	Treatments or related facilities with benefits accruing over more than one 5-year planning period
Operational	Resource management operations	All other program activities for controllable outputs
	Protection and maintenance	Costs incurred as a result of controlled use
Variable general administration		Variable general administration costs to be prorated over variable costs
Costs of public and private cooperators		Costs of cooperators or other public agencies which are an integral part of Forest Service management but not appearing in the Forest Service budget; user costs.

1971.53 Standards.

1. Relevant costs of inputs should be included in evaluations, and be measured at the same level as outputs. Costs to protect the environment, maintain land productivity, and assure public safety should be considered when applicable. Differences in transport or other user costs, within the area being planned, to get access to the outputs should be included as a user cost, if not reflected in output values.

2. Budget and economic costs of inputs purchased from outside the Forest Service are valued at their transaction costs.

3. Economic costs are expressed as real dollar values. Using the base year established by RPA, real cost changes should be supported by studies of long-run cost trends using accepted methodology. Suggested analytical methods will be presented in FSH 1909.17.

4. Protection and maintenance costs should be sufficient to protect resources and maintain roads and other facilities throughout their designed life in an acceptable condition to fulfill their intended use. Specific standards for road maintenance are found in FSM 7732.11.

5. Investment costs should include all pertinent costs, including site acquisition, and design and engineering.

6. Economic costs should not include taxes paid by firms or receipts shared by the Forest Service with counties. Taxes and receipt sharing are divisions of benefits between recipients and public entities.

7. Economic costs should not include explicit charges for interest computed on the value of existing Forest land or other resources. Exceptions may be made in policy analyses that include alternatives to dispose of land.

8. For economic analysis general administration costs should be separated into fixed and variable components.

a. Fixed general administration includes costs of line officers and their immediate clerical staff, and administrative facilities. Line officers include the chief officials and any deputies of a line unit (region, area, station, national forest, or ranger district) who are responsible for all programs or functions of the unit.

b. Variable general administration includes all other general administration costs.

Fixed general administration is a category of fixed costs and not prorated. Variable general administration costs are to be prorated over each category of operational and investment costs.

1971.54 Studies. Cost determination studies should be made and updated at appropriate intervals between planning cycles for both budget and long-term planning. After implementation the Program Accounting and Management Attainment Reporting System (PAMARS) should be used in determining historical costs of activities. The cost classification should be consistent with the MIH codes in FSM 1309.11. Regional Foresters should coordinate these studies (FSM 1970.42) among field units. Appropriate cost studies include:

1. *Site-specific cost studies.* Some types of land may require specific cost information. Several approaches can be used, such as statistical analysis of project costs using sample data, constructed cost estimation, and cost estimation by experts.

2. *Cost trend analyses and projections.* Some costs may increase faster than the general rate of inflation. Trends for these costs should be determined from cost projections, through statistical analysis if data are sufficient, or by estimating changes in costs of inputs, such as labor, equipment, or energy costs. Market analyses may be needed to project costs for production inputs.

3. *Maintenance cost studies.* The long-term least cost strategy for maintaining or replacing various types of assets needs to be developed and future maintenance and replacement rates estimated. This will require estimates of costs that should be incurred to keep capital assets at agreed levels of service and availability, considering age and condition of assets, inflation, and other factors.

4. *General administration cost studies.* Current levels of general administration costs need to be separated into fixed and variable portions as defined in FSM 1971.53(8).

1971.55 Use.

1. For long-term planning, the fixed costs for the National Forest System are the minimum level costs. All other costs, including other protection and maintenance, are to be set by the plan, and thus are variable.

2. For short-term planning and project design and selection, fixed costs also include planning and inventory and the maintenance to keep capital assets at agreed levels of service and availability.

1971.6 Assessing Markets and Developing Output Values. A market assessment may be required when the quantity of an output produced by a Forest Service program substantially affects regional or national markets. These assessments are to be a part of RPA planning processes. Normally market assessments are not necessary for individual projects or individual National Forest management plans. The purposes of market assessments are:

1971.61 Purposes.

1. To furnish a basis for determining values.

2. To help in setting planning objectives and constraints.

3. To help in delineating appropriate areas for estimating economic impacts.

1971.62 Components. The components of a market assessment are:

1. *Description of outputs.* The characteristics of the output, including a physical description, grade and quality variations, measurement units and conventions, and production processes.

2. *Description of pricing processes.* The market price processes or the basis for determining fees, including whether the output is a merit good or a public good.

3. *Analysis and projection of demand.* Determination of relationships between demand factors, including price, and

consumption of an output, together with use of the relationships to project future consumption.

RPA assessment demand analyses conducted at the national level (FSM 1970.41) should determine, to the extent possible, the long-term effects of growth in population and the economy, changes in technology, consumer preferences, and transportation systems. The analyses should quantify the differences among major consuming regions.

For outputs with markets between production and consumption, demand analysis should attempt to determine demand schedules by time period showing the long-term price-quantity relationship or price elasticity. For outputs without markets between production and consumption, price-quantity relationships often cannot be evaluated.

Several methods may be used to determine price-quantity relationships. In selecting a method to use, the increased accuracy of the more sophisticated methods should be weighed against their higher cost and the more detailed information required.

In the subregional market assessments conducted cooperatively by Regional Foresters, and Station and Area Directors, the values of outputs should be adapted to market and submarket areas using appropriate submarket cost information. In some cases, supplemental statistical demand analyses may be warranted. Such optional analyses should use demand and value concepts compatible with those used in the RPA analyses (FSM 1971.64).

4. *Description of supplies from non-Forest Service sources.* Description of supplies from non-Forest Service sources should indicate the current output levels and likely future trends, based on resource surveys, economic statistics, and published policies of the sectors furnishing the supply.

1971.63 Outputs to be priced. Each RPA Assessment shall include studies of demand and value patterns by regions. Regional price determination studies (FSM 1970.42) should be made to determine output prices over large market or submarket areas. The following outputs should be valued:

1. Timber-Sawtimber, and pulpwood and other products (divided nationally by hard- and softwood groups, regionally by species groups).

2. Recreation—Major categories of developed and dispersed recreation use.

3. Range—Domestic livestock animal unit months.

4. Water—Water yields.

5. Wildlife and fish—Recreational and commercial values of selected game species and species groups.

6. Minerals and energy—Selected leasable, and common variety minerals.

Care should be taken that in analyzing projects or progams from functional viewpoints, that both direct and induced primary outputs are valued (FSM 1970.63).

Regions, Stations, and Areas may also value other outputs, and estimate quality differentials.

1971.64 Standards for output values. To ensure that values used in the Forest Service are comparable, the following guidelines apply:

1. Benefits should be based on values of outputs when they leave the land or production site, or, for on-site uses, values when uses take place. Sometimes, it will easier to measure output values after the output leaves the production site. In such cases, costs incurred after the output leaves the site should be deducted from values at later production or transport stages to determine output values.

2. Benefit values shall be expressed in real dollars where possible. RPA staff set the base year for this analysis.

3. Values should be determined in a manner similar to that used in the most recently completed RPA program. Innovative procedures may be used in addition to standard ones, but values resulting from innovative procedures, if they differ significantly from those from standard analyses, may be employed only after concurrence with the Chief. Techniques used to estimate average regional and national values will be discussed in FSH 1909.17.

4. Real value changes in benefits should be projected for appropriate time periods during which there will be significant change according to documented analyses using accepted methodology.

5. If quality of an output significantly affects value, unit price differentials should be estimated in market assessments.

1971.65 Use of demand and value information. In applying values to the schedule of outputs:

1. Forest and other local Forest Service plans shall use output values and rates of growth in consumption established by regional market assessment unless special studies show these values and rates do not apply in local areas. In the absence of regionally determined values and rates, use RPA values and rates.

2. Forest and other local Forest Service plans shall assume that local prices in future periods will follow regional or national trends and that entry or loss of new firms, facilities or users will occur gradually but continually on the basis of price and other factors. Differential local changes in output values are not expected to occur as a result of the alternative selected in current local Forest Service planning. Rationale and procedures for incorporating these assumptions into planning will be presented in FSH 1909.17

Long-term price-quantity relationships, if established, shall be used to constrain expansion of output. Regardless of the price-quantity relationship assumed, long range planning should not include investment that would expand outputs beyond amounts likely to be consumed. Beyond such levels, additional outputs have no value.

3. If the activities in a plan change the quality of an output, the difference in unit values should be applied to all of the output affected.

1971.7 Computing Measures of Economic Efficiency. The primary measure of economic efficiency in Forest Service evaluations is present net value—the difference between discounted net benefits and discounted net costs. Present net value includes all markets values, simulated nonmarket values, and all relevant costs. Present net values should be computed for all options for decision units as well as for all alternatives. For each alternative, marginal benefit cost ratios and rates-of-return should also be computed (see FSM 1971.3).

In addition to the above measures of economic efficieny, short-term analyses for programming, budgeting, and facility design may use cost-effectiveness analyses (see FSM 1971.81).

While all economic analyses will use real cost and benefits as of a base year established by the Chief, the actual costs used for budget development will be adjusted in accordance with program budget instruction for the current year.

1971.71 Discount rate. For the 1980–1985 National Forest and regional planning processes, use a 4 percent real discount rate. In addition, also discount benefits and costs at a 7⅛ real discount rate to determine the sensitivity of alternatives to variations in the discount rate (the 7⅛ percent rate was used in the 1980 RPA).

In complex planning action evaluations the recommended alternative (see FSM 1970.62) will include an analysis which reallocates decision inputs to production processes at the 7⅛ percent discount rate. For other alternatives, a recomputation of future costs and benefits for the 4

percent allocation but discounted at the 7⅛ percent rate will be adequate.

Even though discounting computations should use only a real rate, the distinction between current nominal and real discount rates should be explained to reduce misunderstandings. The current nominal rate, familiar to most persons, is roughly the real discount rate used plus the expected continued rate of inflation.

1971.72 Discounting standards. The following standards will be followed in computing discounted schedules of benefits and costs:

1. Discounting schedules should use the time periods established in FSM 1910, FSM 1920, and FSM 1930, for the planning processes they require (see FSM 1971.41).

2. Benefits are assumed to occur at the end of the year, and costs at the beginning of the year.

3. Discounting will use computations for interest compounded annually, and benefits and costs occurring over a period of years will be discounted as a series of annual payments.

4. The remaining value of the resources or other assets at the end of the analytical time horizon, when they can reasonably be projected, will be considered a residual benefit.

1971.8 SUPPLEMENTAL PROCEDURES IN MEASURING ECONOMIC EFFICIENCY

1971.81 Least cost analyses. Evaluations seeking to determine the most effective means of attaining specified results may simply determine the relative costs of each alternative. Determining the value of the specified goal is not necessary.

1971.82 Least cost plus loss analysis. The most efficient alternative level of fire and pest protection, and road and facility construction and maintenance programs is that alternative at which the cost plus loss levels are at a minimum. Losses are valued in terms of the net change in future output and cost flows of the resources and assets. These loss and cost values must often be determined through studies of the probability of occurrence.

1971.83 Sensitivity analyses. To know the relative accuracy of the measures of efficiency it is important to decisionmakers to know the effects of changing the assumptions of the evaluation or the objectives or constraints of the study. Such analyses are made by systematically varying an assumption, objective, constraint, or value of seleted costs or outputs, and then recomputing the relevant responses, schedules of benefits and costs, and measures of economic efficiency, as appropriate.

Requirements for sensitivity testing for the effect of discount rates are presented in FSM 1971.71. Requirements for another type of sensitivity, marginal analysis of level of production, are given in FSM 1910 and 1920. Such marginal analyses test whether the value of an additional or marginal unit of output is greater than the cost of producing that additional unit of output.

1972 Assessing Local, Regional and National Economic Impacts. Economic impact assessments seek to determine the effects of Forest Service program changes on the economic growth and stability of affected areas. These are measured by changes in income, employment, and population of various forest user groups, industries, and affected local economies. The impact assessment helps identify those who benefit and those who pay for Forest Service programs.

In recent years the Forest Service has successfully made economic impact assessments using aggregated county data for any local impact area in the U.S. as well as for national and regional impact areas. This capability is currently being enhanced by improved computer systems and an updated county economic data base.

Results of economic impact assessments for appropriate areas shall be included in analyses of major program and resource plans proposed by the Forest Service as required by NEPA and OMB Circular 116 (see FSM 1970.1).

1972.1 Purposes of Economic Impact Assessment. Together with other information, the assessments of economic impacts help decision-making by:

1. Placing alternatives identified in planning processes in the perspective of potential economic impact, and thereby assisting in the identification of goals for Forest Service programs.

2. Identifying impacts and opportunities for change in dependent communities that should be addressed in formulating alternatives to be considered.

3. Providing the public with quantified estimates of economic impacts to evaluate each alternative.

4. Providing decision-makers with measures of economic impact.

1972.2 Tasks in Assessing Economic Impacts. The basic tasks in measuring economic impacts are:

1. Identifying appropriate measures of economic impact to analyze issues, concerns, or opportunities.

2. Determining the appropriate areas of the economy affected (i.e., local, regional, national, or combinations of these areas) on which economic impacts should be assessed.

3. Determining economic structural changes that may occur as a result of Forest Service programs.

4. Obtaining information from primary and secondary sources to estimate impacts.

5. Computing the measures of economic impacts of each alternative, and

6. Analyzing and displaying the measures of economic impact.

Because of the sequence in which data are developed and the causal relationship involved, economic impact assessments should follow development and evaluations of economic efficiency of alternatives (FSM 1971) and should precede assessments of social impacts (FSM 1973). Information developed for the Assessment's economic and social impact may also be useful for delineating market areas (FSMN 1971.6).

The standard approach in the Forest Service for assessing economic impacts is the input/output (I/O) procedure. For some National Forests and for some major projects the I/O procedure may not be necessary. With the using multipliers derived from studies of local areas wth similar economies may be used if:

1. Income and employment impacts would not constitute a substantial proportion of the base employment of the areas affected, and

2. Appropriate multipliers are available from previous studies.

1972.3 Measures of Economic Impact. Impacts should be identified and estimated by changes in the following economic measures for the areas of the economy affected.

1. Employment, including a category of minority employment (as defined by the U.S. Census).

2. Income, including a category of low-income households (as defined by Department of Health and Human Resources) as at least one subcategory.

3. Revenues and expenditures of State and local governments.

4. Work force, including groups of unemployed and underemployed as subcategories.

5. Population, if net in-migration or out-migration is caused by changes in the work force.

In quantifying these measures, emphasis should be given to differences between alternatives proposing change in program and no-action alternatives. If quantification of some measures is infeasible, a narrative description may suffice.

1972.31 Time periods to be measured. For RPA and National Forest

analyses using the I/O procedure, estimates of impacts will be made for at least the 5th and 10th year. For plans with substantial economic impacts, estimates of continuing impacts are to be made to the end of the planning horizon, but with less detail.

In analyses for other planning actions, the time point should be appropriate to the likely extent of economic impacts.

1972.4 Areas of the Economy Affected. Assessments of economic impacts should estimate impacts on areas that encompass the affected social, cultural, and economic activities and the physical resources which sustain them. Thus, the impact area should approximate the natural boundaries that define the way people live in their environment. Impact areas may not and usually do not conform to forest boundaries, and may be regional or national is scope.

In general, measures of economic impacts, including direct, indirect, and induced effects, should be identified and estimated for the areas on which the alternatives may have significant effect. Local interpretation of results of economic impact assessments should be applied to communities identified with the issues, concerns or opportunities in National Forest Plans.

1972.41 Comparison areas. Use of comparison area techniques is optional (See FSM 1970.64), and is encouraged if the information would be informative or relate to issues and concerns. These areas selected should be the same for economic and social analysis (FSM 1973).

1972.5 Information Required for Measuring Economic Impacts. The information required to relate forest outputs and measures of economic impacts may include the following types. Each must be gathered from original or secondary sources.

1972.51 For input/output analyses.

1. *Expenditures.* Expenditures to buy forest products or participate in on-site uses shall be identified in real dollars. Since these expenditures become sales by sectors or industries in the area, data should be consistent with the area being analyzed:

a. For market goods, the expenditures are valued at the sale price when the product or service is sold to the final consumer or exported out of the economy of the area analyzed.

b. For nonmarket goods and services, the expenditures the user incurs in the area being studied should be used.

c. Forest Service and relevant expenditures from other public agencies associated with the plan should be separated into capital investments and operating and maintenance costs.

Expenditure data differ from the market and non-market values for resource outputs used in economic efficiency evaluations (FSM 1971.64).

2. *Table of interindustry transactions.* A table of current transactions in dollars between industries will be available from land Management Planning staff. The table may be adjusted based on a survey of industries within the economy of the area analyzed or from secondary sources.

3. *Employment and income coefficients.* These coefficients recognize that industries must employ workers and in turn generate income when producing goods and services purchased by consumers and users of forest resources. The analysis should develop, per dollar of sale:

a. required employment by occupation and industry in person years, and

b. Income generated to the households in the area by each industry, in dollars.

4. *Work force and population coefficients.* The number of persons unemployed or underemployed in excess of those normally changing jobs should be determined by occupation from State Employment Security statistics if work force levels are to be changed. The average family size by occupation group should also be obtained from the most recently published U.S. Census of Population.

1972.52 For other analyses.

1. *Expenditures.* (See 1972.51)

2. *Direct and indirect output miltipliers.* For analyses *not* using the full I/O procedure, appropriate multipliers by industry shall be adopted from analyses of areas with similar industries and economies.

1972.6 Structural Change and Labor Productivity Trends. If conditions warrant, the assessment of economic impacts may assume a dynamic size of economy and industry structure.

1972.61 New industries. If an alternative will lead to establishment of a new industry or a major expansion of a presently small industry (including construction industries) in the area's economy, the future structure of the economy should include that industry. Use regional or national table entries for transactions and employment and income coefficients.

Since the demand for construction or new expanded resource extraction industries may phase out over time, the analysis should estimate levels of construction and resource extraction and processing activity for each time point analyzed.

1972.62 Labor productivity change over time. Since labor productivity in most industries and areas has been changing significantly over such long periods of time as used in Forest Service planning, the analyses should recognize this likelihood in either of two ways:

1. To mention that constant productivity is assumed and state that the estimates of impacts are likely to overestimate changes, or

2. To incorporate explicit trends in productivity. This requires use of new or existing projection of productivity by individual basic industry or by group of other industries by analysis of Census of Manufacturing data. Enter these trends in employment coefficients and not in the table of transactions. This method is required for I/O analyses more than 10 years in the future.

Changes in income coefficients are not usually required since historically the relationship of income generated to output value has been relatively constant.

1972.7 Computation of Measures of Economic Impacts. Each measure of economic impact (1972.3) shall be calculated and displayed by each of three components:

1. Direct impacts that derive from industries or individuals that deal directly with forest products or forest users.

2. Indirect impacts that come from supporting industries selling goods and services to directly impacted industries. These goods and services are required inputs in their production process.

3. Induced impacts that result from employees and owners of directly and indirectly impacted industries spending their income within the economy.

Calculating these impacts requires an economic input-output model or appropriate multipliers which show the ratio of direct plus the indirect and induced output to the direct output.

1972.8 Analysis and Display of Results. The economic impacts of each alternative will be compared to the no-action alternative (see 1970.64). The display of this comparison should show the changes from the current situation and projection of current trends by time period. The comparisons should be made for each alternative.

The analysis should compute absolute and relative rates of change for the affected areas. These may also be estimates of the effect of the impacts on community stability. Care should be taken to avoid describing changes in value-laden terms, unless the impacts induced by changes in Forest Service policies or programs may cause unemployment or other acute dislocations. Often there is lack of agreement within and among

communities on the desirability of various types of change.

[FR Doc. 81-11617 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-11-M

Environmental Statements; Siuslaw National Forest, 1981 Vegetation Management Program; Oreg.; Decision-Notice

An environmental assessment that discusses the 1981 Vegetation Management Program for site preparation, conifer release, roadside maintenance, and control of noxious weeds, on the Alsea, Hebo, Mapleton, and Waldport Ranger Districts of the Siuslaw National Forest has been prepared. All proposed treatment areas are located on National Forest lands within Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill Counties, Oregon. The assessment is available for public review at the Forest Service District Offices in Alsea, Hebo, Mapleton, and Waldport, Oregon, and the Siuslaw National Forest Office in Corvallis, Oregon.

A Finding of No Significant Impact was made on January 15, 1981 and published in the **Federal Register**, Volume 46, Number 15, on January 23, 1981. During the comment period for this Notice of Finding, the Forest received 131 responses which included 381 signatures. Of these, 45 responses (with 48 signatures) were "for" the program, and 86 responses (with 333 signatures) were "against" the program. Three primary reasons for opposing the program were the effects of the program on the environment, public health and safety, and the economic benefit to local area with more labor-intensive alternatives. No new information surfaced that had not previously been considered in the preparation and analysis of this program.

Four alternatives were considered in the analysis. These were: Alternative 1, full use of all vegetation management methods; Alternative 2, same as alternative 1 but without aerial application of chemicals; Alternative 3, use of manual control without chemical treatment; and Alternative 4, no vegetation management activities.

Based on the analysis and evaluation described in the environmental assessment, the Finding of No Significant Impact, and evaluation of the public responses received, it is my decision to adopt Alternative 1 for the 1981 Vegetation Management Program for the Siuslaw National Forest. This alternative provides for site-specific treatments to insure optimum vegetation management with respect to environmental concerns, physiological effectiveness, and economic efficiency, while achieving the Forest resource management objectives.

The use of chemicals was carefully examined for effects on adjacent land, streams, water systems, individual homes, and communities. Alternative 1, has been determined to be environmentally preferable to the other alternatives considered because it will provide a balance between environmental protection, and goods and services.

Under the selected alternative, 6,305 acres are proposed for treatment in 1981. This includes 4,681 acres of conifer release, 1,381 acres of site preparation, 172 acres of roadside maintenance, and 71 acres of noxious weed control. Of the acres being treated, 4,009 acres will be by aerial application of chemical; 92 acres by mechanical treatment; 1,489 acres by ground application of chemical; 715 acres manual treatment.

I have reviewed the factors considered in making the Finding of No Significant Impact and have determined that this is not a major Federal Action that would significantly affect the quality of the human environment. This Notice constitutes my final determination that an environmental impact statement is not needed.

Project implementation may take place immediately after the date of this decision.

This decision is subject to administrative review (Appeal) pursuant to 36 CFR 211.19.

Larry A. Fellows,

Forest Supervisor.

April 8, 1981.

[FR Doc. 81-11557 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-11-M

Science and Education Administration

National Plant Genetic Resources Board; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Science and Education Administration announces the following meeting:

Name: National Plant Genetic Resources Board.

Date: April 30-May 1, 1981.

Time and place: 9:00 a.m.-5:00 p.m. April 30—9:00 a.m.-12:00 noon May 1, Room 3109-S, South Building, U.S. Department of Agriculture, Washington, D.C.

Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit.

Comments: The public may file written comments before or after the meeting with the contact person below.

Purpose: To review matters that pertain to plant germplasm in the United States and possible impacts on related National and international programs; and discuss other initiatives of the Board.

Contact person: C. O. Grogan, Executive Secretary, National Plant Genetic Resources Board, Science and Education Administration, U.S. Department of Agriculture, Room 6017-S, USDA South Building, Washington, D.C. 20250, telephone (202) 447-6195.

Done at Washington, D.C., this 13th day of April 1981.

Clare I. Harris,

Acting Director, Science and Education Administration.

[FR Doc. 81-11580 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-03-M

Soil Conservation Service

Knife Lake Improvement RC&D Measure, Minn.; Availability of Supplemental Environmental Impact Statement

AGENCY: Soil Conservation Service, U.S.A.

ACTION: Notice of availability of supplemental environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Major, State Conservationist, Soil Conservation Service, Room 200, U.S. Courthouse and Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612-725-7675.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that a supplement to the final environmental impact statement has been prepared for the Knife Lake Improvement RC&D Measure, Kanabec County, Minnesota. USDA-SCS-ER-RD-(ADM)-73-1-(F).

The supplement to the EIS concerns a plan to delete the public water-based recreation purpose and incorporate a public water-based fish and wildlife purpose. The planned works of improvement as supplemented provide for conservation land treatment and one multiple-purpose reservoir for flood prevention and public water-based fish and wildlife.

The supplement to the final EIS has been filed with the Council on Environmental Quality.

A limited number of copies of the supplemental EIS are available to fill

single copy requests at the above address.

Implemention of the proposal will not be initiated until after April 17, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular No. A-95 regarding State and local Clearinghouse review of Federal and federally assisted programs and projects is applicable.

Dated: April 6, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-11564 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-16-M

Pt. Magu Outlet, Revolon Watershed, Calif.; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT:

Mr. Francis C. H. Lum, State Conservationist, Soil Conservation Service, 2828 Chiles Road, Davis, California 95616, telephone 916-758-2200.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Pt. Magu Outlet, Revolon Watershed, Ventura County, California.

The Revolon Watershed Work Plan was approved by Congress in October 1965. Works of improvement already installed include 6.87 miles of channel improvement. The outlet channel being considered is the only remaining work to be installed in the approved work plan.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Francis C. H. Lum, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for flood prevention. Five alternatives are presently being considered in an effort to minimize adverse environmental impacts plus achieve sponsors' objective of flood control. These alternatives include a no project alternative plus other structural solutions that involve channel modification and/or floodways in Magu Lagoon and bridge construction at Highway 1. Environmental evaluations will focus on impacts on prime agricultural lands, reduction of flooding, sediment transport, water quality, and biological resources in Magu Lagoon.

A draft environmental impact statement will be prepared and circulated for review of agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Francis C. H. Lum, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: April 3, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-11561 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-16-M

Sublett Subwatershed, Rock Creek Watershed, Idaho; Finding of No Significant Environmental Impact.

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no signficant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Amos I. Garrison, Jr., State Conservationist, Room 345, 304 North 8th Street, Boise, Idaho 83702, telephone 208-334-1601.

Notice.—Pursuant to Section 101(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sublett Subwatershed, Rock Creek Watershed, Power County, Idaho.

The environmental assessment of this federally assisted action indicates that the measure will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Amos I. Garrison, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project concerns a plan for land treatment to maintain or increase agricultural production, to reduce sediment damage, to improve water quality, and to protect the quality of the land resource. The planned works of improvement include conservation practices such as conservation tillage systems, permanent vegetation, and terraces.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Amos I. Garrison, Jr. The FNSI has been sent to various Federal, State and local agencies, and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until May 18, 1981.

Dated: April 3, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-11563 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-16-M

Twin-Rush Creek Watershed, Ind.; Intent To Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert L. Eddleman, State Conservationist, Corporate Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Indiana 46224, telephone 317-269-6515.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR 1500); and the Soil Conservation Service Guidelines (7 CFR 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Twin-Rush Creek Watershed, Washington County, Indiana.

The environmental assessment of this federally assisted action indicates that

the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert L. Eddleman, State Conservationist, has determined that preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection, flood prevention, and municipal water supply. This project was authorized for operations in April 1965. Project measures completed to date include accelerated land treatment, two single-purpose floodwater retarding structures, and one multiple-purpose floodwater retarding and municipal water supply structure.

Alternatives being considered to complete the project and meet the sponsors objectives include no project action, floodwater retarding structure(s), and varying types and qualities of channel work.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites the participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Robert L. Eddleman, State Conservationist.

Dated: April 3, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-11582 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-16-M

East Wenatchee Watershed, Wash.; Authorization for Watershed Planning

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of authorization for watershed planning.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn A. Brown, State Conservationist, Soil Conservation Service, 360 U.S. Courthouse, W. 920 Riverside Avenue, Spokane, Washington 99201, telephone number (509) 456-3711.

Notice: The Washington State Conservationist of the Soil Conservation Service has been authorized to provide planning assistance to local organizations for the East Wenatchee Watershed. The State Conservationist may proceed with investigations and surveys as necessary to develop the watershed plan under authority of the Watershed Protection and Flood Prevention Act, Pub. L. 83-566, and in accordance with requirements of the National Environmental Policy Act of 1969, Pub. L. 91-190.

Dated: April 3, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Norman A. Berg,

Chief.

[FR Doc. 81-11580 Filed 4-16-81; 8:45 am]

BILLING CODE 3410-16-M

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974; Amended Record System

AGENCY: Central Intelligence Agency.

ACTION: Amendment to CIA Record System 10.

SUMMARY: The Central Intelligence Agency proposes to amend CIA Record System No. 10—Language Qualifications Register (last published in full text in the **Federal Register**, Vol. 42, No. 184, pp. 48050-48074) by adding to the computer data base a physically separate and distinct subset. The subset will contain reading proficiency test scores of Agency applicants and employees. These test scores will be used to norm and validate the reading proficiency tests and to verify test scores.

DATES: This subsystem will be effective on June 8, 1981, unless this Agency publishes a notice to the contrary.

ADDRESS: Send written comments to: Chief, Information and Privacy Division, Central Intelligence Agency, Washington, DC 20505.

FOR FURTHER INFORMATION CONTACT: Rovert L. Padgett, Phone: (703) 351-6027.

SUPPLEMENTARY INFORMATION: The italicized material below indicates the changes made in each category of the system. For the reasons set out in the preamble, this Agency proposes to amend the aforementioned system of records as set forth below.

CIA-10

SYSTEM NAME:

Language Qualifications Register *and OTRTEST.*

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who claim a foreign language proficiency *and applicants to the Agency who have taken one of the Agency's foreign language reading proficiency tests.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee claim of foreign language proficiency and identifying biographic data. *Social Security number of employee or applicant (in OTRTEST subset only), language tested, and answers to each test question.*

* * * * *

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Agency personnel for processing requests for foreign language training and for language proficiency cash awards. *Tangential use to norm and validate reading proficiency and to verify reading test scores.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Paper, magnetic tape, *and magnetic disk.*

RETRIEVABILITY:

Name and language, *Within OTRTEST subset only, Social Security number, language, and date of test.*

SAFEGUARDS:

Maintained in combination lock safes, magnetic tapes, *and on password controlled disks.* Access on a need to know basis.

RETENTION AND DISPOSAL:

Record updated semiannually. Outdated paper record is destroyed by *reducing to pulp.* Magnetic tapes are degaussed. *OTRTEST subset updated weekly. Magnetic disk record is permanent.*

* * * * *

RECORD SOURCE CATEGORIES:

Employees *and within the OTRTEST subset, only, employee and applicant's Social Security number.*

Max Hugel,

Deputy Director for Administration.

[FR Doc. 81-11571 Filed 4-16-81; 8:45 am]

BILLING CODE 6310-02-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed

In the matter of applications for certificates of public convenience and necessity and foreign air carrier permits filed under Subpart Q of the Board's procedural regulations (see, 14 CFR 302.1701 et. seq.); week ended April 10, 1981.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
4-9-81	39518	Aero B Venezuela, C.A., c/o Harry A. Bowen, Bowen & Atkin, Suite 300, 1747 Pennsylvania Ave., N.W., Washington, D.C. 20006. Application of Aero B Venezuela, C.A. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests authority to engage in nonscheduled and charter transportation of passengers and property between a point or points in Venezuela, and points in the United States including Miami, Ft. Lauderdale, Orlando and Tampa, Florida, Atlanta, Georgia, New Orleans, Louisiana and Houston, Texas and the right to operate off-route charters under the appropriate Civil Aeronautics Board regulations. Answers may be filed by May 7, 1981.
4-10-81	39529	Spantax, S. A., c/o Howard S. Boros, Boros & Garofalo, Suite 460, 1120 Connecticut Ave., N.W., Washington, D.C. 20036. Application of Spantax, S.A. pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests renewal of the foreign air carrier permit granted it by Order 76-6-102 (effective as of June 12, 1976). The permit for which renewal is sought authorizes the following charter air transportation: (a) Charter flights with respect to persons and their accompanying baggage between any point or points in Spain and any point or points in the United States. (b) Planeload charter flights with respect to property between any point or points in Spain or any point or points in the United States. (c) Inclusive-tour charter flights with respect to persons and their accompanying baggage between any point or points in Spain and any point or points in the United States. (d) Circle-tour charter flights (including inclusive-tour charters) with respect to persons and their accompanying baggage which originate and terminate at a point or points in Spain and serve a point or points in the United States and a point or points in any country other than Spain and the United States. (e) Charter flights (including inclusive-tour charters) with respect to persons and their accompanying baggage between any point or points in Austria, Belgium, Cyprus, Denmark, Finland, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Malta, The Netherlands, Norway, Portugal, Sweden, Switzerland, United Kingdom, and Yugoslavia, and any point or points in the United States, limited to charter flights which originate in a named European country. By this application Spantax is seeking additional authority which would authorize the following: (a) The charter air transportation of property between any point or points in Spain and any point or points in the United States. (b) The charter air transportation of persons and their accompanying baggage and of property between any point or points in the United States and a point or points in neither Spain nor the United States subject to approval by the Civil Aeronautics Board unless such approval requirement is waived by a Board order. Answers may be filed by May 8, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-11712 Filed 4-16-81; 8:45 am]
BILLING CODE 6320-01-M

[Docket 39106]

ICB International Airlines Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on April 30, 1981, at 10:00 a.m. (local time) in Room 1003, Hearing Room "B", Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C. before the undersigned judge.

Dated at Washington, D.C., April 8, 1981.

John M. Vittone,
Administrative Law Judge.

[FR Doc. 81-11709 Filed 4-16-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Financial Assistance Application Announcement

AGENCY: Department of Commerce, Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Construction Services Program to operate one project for a 12 month period beginning August 1, 1981 in the State of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia, and Washington, D.C. The cost of the project is estimated to be $306,000. The Project I.D. Number is 03-10-80009-01.

CLOSING DATE: May 15, 1981.

ADDRESS: Washington Regional Office, Minority Business Development, U.S. Department of Commerce, 1730 K Street, NW., Suite 420, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Vincent S. Martin, Grants/ Specialist, telephone (202) 634-7883.

SUPPLEMENTARY INFORMATION

A. Scope and Purpose of This Announcement

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas relating to the establishment and operation of businesses. The construction service program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers competitive grants to consulting firms (either for or non-profit) which must be capable of providing such services as the preparation of business plans, the preparation of Cost, Schedule, and Contingency Analysis for Bid Proposals, Job Planning and Control, Industrial Management Assistance, Information Services, and a broad range of other construction services excluding legal services.

B. Eligible Applicants

Educational institutions, state or local governments, federally recognized Indian tribes, and other for-profit and non-profit organizations are eligible to apply for a grant under this announcement.

C. Evaluation Process

All proposals receives as a result of this annoncement will be evaluated by a MBDA review panel.

D. Evaluation Criteria

The Awarding of MBDA Grants is discretionary. Generally projects are supported in order of merit to the extent permitted by available funds. Evaluation

of proposals will employ the following criteria:

1. *Capability of Firm.*

A. Experience in providing management consulting services and other technical assistance to construction and/or related businesses at the level, and of the nature described in the work requirement.

B. Internal resources available to the project (i.e. administrative, technical, capability statement, business references).

2. *Staffing Capability.*

A. Staffing pattern (organization structure, who is accountable to whom, for what).

B. Experience of key managers in providing construction management consulting services that are at the level and nature described in the work requirements. Submit resume(s). Project Manager(s) must be designated.

C. Qualification standards for selection of other project staff (what criteria will be used for assignment to this project).

D. Duties of each project position.

3. *Credentials.*

A. Submit examples of work: specimen packages acceptable (Case Histories/Business Plans)

B. Unique abilities or resources of the applicant which provide leverage for clients. (Internal and external, specific contacts, etc.)

C. Discussion of area knowledge: include demographics, ethnic makeup of minority business, local market conditions, centers of business influence, etc.

4. *Techniques and Methods Proposed to Implement the Work Requirement (Applicant's Work Plan).*

Proposed procedures: (how, when and where work will be done and by whom), this section should follow the outline of the work requirement and will be part of the award.

5. Costs: provide detailed explanation of all proposed costs by line item.

E. Disposition of Proposals

Notification of awards will be made by the award officer. Organizations whose proposals are unsuccessful will be so advised by the awards officer.

F. Proposal Instructions and Forms

Questions concerning the preceeding information, copies of application forms, and applicable regulations can be obtained at the above address/telephone number.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. Pre-Application Conference

A Pre-Application Conference to assist all interested applicants will be held at the following address on Thursday, April 23, 1981 at 10:30 A.M.: U.S. Department of Commerce, Minority Business Development Agency, Washington Regional Office, 1730 K Street, NW., Suite 420, Washington, D.C. 20006.

Dated: April 9, 1981.

John F. Iglehart,

Deputy Regional Director.

[FR Doc. 81-11556 Filed 4-17-81; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), will meet to review status reports on the development of fishery management plans (FMPs); consider foreign fishing applications, if any; conduct a public comment period on the Billfish FMP, discuss any needed changes to that plan and adopt the plan for submission to the Secretary of Commerce, as well as conduct other fishery management business.

DATES: The meetings, which are open to the public, will convene on Wednesday, May 13, 1981, at approximately 8:30 a.m., adjourn at approximately 5 p.m., reconvene on Thursday, May 14, 1981, at approximately 8:30 a.m., and adjourn at approximately noon.

ADDRESS: The meetings will take place at the Caribbean Gulf Hotel, Martinique Room, 430 South Gulfview Boulevard, Clearwater Beach, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: April 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-11721 Filed 4-16-81; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Public Meeting With Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended in 1976 by Public Law 94-409, notice is hereby given of public meeting with a partially closed session of the New England Fishery Management Council, which was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act. The Council will hold the closed session of the meeting to discuss Council procedures governing Council staff members. Only Council members and required staff will be allowed to attend this closed session. The open session of the meeting will pertain to review of the Lobster, Herring, and Atlantic Groundfish Fishery Management Plans (FMP's) and a report of enforcement regulations.

DATES: *Council* (open meeting) April 28-29, 1981 (10 a.m. to 4:30 p.m., on April 28; 9 a.m. to 1:30 p.m., on April 29). *Council* (closed session) April 29, 1981 (1:30 p.m. to 4:30 p.m.)

ADDRESS: The meeting will take place at the King's Grant Inn, Route 128 at Trask Lane, Danvers, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Suntaug Office Park, Five Broadway (Route One), Saugus, Massachusetts 01906, Telephone: (617) 231-0422.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on 4/10/81, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(2), as information which relates solely to the internal personnel rules and practices of an agency, and 5 U.S.C. 552b(c)(6), as information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Facility, Room 5317.

Department of Commerce.) All other portions of the meetings will be open to the public.

Dated: April 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-11722 Filed 4-16-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Certain Wool Apparel From the Republic of the Philippines; Additional Import Controls

April 14, 1981.I10**AGENCY:** Committee for the Implementation of Textile Agreements.

ACTION: Controlling men's and boys' wool suits in Category 443, produced or manufactured in the Philippines and exported during the twelve-month period which began January 1, 1981, at a level of 2,194 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, the United States Government has decided to control imports of wool textile products in Category 443, produced or manufactured in the Philippines and exported to the United States during the twelve-month period which began on January 1, 1981, in addition to those categories previously designated.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

SUPPLEMENTARY INFORMATION: On December 29, 1980, there was published in the **Federal Register** (45 FR 85498) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines, which may be entered into the United States for consumption or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981. Under the terms of the bilateral agreement, the United States Government has decided also to control imports of wool textile products in Category 443 during the same period. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of wool textile products in Category 443 in excess of 2,194 dozen. The level of restraint has not been adjusted to account for any imports after December 31, 1980. As the data become available, such charges will be made for the period which began on January 1, 1981 and extends to the effective date of this action.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 14, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1980 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 20, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 443, produced or manufactured in the Philippines, in excess of 2,194 dozen.[1]

Wool textile products in Category 443 which have been exported to the United States prior to January 1, 1981 shall not be subject to this directive.

Wool textile products in category 443 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463), August 12, 1980 (45 F.R. 53506) and December 24, 1980 (45 F.R. 85142).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of wool textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc 81-11708 Filed 4-16-81; 8:45am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

COMMITTEE FOR PURCHASE FROM BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981, Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 20, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an

opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 7210

Blanket, White (66" x 90")
7210-00-NIB-0011

Class 7520

Cash Box
7520-00-145-0060
7520-00-281-5931

Class 8415

Hood, Anti-Flash
8415-00-275-3159

SIC 7349

Janitorial/Custodial Services, Social Security Administration District Office Building, 396 Bloomfield Avenue, Montclair, New Jersey
Social Security Administration District Office Building, 686 Nye Avenue, Irvington, New Jersey
JFK Federal Building, Government Center, Boston, Massachusetts
Federal Building, 9th and King Streets, Wilmington, Delaware

C. W. Fletcher,

Executive Director.

[FR Doc. 81-11627 Filed 4-16-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981, Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1981 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 17, 1981

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145

SUPPLEMENTARY INFORMATION: On September 12, 1980, October 3, 1980, and December 19, 1980, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (45 FR 60466, 45 FR 65647, and 45 FR 83650) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1981:

CLASS 8455

Scarf, Branch of Service
8455-00-916-8398
8455-00-405-2294
8455-00-985-7336
8455-01-078-0750
8455-01-078-0751
8455-01-078-0752
8455-01-078-0746
8455-01-078-0753
8455-01-078-0748
8455-01-078-0754
8455-01-078-0755
8455-01-078-0756
8455-01-078-0744
8455-01-078-0757
8455-01-078-0758
8455-01-078-0759
8455-01-078-0760
8455-01-078-0761
8455-01-078-0762
8455-01-078-0749

SIC 7331

Mailing Service, Department of Commerce, National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia
Environmental protection Agency, Specialized Procurement Unit, 401 M Street, S.W. (PM-214-M), Washington, D.C.
National Oceanic & Atmospheric Administration, Rockville, Maryland, for the following offices:
National Marine Fisheries Service, Fisheries Development Division, F21, Procurement & Grants Management Division, 6010 Executive Boulevard
Public Affairs Administration, Public Affairs, Printing & Distribution Branch, 11400 Rockville Pike
Distribution Section 12227 Wilkins Avenue

C. W. Fletcher,

Executive Director.

[FR Doc. 81-11628 Filed 4-16-81; 8:45 am]

BILLING CODE 6820-33-M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket No. 79-1; P.O. No. 100-81-209]

1978 Cable Royalty Fees, Not Subject to Appeal; Order Granting Limited Stay With Conditions of Order Directing Distribution

By order issued April 13, 1981 (46 FR 21637), the Copyright Royalty Tribunal (Tribunal) ruled that 50% of the 1978 cable royalty fund should be distributed to the claimant categories in the same proportionate shares as the categories were allocated in the Final Notice (45 FR 63026). This action was done pursuant to Section 809 of the Act which permits distribution of the fund to the extent it is not subject to an appeal. NAB filed an application on April 13, 1981 in which it requested that the Tribunal "postpone the effective date of [the partial distribution] from April 16, 1981 until and including April 30, 1981." Subject to the conditions stated, the Tribunal will grant NAB's request.

NAB has indicated that it will seek a judicial stay of the partial distribution. NAB implies that if the two week stay is granted it will file the motion under Rule 6(a) of the Rules of the District of Columbia Circuit and Rule 27(a) of the Federal Rules of Appellate Procedure; in the event a stay is not granted, NAB indicates it will file an emergency motion under Rule 6(j). The advantage of the Rule 6(a) motion is that it permits other parties opposing the motion seven days to file their response in opposition, Rule 6(b), and allows the movant three days to reply, Rule 6(c). No time periods for responses and replies are provided under Rule 6(j) because an "emergency" requires that responses be filed as quickly as possible and that the Court rule as quickly as possible.

The Tribunal has determined that a two week stay should be issued upon the condition that NAB file its stay request with the court under Rule 6(a) of the Court's Rules. The partial distribution is the first interpretation of Section 809 in the context of an appeal from a royalty distribution proceeding. The issues presented have caused a split of opinion among the members of the Tribunal. In these circumstances, the benefit of allowing all affected parties to present their arguments to the Court outweighs the detriment of withholding the partial distribution for an additional two weeks. Furthermore, the action of extending the stay for two weeks means that an "emergency" will not exist until the date on which the stay is lifted. If NAB does not file a motion under Rule 6(a), the stay shall be lifted immediately because this will negate the countervailing balance—full development of argument by affected parties—that justifies extension of the stay.

The other condition which the Tribunal will impose for issuance of a stay is that NAB file its motion by April 17, 1981. This condition is attached in order to assure that the parties will have completed their pleadings before the court prior to the end of the stay extension. Court action can then be completed by April 30, 1981. The total time allowed for responses and reply is ten days; by starting the time running on April 17, 1981, it will be completed by

April 27, 1981. This will provide an orderly means of resolving this question within the shortest possible time. Should NAB fail to file on or before April 17, 1981, the stay will be immediately lifted because the reason warranting an extension—orderly resolution as quickly as possible—will no longer be feasible.

For the reaons stated, the Tribunal orders that partial distribution be stayed through April 30, 1981, subject to the following conditions being met by NAB:

(a) NAB file its motion for stay with the Court under rule 6(a) of the Local Rules of the District of Columbia Circuit and Rule 27(a) of the Federal Rules of Appellate Procedure so as to permit the filing of responses in opposition three days after the responses are filed;

(b) NAB file its motion on or before April 17, 1981.

Should either condition not be met, partial distribution in accordance with the Tribunal's order of April 13, 1981 will proceed immediately.

Clarence L. James, Jr.,

Chairman, Copyright Royalty Tribunal.

April 14, 1981.

[FR Doc. 81-11720 Filed 4-16-81; 8:45 am]

BILLING CODE 1410-06-M

DEPARTMENT OF DEFENSE

Department of the Army

Members of the Performance Review Boards

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Boards for the Department of Army for 1981.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, D.C. 20310, (202) 697-2204.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Title 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executive's performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executive. Each board's review and recommendation will include only those senior executive's appraisals from their respective commands or activities. A consolidated board has been established for those commands who do not have enough senior executives to warrant the establishment of separate boards. Publication of this notice rescinds the notice published in 46 FR page 12225, dated February 13, 1981, to account for additions and deletions to the membership of those boards previously published.

The Members of the Performance Review Board for the Office of the Chief of Staff, Army are:

1. Mr. Jack H. Kalish, Director, Ballistic Missile Defense Program Office.
2. Mr. James D. Carlson, Director, Ballistic Missile Defense Advance Technology Center.
3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.
4. Major General Morris J. Brady, Assistant Deputy Chief of Staff for Operations.
5. Mr. Leonard F. Keenan, Deputy Director of the Army Budget, Office of the Comptroller of the Army.
6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.
7. Mr. Fredric Newman, Director of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel.
8. Major General Mary E. Clarke, Director, Human Resources Development, Office of the Deputy Chief of Staff for Personnel.
9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.
10. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.
11. Dr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development and Acquisition.
12. Mr. Charles H. Church, Assistant Director for Technology, Office of the Deputy Chief of Staff for Research, Development and Acquisition.
13. Brigadier General James E. Armstrong, Assistant Chief of Staff for Intelligence.
14. Major General Sampson H. Bass, Jr., Director of Supply and Maintenance, Office of the Deputy Chief of Staff for Logistics.
15. Major General Edward B. Atkeson, Commander, US Army Concepts Analysis Agency.
16. Mr. Harold L. Stugart, The Auditor General.
17. Mr. Michael A. Janoski, Deputy Auditor General.
18. Mr. Hunter M. Woodall, RDA Analysis Officer, Office of the Deputy Chief of Staff for Research and Development.
19. Mr. Charles N. Davidson, Technical Director, US Army Nuclear Agency.
20. Mr. James E. Spates, Assistant Director for Laboratory Activities, Office of the Deputy Chief of Staff for Research and Development.
21. Brigadier General Roger J. Price, Director of OMA, Comptroller of the Army.
22. Mr. Leroy E. Hoole, Jr., Deputy Director of the Army Budget for Budget Managment, Comptroller of the Army.
23. Mr. Carroll A. Olson, Deputy Director for Operations and Maintenance, Comptroller of the Army.
24. Major General Clay T. Buckingham, Assistant Chief of Staff for Automation and Communications, Office of the Chief of Staff, Army.
25. Major General Robert L. Kirwan, Commanding General, US Army Operational Test and Evaluation Agency.
26. Brigadier General Hugh R. Overholt, Assistant Judge Advocate General for Civil Law.

The Members of the Performance Review Board for the Office of the Chief of Engineers (OCE) are:

1. Major General William R. Wray, Deputy Chief of Engineers.
2. Brigadier General (P) Hugh G. Robinson, Division Engineer, Southwestern Division.
3. Major General E. R. Heiberg, Director of Civil Works, Office, Chief of Engineers.
4. Brigadier General Mark J. Sisinyak, Deputy Director for Facilities Engineering, Directorate of Military Programs, Office, Chief of Engineers.
5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.
6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.
7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.
8. Mr. Richard C. Armstrong, Chief, Engineering Division, Ohio River Division.
9. Mr. Lewis H. Blakey, Chief, Planning Division, Directorate of Civil Works, Office, Chief of Engineers.
10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.
11. Mr. Rodney Resta, Chief, Engineer Division, Lower Mississippi Valley Engineers.
12. Mr. William N. McCormick, Chief, Engineer Division, South Atlantic Division.
13. Dr. James Choromokos, Chief, Research and Development, Office, Chief of Engineers.
14. Mr. Ralph Loschialpo, Chief, Office of Personnel, Office, Chief of Engineers.
15. Mr. Delbert E. Olson, Chief Planning Division, North Pacific Division.

The Members of the Performance Review Board for the U.S. Army Materiel Development and Readiness Command are:

1. Major General William H. Schneider, HQ U.S. Army Materiel Development and Readiness Command.
2. Major General Stan R. Sheridan, HQ U.S. Army Materiel Development and Readiness Command.
3. Major General Robert L. Herriford, Sr., HQ U.S. Army Materiel Development and Readiness Command.
4. Major General Henry Doctor, Jr., HQ U.S. Army Materiel Development and Readiness Command.
5. Major General Benjamin F. Register, Jr., HQ U.S. Army Materiel Development and Readiness Command.
6. Brigadier General (P) Arthur H. Holmes, Jr., HQ U.S. Army Materiel Development and Readiness Command.

7. Mr. Robert E. Bean, HQ U.S. Army Materiel Development and Readiness Command.
8. Mr. Burton M. Blair, HQ U.S. Army Materiel Development and Readiness Command.
9. Mr. Thomas J. Keenan, U.S. Army Troop Support and Aviation Materiel Readiness Command.
10. Mr. Donald R. Lathrop, U.S. Army Armament Materiel Readiness Command.
11. Mr. Richard B. Lewis II, U.S. Army Aviation Research and Development Command.
12. Mr. Seymour J. Lorber, HQ U.S. Army Materiel Development and Readiness Command.
13. Dr. William C. McCorkle, Jr., U.S. Army Missile Command.
14. Dr. Herman Robl, U.S. Army Research Office.
15. Mr. Barton J. Toohey, U.S. Army Tank-Automotive Command.
16. Dr. Robert E. Weigle, U.S. Army Armament Research and Development Command.

The Members of the Performance Review Board for the Office of the Surgeon General are:

1. Major General Enrique Mendez, Jr., M.D., Deputy Surgeon General.
2. Brigadier General Robert T. Cutting, M.D., Director of Health Care Operations.
3. Brigadier General Garrison Rapmund, M.D., Commander, U.S. Army Medical Research and Development Command.
4. Dr. F. K. Mostofi, M.D., Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.
5. Dr. G. F. Bahr, M.D., Department of Cellular Pathology, Armed Forces Institute of Pathology.
6. Dr. W. R. Beisel, M.D., Deputy for Science, Walter Reed Army Institute of Research.
7. Dr. Lorenz E. Zimmerman, M.D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.
8. Dr. Samuel B. Formal, Ph.D., Chief, Department of Bacterial Diseases, Walter Reed Army Institute of Research.
9. Brigadier General Frank F. Ledford, M.D., Director of Professional Services, Office of the Surgeon General.
10. L. S. Baron, Ph.D., Chief, Department of Bacterial Immunology, Walter Reed Army Institute of Research.
11. B. P. Doctor, Ph.D., Director, Division of Biochemistry, Walter Reed Army Institute of Research.
12. F. M. Enzinger, M.D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.
13. R. F. Goldman, Ph.D., Director, Military Ergonomics Laboratory, US Army Institute of Environmental Medicine.
14. E. D. Helwig, M.D., Chairman, Department of Skin and Gastrointestinal Pathology, Armed Forces Institute of Pathology.
15. K. G. Ishak, M.D., Chairman, Department of Hepatic Pathology, Armed Forces Institute of Pathology.
16. F. B. Johnson, M.D., Chairman, Department of Chemical Pathology, Chief, Basic Science Division and Histochemistry Branch, Armed Forces Institute of Pathology.
17. A. D. Mason, Jr., M.D., Chief, Laboratory Division, US Army Institute of Surgical Research.
18. H. E. Noyes, Ph.D., Associate Director for Research Management, Walter Reed Army Institute of Research.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General John S. Crosby, Deputy Chief of Staff for Personnel, US Army Forces Command.
2. Major General John B. Blount, Chief of Staff, US Army Training and Doctrine Command.
3. Dr. Wilbur B. Payne, Director, US Army Training and Doctrine Command, Systems Analysis Activity.
4. Brigadier General Richard T. Drury, USAF, Vice Commander, Headquarters Military Traffic Management Command.
5. Mr. Leonard J. Mabius, Technical Director/Chief Engineer, US Army Communications Command.
6. Brigadier General Walter C. Cousland, Deputy Chief of Staff for Personnel, Administration & Logistics, US Army Training and Doctrine Command.
7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, US Army Training and Doctrine Command.
8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, US Army Training and Doctrine Command.
9. Major General Charles C. Rogers, Deputy Chief of Staff for Personnel, Headquarters USAREUR/7th Army.
10. Phillip G. Hillen, Senior Transportation Advisor, Headquarters, Military Traffic Management Command.

Carol D. Smith,

Chief, Senior Executive Service Office.

[FR Doc. 81-11538 Filed 4-16-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Proposed Project of a Drinking Water Reservoir in Central Arkansas; Intent To Prepare a Draft Environmental Impact Statement (DEIS)

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: Mid Arkansas Regional Water Distribution District (MARWDD), P.O. Box 126, Jacksonville, Arkansas 72076, proposes to construct an earthen dam across Bull Creek in the NW¼, Section 16, T. 6N., R. 9W., in the State of Arkansas, 6 miles NW of Beebe, Arkansas, for the purpose of impounding water. The impounded water will provide the raw water supply of the MARWDD service area. The impoundment will be approximately 4500 acres in size.

The distribution district has applied for Department of the Army permits for the discharge of fill material into Bull Creek. The permit application is being processed under Section 404 of the Clean Water Act.

Notice is hereby given of the Corps of Engineers, Memphis District, decision to prepare a DEIS for issuance of necessary permits for the proposed project of MARWDD on Bull Creek in the State of Arkansas.

Alternatives which will be considered in the EIS are:

(a) No action.

(b) Obtaining water from Greers Ferry Lake.

(c) Obtaining water from Bayou Des Arc.

(d) Construction of a dam and reservoir on East Cadron Creek near Enola, Arkansas.

(e) Construction of dam and reservoir on Bayou Meta, 13 miles north of North Little Rock, Arkansas.

(f) Obtaining water from the Little Red River near Searcy, Arkansas.

(g) Obtaining water from the White River near the Interstate 40 Highway crossing.

(h) Construction of a dam and reservoir on Bull Creek near Beebe, Arkansas.

A meeting to involve affected Federal, state and local agencies, MARWDD, and other interested persons in determining the need for an EIS and develop significant issues involved was held in November 1979. If scoping meetings are determined to be necessary, these meetings will be announced by a public notice. The Memphis District hereby invites all interested agencies, organizations and individuals to participate in the EIS process through commenting on the DEIS and submitting information which is relevant to the issues involved.

DATE: Estimated release date of the DEIS for public review is 15 June 1981.

ADDRESS: If additional information is needed, please contact Mr. Terry Rodery or Mr. Richard Kaiser, Regulatory Functions Branch, U.S. Army Corps of Engineers, 668 Clifford Davis Federal Building, 167 North Main Street, Memphis, Tennessee 38103, telephone 901 521-3471 (FTS 222-3471).

By authority of the Secretary of the Army.

Robert A. Morin, Jr.,

Major, Corps of Engineers, Acting District Engineer.

[FR Doc. 81-11555 Filed 4-16-81: 8:45 am]

BILLING CODE 3710-KS-M

DEPARTMENT OF EDUCATION

Education Statistics Advisory Council; Meeting

AGENCY: Advisory Council on Education Statistics.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and agenda of the forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: April 30–May 1, 1981.

ADDRESS: Room 3000, 400 Maryland Ave., SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Theodore Drews, Executive Director, Advisory Council on Education Statistics, National Center for Education Statistics, 400 Maryland Avenue, SW (Presidential Building) Washington, DC 20202, telephone number (301) 436–7876.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is mandated by Section 406(c) of the General Education Provisions Act as added by Section 501(a) of the Education Amendments of 1974, Pub. L. 93–380, (20 U.S.C. 122e–1(c)), to advise the Secretary of the Department of Education, and the Assistant Secretary for Educational Research and Improvement, and the Administrator of the National Center for Education Statistics; and "shall review general policies for the operation of the Center and shall be responsible for establishing standards to ensure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence."

The meeting of the Council is open to the public. The tentative agenda includes a status report from the Acting Assistant Secretary for Educational Research and Improvement, the Administrator's report on recent developments of the National Center for Education Statistics, a discussion of Center priorities, a discussion of statistical standards for the Center, the election of a Vice-Chair for Program for 1981–82, and a meeting and discussion with invited Congressional staff.

Records are kept of all Council proceedings. The records are available for public inspection between the hours of 8:00 AM and 4:30 PM, Monday through Friday, at the office of the Advisory Council on Education Statistics, 205 Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland.

Signed at Washington, DC., April 10, 1981.

Dick W. Hays,

Acting Assistant Secretary, Educational Research and Improvement.

[FR Doc. 81-11630 Filed 4-17-81: 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Intent To Prepare an Environmental Impact Statement and Conduct a Public Scoping Meeting

AGENCY: Department of Energy.

ACTION: Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) pertaining to the sale of Department of Energy land currently part of the Oak Ridge Reservation to the City of Oak Ridge, Tennessee for subsequent resale to Tennessee Synfuels Associates as the site for a coal-to-methanol-to-gasoline project.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an EIS in accordance with Section 102(2)(C) of the National Environmental Policy Act (NEPA) to assess the proposed sale to the City of Oak Ridge, Tennessee (the City) of all or part of an approximately 1,500 acre tract located at the west end of the DOE Oak Ridge Reservation, across the Clinch River from the Oak Ridge Gaseous Diffusion Plant. If the City acquires the property, it intends to resell it to Tennessee Synfuels Associates (TSA), a joint venture of Koppers Synfuels Corporation, a wholly-owned subsidiary of Koppers Company, Inc., and Citgo Synfuels, Inc., a wholly-owned subsidiary of Cities Service Company, which in turn intends to use the property as the site for a project which will produce unleaded gasoline and other fuel products from bituminous coal, with an intervening methanol synthesis step.

TSA plans to construct the facility in five modules, each of which will produce approximately 10,000 barrels/day of liquid products.

The purpose of this NOI is to present pertinent background information regarding the proposed scope and content of the EIS and to solicit comments and suggestions for consideration in its preparation. It should be noted that the need for this EIS is based on the expected use of the Oak Ridge site for the TSA project. Should TSA abandon the project or select another site, the reason for the proposed sale would no longer exist, and DOE would discontinue preparation of this EIS. Interested agencies, organizations, and the general public desiring to submit comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so. A public scoping meeting for further input on the scope of the EIS will be held in Oak Ridge on May 6, 1981. Upon completion of the draft EIS the document will be made available for public review; comments received will be used in preparing the final EIS. Written comments or suggestions on the scope of the Environmental Impact Statement may be submitted to: Mr. J. F. Wing, Chief, Environmental Protection Branch, Oak Ridge Operations Office, U.S. Department of Energy, Post Office Box E, Oak Ridge, Tennessee 37830, (615) 576–0845.

For general information on DOE's EIS process contact: NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of the Assistant Secretry for Environmental Protection, Safety, and Emergency Preparedness, U.S. Department of Energy, ATTN: Ms. Carol Borgstrom, Room 4G–064, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–4600.

DATES: A scoping meeting will be held on May 6 in Oak Ridge, Tennessee. Written comments postmarked within 20 days of the publication of this NOI will be considered in the preparation of the EIS. Comments postmarked after that date will be considered to the extent practicable.

Background Information

Pursuant to the Atomic Energy Community Act of 1955 [hereinafter the "Act"], DOE makes financial assistance payments to the City of Oak Ridge in recognition of the special burdens placed upon the City by the presence of DOE's large installation. However, the Act also obligates the City to utilize all reasonable means to achieve financial self-sufficiency to the end that payments by DOE may be terminated at the earliest practicable time. Under authority of the Act, DOE and the City have developed a plan setting forth actions which can be undertaken to achieve the goal of financial self-sufficiency. Increasing industrial development is recognized therein as a major step toward this goal. In

furtherance of the self-sufficiency plan, the City requested that DOE sell the subject land for subsequent resale to Tennessee Synfuels Associates. DOE has agreed that such a sale would be in furtherance of the goal of financial self-sufficiency. Conveyance of the land would be made under authority of Section 161(g) of the Atomic Energy Act of 1954.

Proposed Action

The proposed DOE action is the sale to the City of Oak Ridge of approximately 1500 acres of Government-owned land in the custody of DOE. The City intends to sell the property to TSA, which intends to use it as a site for the construction and operation of a project which will convert bituminous coal into unleaded gasoline and other fuel products, with an intervening methanol synthesis step.

TSA plans to construct its project in five modules, each of which will produce approximately 10,000 barrels/day of liquid fuel products, of which approximately 8,500 barrels will be unleaded gasoline. The feedstock for each module will be 5,800 tons per day of bituminous coal, initially drawn primarily from operating mines in the State of Tennessee. Major process steps to be used in the project include Koppers/Babcock & Wilcox coal gasification, carbon monoxide shifting, Selexol acid gas removal, an integrated Claus and liquid phase citrate sulfur recovery system, Imperial Chemical Industries methanol synthesis, and Mobil gasoline synthesis. Start-up of the first module is expected to occur before the end of 1985.

Current plans call for coal to enter the site by unit train by a route which would require an easement through the Oak Ridge Gaseous Diffusion Plant and the construction of a train trestle across the Clinch River. In addition to the Oak Ridge site, TSA has under active consideration two alternate sites in Tennessee, one near La Follette and the other near South Pittsburg.

Alternatives to the Proposed Action

The proposed action is the sale of land to the City of Oak Ridge. Reasonable alternatives available to DOE, including a decision not to sell the land, will be assessed in the EIS. For example, environmental or other conditions might be attached to the sale of this land to minimize impacts.

If the land is not sold ("no action"), it would remain part of the DOE Oak Ridge Reservation. TSA might construct the proposed coal-to-gasoline plant on one of the two alternate sites identified, or it might not be built.

Environmental Issues

The following issues will be analyzed for the proposed action and alternatives during the preparation of the EIS. The list refers to both the land transfer and the construction and operation of the TSA project. This list is not intended to be all inclusive nor is it intended to be a predetermination of the impacts:

—Effects on air and water quality and other environmental consequences during construction and normal operation;

—Effects resulting from potential accidents;

—Cumulative effects of construction and operation of the proposed project and other present and proposed activities in the area;

—Transportation impacts, including coal and product;

—Effects on water supply;

—Health impacts;

—Irretrievable and irreversible commitment of resources;

—Socioeconomic impact on surrounding communities;

—Treatment and disposition of liquid and solid process wastes.

Comments and Scoping Meeting

All interested parties are invited to submit comments or suggestions and to attend the scoping meeting in connection with the preparation of the EIS. Those desiring to submit comments or suggestions for issues to be addressed in the draft EIS should submit them to Mr. J. F. Wing (address given above).

Those wishing to participate in the scoping process may also attend the public meeting to be held on May 6, 1981, at 2 p.m. and 7 p.m. in the Ballroom of the Holiday Inn in Oak Ridge on South Illinois Avenue.

Written comments received within 20 days of the publication of this NOI and all oral comments will be considered in the preparation of the EIS. Comments postmarked after that date will be considered to the extent practicable.

Interested individuals and organizations should notify DOE (by contacting Mr. Wing) prior to May 1, 1981, of their desire to speak, so that DOE may, in turn, notify prospective speakers of the schedule for presentation prior to the date of the meeting. Requests should include a telephone number for such notification. In order to maximize the number of presentations and assure a broad spectrum of viewpoints, five minutes will be allocated to each speaker. Depending upon the number of persons requesting to be heard, DOE may allow more time for representatives of organizations. Those persons wishing to speak on behalf of an organization should identify their organizational affiliation in their request. Persons who have not submitted a request to speak in advance may register to speak at the scoping meeting, and will be called on to present their comments, if time permits.

Should any speaker desire to provide further information for the record subsequent to the meeting, it may be submitted in writing by the close of the comment period of this NOI.

A transcript of the scoping meeting will be prepared by DOE and made available at the Freedom of Information Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585 between the hours of 8 a.m. and 4 p.m., Monday through Friday, and at the Public Document Room, Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.

Those who wish to receive a copy of the draft EIS for review and comment when it is issued should also notify Mr. Wing. Those seeking further information may inquire at either of the addresses given above.

Dated at Washington, D.C., this 14th day of April, 1981, for the United States Department of Energy.

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81–11731 Filed 4–16–81; 8:45 am]

BILLING CODE 6450–01–M

Conservation and Renewable Energy, Office of Assistant Secretary

Powerplant and Industrial Fuel Use; Energy Impact Area Designation

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: Title VI, Section 601 of the Powerplant and Industrial Fuel Use Act (FUA) (Pub. L. 95–620) provides, *inter alia*, for the granting of financial assistance to any area designated by a Governor of a State as impacted by increased coal or uranium production development activities. Before the financial assistance may be provided, however, the Secretary of Energy (the Secretary), after consultation with the Secretary of Agriculture, must approve such designation. In accordance with Section 601's requirements and the Department of Agriculture's implementing regulations (7 CFR Part 1948), the Secretary shall approve a Governor's designation of an energy impact area only if:

A. The Governor provides the Secretary in writing with the data and information on which such designation was made, together with any additional information which the Secretary may require for approval; and

B. The Secretary determines that the following criteria are met:

(1) During the most recent calendar year, the eligible employment in coal or uranium production development activities within the area has increased by eight percent or more from the preceding year, or such employment will increase by eight percent or more per year, during each of the next three calendar years;

(2) This increase has required or will require substantial increases in housing or public facilities and services, or both, in the area; and

(3) Available State and local financial and other resources are inadequate to meet the public need for housing or public facilities and services at present or in the next three years.

Pursuant to 7 CFR 1948.70(e), DOE hereby gives notice that it has approved, effective November 1, 1980, the following area as an energy impact area: Millard County, Utah, and further gives notice that this area, and the previously designated and approved area comprised of Carbon, Emery, Grand, San Juan and Sanpete counties, together constitute an energy impact area which is eligible for planning grants and other assistance through the Farmers Home Administration, Department of Agriculture, provided that the further requirements of Section 601 and 7 CFR 1948 are met.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Emmons, Energy Impact Program Manager, Office of Buildings and Community Systems, CS 112.3, Forrestal, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-9393.

Issued in Washington, DC, April 6, 1981.

Frank DeGeorge,

Acting Assistant Secretary for Conservation and Renewable Energy.

[FR Doc. 81-11730 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 81-CERT-005]

Consolidated Edison Company of New York, Inc.; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On March 5, 1981, Consolidated Edison Company of New York, Inc. (Con Edison), filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for a second recertification of an eligible use of approximately 175,000 dekatherms of natural gas per day (approximately 62 billion cubic feet per year) to displace approximately 8,985,000 barrels of residual fuel oil (0.3 percent sulfur), approximately 824,000 barrels of kerosene (0.05 percent sulfur), approximately 519,000 barrels of residual fuel oil (1.5 percent sulfur), and approximately 217,000 barrels of No. 2 fuel oil (0.2 percent sulfur) between April 27, 1981, and April 26, 1982, at its Astoria, East River, Narrows, Ravenswood, Waterside, and 60th Street steam and electric generating facilities in New York City. The eligible sellers are Consolidated Gas Supply Corporation (Con Gas) and National Fuel Gas Distribution Corporation (National Distribution). The gas will be transported by Transcontinental Gas Pipe Line Corportion, Texas Eastern Transmission Corporation, National Fuel Gas Supply Corporation, and Tennessee Gas Pipeline Company. Notice of that application was published in the **Federal Register** (46 FR 19972, April 2, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On April 25, 1980, Con Edison received the first recertification (ERA Docket No. 80-CERT-013) of an eligible use of natural gas purchased from Con Gas and National Distribution for use at these facilities for a period of one year. These purchases are being delivered pursuant to the ERA recertification and certificates of public convenience and necessity issued by the Federal Energy Regulatory Commission (FERC) in FERC Docket Nos. CP79-228 and CP79-214, *et al.* The first ERA recertification expires April 26, 1981, and the FERC certificates expire May 31, 1981.

The ERA has carefully reviewed Con Edison's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Con Edison's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the Division of Natural Gas Docket Room, Room 7108, RG-55, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., April 13, 1981.

F. Scott Bush,

Assistant Administrator, Office of Regulatory Policy, Economic Regulatory Administration.

[FR Doc. 81-11728 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 51209-1393-27-22; Docket No. ERA-FC-80-043]

Gulf States Utilities Co.; Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Availability of Tentative Staff Analysis.

SUMMARY: On December 9, 1980, Gulf States Utilities Company (GSU) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent peakload powerplant exemption from the provisions of the the Powerplant and Industrial Fuel use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) which prohibit the use of petroleum or natural gas as a primary energy source in new powerplants. A final rule setting forth the procedure for petitioning and the criteria for exemptions from the prohibitions of FUA is published at 10 CFR Part 500 *et seq.* (45 FR 38276, June 6, 1980).

GSU plans to install a 114,828 KW natural gas/oil-fired combustion turbine unit to be known as Roy S. Nelson Unit No. 7 in Westlake, Louisiana. GSU certifies that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant.

ERA accepted the petition pursuant to 10 CFR 501.3 and 501.63 on December 10, 1980, and published notice of its acceptance in the **Federal Register** on February 6, 1981 (46 FR 11337). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to section 701 of FUA and 10 CFR 501.31 and 501.33, during which time interested persons were also afforded an opportunity to file comments and to request a public hearing on the petition. The comment period ended March 23, 1981. No comments or requests for a public hearing were received.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding a Tentative Staff Analysis has been made. The analysis recommends that ERA issue an order which would grant the requested peakload powerplant exemption.

DATES: Written comments on the Tentative Staff Analysis and requests for a public hearing are due on or before May 1, 1981.

ADDRESSES: Fifteen copies of written comments and any requests for a public hearing should be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461. Docket Number ERA–FC–80–043 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, Phone (202) 653–4055;

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 653–4208;

Christina Simmons, Office of General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6B–178, Washington, D.C. 20585, Phone (202) 252–2967.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials is available upon request at: ERA Room B–110, 2000 M Street NW., Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m.

SUPPLEMENTARY INFORMATION: GSU plans to install a 114,828 KW natural gas/oil-fired combustion turbine to be known as Roy S. Nelson Unit No. 7 in Westlake, Louisiana.

GSU submitted a sworn statement with its petition, signed by Mr. J. H. Derr, Jr., Vice President of GSU, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Derr certified that the unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of the plant. He also certified that the maximum design capacity of the unit is 114,828 KW; and that the maximum generation that the unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 172,242,000 Kwh.

Under the requirements of 10 CFR 503.41(b)(1)(ii), if a petitioner proposes to use natural gas, or to construct a powerplant to use natural gas in lieu of an alternate fuel as a primary energy source, it must obtain an air quality certification from the Administrator of the Environmental Protection Agency or the Director of the appropriate state air pollution control agency. However, since ERA has determined that there are no presently available alternate fuels which may be used in the proposed powerplants, no such certification can be made. The certification requirement is therefore waived with respect to this petition.

Tentative Staff Analysis

On the basis of GSU's sworn statements and information provided, the staff recommends that ERA grant the requested peakload powerplant exemption.

On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to the guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial or certain FUA permanent exemptions, including the permanent exemption by certification for a peakload powerplant, was identified as an action which normally does not require an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion).

This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. GSU has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new unit under exemption. The Environmental Checklist, completed and certified to by GSU pursuant to 10 CFR 503.15(b), has been reviewed by DOE's Office of Environment in consultation with the Office of the General Counsel. It has been determined that GSU's responses to the questions therein indicate that the operation of the peakload powerplant will have no impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirms the applicability of the categorical exclusion to this FUA action. Therefore, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon the information submitted by GSU and upon the results of the staff analysis, the staff of ERA recommends that any order granting the requested peakload powerplant exemption should, pursuant to section 214(a) of the Act, be subject to the following terms and conditions:

A. GSU shall not produce more than 172,242,000 Kwh during any 12-month period with Roy S. Nelson Unit No. 7. GSU shall provide annual estimates of the expected periods (hours during specific months) of operation of the unit for peakload purposes (e.g., 8:00–10:00 a.m. and 3:00–6:00 p.m. during the June-September period, etc.). Estimates of the hours in which GSU expects to operate Roy S. Nelson Unit No. 7 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. GSU shall comply with the reporting requirements set forth in 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in the unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. GSU shall comply with the terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

Issued in Washington, D.C. on April 11, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–11727 Filed 4–16–81; 8:45 am]

BILLING CODE 6450–01–M

National Cooperative Refinery Association; 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) announces an action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account

established pursuant to the Consent Order.

Comments by: May 18, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374–5932.

SUPPLEMENTARY INFORMATION: On April 7, 1981, the Office of Enforcement of the ERA excuted a Consent Order with National Cooperative Refinery Association (NCRA) of McPherson, Kansas. Under 10 CFR 205.199J(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

NCRA, with its home office located in McPherson, Kansas is a firm engaged in the production and sale of crude oil, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR Parts 210, 211, and 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 NCRA the Office of Enforcement, ERA, and NCRA entered into a Consent Order, the significant terms of which are as follows:

1. This Consent Order covers the production and sales of crude oil by NCRA during the period January 1, 1978 through January 29, 1981.

2. The reason for the overcharges was NCRA sold crude oil at prices in excess of the applicable ceiling price, as defined at 10 CFR 212.74.

3. It is understood that NCRA does not, by entering into the Consent Order, admit that it has violated any regulations of the DOE.

4. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, NCRA agrees 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 $95,000, including interest as specified in Terms and Conditions, paragraph 1, of the Consent Order. The refund shall be made in one lump sum payment and completed within one month from the effective date of the Consent Order. Such refund will be made 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 or offset through devices such as the Old 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 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimant:* 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 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 of 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 this Consent Order. You should submit your comments or written notification of a claim to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

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, "Comments on NCRA Consent Order." We will consider all comments we receive by May 18, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 10th day of April, 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

Concurrence:

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-11728 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-79-013; OFC Case Number 67014-9136-11-77, 67014-9136-12-77]

Texas Utilities Generating Co.; Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Classification—Texas Utilities Generating Company.

SUMMARY: On December 19, 1979, the Texas Utilities Generating Company (TUGCO), Dallas, Texas, filed requests with the Economic Regulatory Administration (ERA) to classify two major fuel burning installations (MFBI's) to be installed at its Twin Oak Steam Electric Station, Franklin, Texas (Twin Oak Station) as existing installations pursuant to 10 CFR Part 515 (44 FR 60690, October 19, 1979, as amended, 44 FR 69919, December 5, 1979) and the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). A summary of TUGCO's requests was published in the **Federal Register** on January 24, 1980, at 45 FR 5796. The public comment period provided in the notice expired on February 14, 1980. No comments were received.

Pursuant to 10 CFR 515.13(b), ERA has determined that the two MFBI's are existing installations and are therefore subject to the provisions of Title III of FUA.

FOR FURTHER INFORMATION CONTACT: Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW.,

Room 3128, Washington, D.C. 20461, Phone (202) 653–4257;
Douglas Mitchell, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The MFBI's for which the requests for classification were filed are two packaged boilers (designated auxiliary boilers A and B by TUGCO) to be installed at TUGCO's Twin Oak Station. Each boiler has a design capability to consume fuel at a heat input rate of 260 million Btu's per hour and will be used for startup of the two main lignite-fired generators and for plant protection during shutdown of the main generators. The MFBI's will use No. 2 fuel oil and natural gas as their primary energy sources.

TUGCO established eligibility to request classification of auxiliary boilers A and B by satisfactorily demonstrating, pursuant to 10 CFR 515.10, that it had executed a contract for the construction or acquisition of the two MFBI's prior to November 9, 1978. TUGCO claims that auxiliary boilers A and B should be classified as existing pursuant to 10 CFR 515.13(b) on the basis that cancellation, rescheduling or modification of the two units at November 9, 1978, would have resulted in significant operational detriment.

Based upon its review of TUGCO's requests, ERA has determined that TUGCO has satisfactorily demonstrated that the modification of its construction plans for the Twin Oak Station at November 9, 1978, in order to be in compliance with the provisions of FUA, would have resulted in significant operational detriment. Accordingly, TUGCO's auxiliary boilers A and B at the Twin Oak Station are classified as existing installations pursuant to 10 CFR 515.13(b), and are therefore subject to the provisions of Title III of FUA.

The public file containing documents on these proceedings, including ERA's analyses of TUGCO's requests, is available for inspection upon request at: Economic Regulatory Administration, Room B–110, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on April 11, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81–11723 Filed 4–16–81; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–79–014; OFC Case Number 67014–9137–11–77, 67014–9137–12–77]

Texas Utilities Generating Co.; Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Classification—Texas Utilities Generating Company.

SUMMARY: On December 19, 1979, the Texas Utilities Generating Company (TUGCO), Dallas, Texas, filed requests with the Economic Regulatory Administration (ERA) to classify two major fuel burning installations (MFEI's) to be installed at its Forest Grove Steam Electric Station, Athens, Texas (Forest Grove) as existing installations pursuant to 10 CFR Part 515 (44 FR 60690, October 19, 1979, as amended, 44 FR 69919, December 5, 1979) and the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). A summary of TUGCO's request was published in the **Federal Register** on January 24, 1980, at 45 FR 5797. The public comment period provided in the notice expired on February 14, 1980. No comments were received.

Pursuant to 10 CFR 515.13(b), ERA has determined that the two MFBI's are existing installations and are therefore subject to the provisions of Title III of FUA.

FOR FURTHER INFORMATION CONTACT:

Robert Goodie, Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–4257;
Douglas Mitchell, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967.

SUPPLEMENTARY INFORMATION: The MFBI's for which the requests for classification were filed are two packaged boilers (designated auxiliary boilers A and B by TUGCO) to be installed at TUGCO's Forest Grove Station. Each boiler has a design capability to consume fuel at a heat input rate of 365 million Btu's per hour and will be used for startup of the main lignite-fired generator and for plant protection during shutdown of the main generator. The MFBI's will use No. 2 fuel oil as their primary energy source.

TUGCO established eligibility to request classification of auxiliary boilers A and B by statisfactorily demonstrating, pursuant to 10 CFR 515.10, that it had executed a contract for the construction or acquisition of the two MFBI's prior to November 9, 1978. TUGCO claims that auxiliary boilers A and B should be classified as existing pursuant to 10 CFR 515.13(b) on the basis that cancellation, rescheduling or modification of the two units at November 9, 1978, would have resulted in significant operational detriment.

Based upon its review of TUGCO's requests, ERA has determined that TUGCO has satisfactorily demonstrated that the modification of its construction plans for the Forest Grove Station at November 9, 1978, in order to be in compliance with the provisions of FUA, would have resulted in significant operational detriment. Accordingly, TUGCO's auxiliary boilers A and B at the Forest Grove Station are classified as existing installations pursuant to 10 CFR 515.13(b), and are therefore subject to the provisions of Title III of FUA.

The public file containing documents on these proceedings, including ERA's analyses of TUGCO's requests, is available for inspection upon request at: Economic Regulatory Administration, Room B–110, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C. on April 11, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Adminstration.

[FR Doc. 81–11729 Filed 4–16–81; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Conservation Panel, Energy Research Advisory Board; Cancellation

This notice is given to advise of the cancellation of the meeting of the Conservation Panel of the Energy Research Advisory Board originally scheduled to be held on April 17, 1981, from 9:30 am to 4:30 pm. Forrestal Building, Room 4A–104. Notice of meeting was published in 46 FR 20728, April 7, 1981.

Issued in Washington, D.C. on April 13, 1981.

Antionette Grayson Joseph,

Associate Director for Field Operations Management, Office of Energy Research.

[FR Doc. 81–11732 Filed 4–16–81; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER81-365-000]

Alabama Power Co.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that Alabama Power Company on March 27, 1981, tendered for filing an Agreement with Black Warrior Electric Membership Corporation, intended as a rate schedule. The filing is for the proposed Coatopa delivery point of Black Warrior Electric Membership Corporation. The delivery point will be served at the Company's applicable revision to Rate Schedule REA-1 incorporated in FERC Electric Tariff, Original Volume No. 1 of Alabama Power Company. The Agreement also provides for an increase in capacity at the Cooperative's Greensboro, Linden and Ward delivery points.

Copies of the filing were served upon Black Warrior Electric Membership Corporation.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11653 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-366-000]

Alabama Power Co.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that Alabama Power Company on March 27, 1981, tendered for filing an Agreement with The Utilities Board of The City of Foley, intended as a rate schedule. The filing is for the proposed Southwest Foley delivery point of The Utilities Board of The City of Foley. The delivery point will be served at the Company's applicable revision to Rate Schedule MUN-1 incorporated in FERC Electric Tariff, Original Volume No. 1 of Alabama Power Company.

Copies of the filing were served upon the Utilities Board of the City of Foley.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11654 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CI65-584]

Amoco Production Co.; Petition To Amend Certificate of Public Convenience and Necessity

April 10, 1981.

Take notice that on February 20, 1981, Amoco Production Company (Amoco), 200 East Randolph Drive, Box 5910-A, Chicago, Illinois 60680, filed in Docket No. CI65-584 pursuant to Section 7 of the Natural Gas Act and § 1.7(a) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(a)) a petition to amend its certificate of public convenience and necessity granted by the Commission in the above-captioned docket by order issued September 15, 1965. Specifically, Amoco requests that the Commission amend the order granting the certificate by deleting Ordering Paragraph (D)(4).

Amoco states that it sells natural gas to Florida Gas Transmission Company (FGT) pursuant to a warranty-type contract dated November 20, 1964, which is designated as Amoco's FERC Gas Rate Schedule No. 439, and pursuant to the provisions of the September 15, 1965 order issuing the certificate to Amoco's predecessor-in-interest. Under the contract, according to Amoco, Amoco agreed to sell to FGT 584.4 Bcf of natural gas at an initial price of 19.25 cents per Mcf at 15.025 psia, with occasional escalations of 1.0 cent per Mcf such that the current contract price is 21.25 cents per Mcf.

In Ordering Paragraph (D)(4) of the certificate order, the Commission conditioned Amoco's certificate to require that all of the gas sold under the certificate be produced from the Southern Louisiana area, and that no more than 50 percent of the gas sold in any contract year originate from areas outside the tax jurisdiction of the State of Louisiana, *i.e.*, the offshore Federal Domain. Amoco asserts that the only reason for the imposition of these conditions was to avoid any possibility that Amoco would collect a rate for the sale in excess of the "in-line" ceiling rates for the Southern Louisiana area or for any other area. At the time of the Commission's order issuing the certificate, the "in-line" rate for Southern Louisiana onshore gas was higher than the "in-line" rate for Southern Louisiana offshore Federal Domain gas, and Amoco's contract price represented an average of the two rates. Amoco indicates that with the superseding of "in-line" ceiling rates by just and reasonable area and national rates and by the maximum lawful prices set forth in the Natural Gas Policy Act of 1978, there is no longer any valid reason for maintaining these conditions. Amoco further states that these certificate conditions impose undue financial, exploratory, operational and administrative burdens on Amoco's performance of the contract, without any countervailing benefit to FGT and its customers.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11655 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4298-000]

The Colorado River Water Conservation District; Application for Preliminary Permit

April 13, 1981.

Take notice that The Colorado River Water Conservation District (Applicant) filed on March 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4298 to be known as the Grand Valley Project located on the Colorado River in Mesa County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Christopher D. Williams, McCarty, Noone and Williams, 490 L'Enfant East, Suite 3306, Washington, D.C. 20024. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Water and Power Resources Service's Grand Valley Diversion Dam and reservoir and would consist of a powerhouse with two generating units having a total rated capacity of 1.6 MW, a switchyard and a transmission line. The Applicant estimates that the average annual energy output would be 11,000,000 kWh.

Purpose of Project—Energy generated at the project would likely be sold to the Public Service Company of Colorado for distribution to its customers.

Proposed Scope and Cost of Studies Under Permit—The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, a study of environmental impacts, geotechnical investigations in the immediate area of the dam itself and in the area of the powerhouse tailrace, and of the project's compatibility with irrigation needs. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $72,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessry studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the Grand Valley Project No. 3437 filed on September 4, 1980, by Hydroelectric Constructors, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 12, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4298. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11668 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-257-000]

Columbia Gulf Transmission Co., Application

April 13, 1981.

Take notice that on March 27, 1981, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP81–257–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 10.1 miles of 22-inch pipeline in Uinta County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate approximately 10.1 miles of 22-inch pipeline in order to attach up to 110,000 Mcf of natural gas reserves per day purchased by Columbia Gas Transmission Corporation (Columbia Gas) from Chevron, U.S.A. (Chevron) in the Whitney Canyon-Carter Creek Area, Uinta and Lincoln Counties, Wyoming. It is stated that pursuant to its gas purchase and sales contract with Chevron dated January 8, 1981, Columbia Gas would purchase up to 50 percent of Chevron's gas reserves to be made available at Chevron's treatment plant in the Carter Creek Field, Wyoming. Applicant submits that Columbia Gas proposes to purchase the remaining 50 percent of Chevron's gas reserves; however, if such reserves are purchased by another pipeline, Applicant intends to transport such gas through the facilities proposed herein.

Applicant asserts that the pipeline would extend from Chevron's Carter Creek plant to the facilities of Natural Gas Pipe Line Company of America (Natural) in Uinta County, Wyoming, for ultimate delivery to the Overthrust

Pipeline segment of the Trailblazer System.

Columbia Gas contemplates negotiating a transportation and exchange agreement with Natural concerning the attachment of the subject gas to their respective systems.

Applicant estimates the total cost of the proposed facilities to be $4,987,000 to be financed by current working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11637 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP881-258-000]

Columbia Gas Transmission Corp., Application

April 13, 1981.

Take notice that on March 27, 1981, Columbia Gas Transmission Corporation (Applicant), 700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP881-258-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate an interconnecting tap facility on its Line O-1592 in Tuscarawas Township, Coshocton County, Ohio, in order to provide an additional point of delivery to Columbia Gas of Ohio, Inc. (Columbia Ohio), an existing wholesale customer. It is submitted that Columbia Ohio has requested the new delivery point in order to provide service to St. Regis Paper Company. It is further submitted that Columbia Ohio would provide up to 300 Mcf per day of natural gas on a firm basis with any additional volumes provided on a best-efforts basis. Applicant states that the new load at St. Regis is gas for use in boilers.

Applicant asserts that the additional volumes to be provided through the proposed new delivery point are included in the existing requirements of Columbia Ohio.

Applicant estimates the total cost of the proposed interconnection to be $19,000 which would be financed from internally generated funds. Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11636 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4074-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 14, 1981

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on January 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4074 to be known as the North Elder Creek Project located on North Elder Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice President, Consolidated Hydroelectric, Inc., Suite 208, 4543 Post Oak Place, Houston, Texas 77027. Any person so wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of:

(A) The Upper Facility Consisting Of:

(1) a natural rock and concrete diversion structure;

(2) a 7,920-foot long diversion conduit or channel;

(3) a 1,060-foot long, 36-inch diameter steel penstock;

(4) a 20-foot wide by 30-foot long powerhouse containing one generating unit rated at 6,600 kw; and

(5) a 12.5 kV transmission line. The average annual output is estimated to be 20.6 million kwh.

(B) The Middle Facility Consisting Of:

(1) a natural rock and concrete diversion structure;

(2) a 3,960-foot long diversion, conduit or channel;

(3) a 254-foot long, 24-inch diameter steel penstock;

(4) a 15-foot wide by 20-foot long powerhouse, containing one generating unit rated at 840 kW; and

(5) a 12.5 kV transmission line. The average annual energy output is estimated to be 4.3 million kwh.

(C) The Lower Facility Consisting Of:

(1) a natural rock and concrete diversion structure;

(2) a 7,920-foot long diversion conduit or channel;

(3) a 1,320-foot long, 36-inch diameter steel penstock;

(4) a 15-foot wide by 20-foot long powerhouse containing one generating unit rated at 12,250 kW; and

(5) a 12.5 kV transmission line.

The average annual energy output is estimated to be 11.0 million kwh.

Purpose of Project—The energy output of the project will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC lincense application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 18, 1981.

Filing and Service of Responsive Documents——Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4074. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11678 Filed 4-16-81: 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4077-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 13, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on January 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4077 to be known as Ukonom Creek Project located on Ukonom Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalez Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of:

A. The Upper Facility consisting of:

(1) a rock-and-concrete diversion dam;

(2) a 3,450-foot long and 48-inch diameter conduit;

(3) a 500-foot long and 36-inch diameter steel penstock;

(4) a powerhouse containing one generating unit rated at 3,110 kW; and

(5) a 0.5-mile long transmission line.

The estimate average annual energy output would be 8 million kWh.

B. The Lower Facility consisting of:

(1) a rock-and-concrete diversion dam;

(2) a 2,535-foot long and 42-inch diameter conduit;

(3) a 625-foot long and 42inch diameter steel penstock;

(4) a powerhouse containing one generating unit rated at 3,650 kW; and

(5) a 4.3-mile long transmission line.

The estimate average annual energy output would be 7.4 million kWh.

Purpose of Project—The energy output of the project would be sold to the Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering and geotechnical studies, consult with agencies, perform an economic and feasibility analysis, conduct environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be done under the preliminary permit is $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4077. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11671 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4081-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 13, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on January 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4081 to be known as Adams and Brush Creeks Power Project located on Adams and Brush Creeks in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terence L. O'Rourke, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 34-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 750-foot long diversion conduit or channel; (4) a 2,310-foot long, 23-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 3,545-kW; and (6) a 2.5-mile long, 12.5-kV transmission line. Applicant estimates that the average annual energy output would be 13.9 million kWh.

Purpose of Project—The energy out of the project would be sold to the Pacific Gas and Electric Company and/or other utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, do preliminary designs, consult with agencies, prepare a feasibility report, conduct environmental studies, conduct negotiations with PG & E and/or others for the sale of power generated from this project, and prepare an FERC license application. No new roads are required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit would be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before June 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of timely notice of intent allows an interested person to file the competing application no later than

August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4081. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11673 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4082-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 13, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on January 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. 791(a)–825(r) for proposed Project No. 4082 to be known as China and Camp Creeks Power Project located on China and Camp Creeks in Humboldt County, California. The Application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terence L. O'Rourke, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wished to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wished to file.

Project Description—The proposed project would consist of: (1) two natural rock diversion structures; (2) a 116-foot, 5-foot high, 8-foot wide concrete diversion structure; (3) a 142-foot long, 5-foot high, 8-foot wide concrete diversion structure; (4) two diversion conduits or channels with a total length of 7,390 feet; (5) a transition structure; (6) an 800-foot long, 57-inch diameter penstock; (7) a powerhouse containing generating equipment with a combined capacity of 4,880–kW; and (8) a 7-mile long, 125.5kV transmission line. The Applicant estimates that the average annual energy output would be 19.3 million KWh.

Purpose of Project—Energy output of the project would be sold to the Pacific Gas and Electric Company and/or other utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, do preliminary designs, consult with agencies, prepare a feasibility report, conduct environmental studies, conduct negotiations with PG & E and/or others for the sale of power generated from this project, and prepare a FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit would be $84,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comment does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4082. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11669 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4083-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 13, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on January 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] located on Frey Creek in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Terence L. O'Rourke, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 77-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 2,100-foot long diversion conduit or channel; (4) a 950-foot long, 32-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 3,100-kW; and (6) a 2.5-mile long, 12.50-kV transmission line. The Applicant estimates that the average annual energy output would be 12.2 million kWh.

Purpose of Project—The energy output of the project will be sold to the Pacific Gas and Electric Company and/or other utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, do preliminary designs, consult with agencies, prepare a feasibility report, conduct environmental studies, conduct negotiations with PG & E and/or others for the sale of power generated from this project, and prepare a FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit would be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminiary permit for Project No. 4083. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11670 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4100-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 14, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on February 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4100 to be known as Kanaka Creek Power Project located on Kanaka Creek in Sierra County, California. The application is on file with the Commission and is available for public inspection. Correspondence should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person so wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 115-foot high, 8-foot wide concrete diversion structure; (3) a 3,700-foot long diversion conduit or channel; (4) a 720-foot long, 35-inch diameter penstock; (5) a powerhouse containing generating equipment with a combined capacity of 3,770-kW; and (6) a 2-mile long, 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 14.8 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company and/or other utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, do preliminary designs, consult with agencies, prepare a feasibility report, conduct environmental studies, conduct negotiations with PG & E and/or others for the sale of power generated from this project, and prepare an FERC license application. No new roads would be required to conduct the studies. The estimated cost of the work to be performed under the preliminary permit would be $80,000 to $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10. for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4100. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11677 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4156-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 13, 1981

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4156 to be known as Sulphur Creek Project located on Sulphur Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a rock-and-concrete diversion structure; (2) a 7,500-foot long and 48-inch diameter conduit; (3) an 880-foot long steel penstock; (4) a powerhouse containing one generating unit rated at 3,370 kW; and (5) a 6-mile long transmission line. The Applicant estimates that the average annual energy output would be 8.2 million kWh.

Purpose of Project—The energy generated by the project would be sold

to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 17, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 17, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4156. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing, application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11672 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-368-000]

Detroit Edison Co.; Filing

April 10, 1981.

The filing Company submits the following

Take notice that The Detroit Edison Company (Detroit Edison), on March 30, 1981, tendered for filing Amendment No. 19 to an Operating Agreement dated March 1, 1966 among Consumers Power Company, Detroit Edison and I&M. This Operating Agreement is designated Detroit Edison Company Rate Schedule FERC No. 12.

Detroit Edison states that all rates and charges requested in Amendment No. 19 are on file with the Commission, with the exception of the transmission service demand charge of 2 mills per kilowatthour and the associated adder of 10% not to exceed 1 mill per kilowatt hour. The purpose of this filing is to comply with FERC Rule 84. The Company requests an effective date of September 1, 1980 for the new proposed rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11656 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-402-000]

Detroit Edison Co., Filing

April 10, 1981.

The filing Company submits the following:

Take notice that The Detroit Edison Company (Detroit Edison), on March 30, 1981, tendered for filing Amendment No. 18 to an Operating Agreement dated March 1, 1966 among Consumers Power Company, Detroit Edison and I&M. This Operating Agreement is designated Detroit Edison Company Rate Schedule FERC No 12.

Detroit Edison states that all rates and charges requested in Amendment No. 18 remain unchanged except for the new transmission service rate adder (10% of energy cost not to exceed 1 mill per kilowatthour) which is requred in order to comply with FERC Rule No. 84

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1981.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11655 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3949]

Energenics Systems, Inc.; Application for Preliminary Permit

April 13, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on January 9, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 3949 to be known as All American Canal Drop No. 1 Project located on All American Canal in Imperial County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas H. Clarke, Jr., Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize an exising government structure known as the All American Canal Drop No. 1 and owned by the United States Water and Power Resources Service and would consist of a powerplant with a total installed capacity of 4 MW. The Applicant estimates that the average annual energy output would be 24.3 GWh.

Purpose of Project—Applicant intends to market the power generated by the project to the Western Area Power Administration, nearby public institutions, or local industrial users.

Proposed Scope and Cost of Studies Under Permit—The studies would consist of economic analysis, preliminary engineering, and environmental impact analysis. Based on the results of the studies, Applicant would decide whether to proceed with more detailed studies and an application for license to construct and operate the project. Applicant estimates the cost of the studies would be $35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc.'s Project No. 3773 filed on December 21, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 12, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3949. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208, RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11674 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4302-000]

Georgetown Divide Public Utility District; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

April 14, 1981.

Take notice that on March 6, 1981, Georgetown Divide Public Utility District (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The Stumpy Meadows Hydroelectric Project (FERC Project No. 4302) would be located on Pilot Creek in El Dorado County, California. Correspondence with the Applicant should be directed to: Mr. Charles F. Bierau, Manager, Georgetown Divide Public Utility District, P.O. Box 338, Georgetown, California 95634.

Project Description—The proposed project would consist of: (1) an existing 162-foot high, 1,230-foot long rock-fill dam with an earth core; (2) the existing Stumpy Meadows Reservoir with a usable storage capacity of 19,000 acre-feet; (3) a powerhouse, at the existing outlet at the foot of the dam, containing a single generating unit with a rated capacity 500 kW; and (4) appurtenant facilities.

Purpose of Project—Project energy would be sold to Pacific Gas and Electric Company.

Agency Comments—The U.S. Fish and Wildlife Service and the California Department of Fish and Game are

requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made (a copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before May 29, 1981, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 28, 1981. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4302. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11678 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP78-391, CP75-278 and CP77-556]

Great Plains Gasification Associates, Successor to ANR Gasification Properties Compar.y and PGC Coal Gasification Company, et al.; Filing of Proposed Rate Settlement

Issued April 10, 1981.

Take notice that on April 10, 1981, Great Plains Gasification Associated (Great Plains), One Woodward Avenue, Detroit, Michigan 48226, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, Michigan Wisconsin Pipe Line Company (Mich Wis), One Woodward Avenue, Detroit, Michigan 48226, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed an Offer of Settlement pursuant to § 1.18 of the Commission's Rules of Practice and Procedure. It is asserted that the Offer of Settement would resolve all issues in these proceedings.

Article I of the Offer of Settlement states that these proceedings center upon Great Plains' plans to develop a commercial-size, high-Btu coal gasification project in Mercer County, North Dakota. Following evidentiary hearings that extended over a three-year period, the Commission granted Great Plains certificate authority to make jurisdictional sales of commingled natural gas and synthetic coal gas to the five pipeline companies—Columbia, Mich Wis, Natural, Tennessee, and Transco—and authorized each of the pipelines to recover the costs of the Great Plains project in their jurisdictional rates. Opinion No. 69 (November 21, 1977), *rehearing denied* by Opinion No. 69–A (January 21, 1980), *modified and clarified* by Opinion No. 69–B (June 27, 1980). However, the Commission's opinions were subsequently set aside and remanded by the United States Court of Appeals for the District of Columbia Circuit in *Office of Consumers' Counsel* v. *FERC* No. 80–1303, *et al.*, (December 8, 1980).

In Article II of the Offer of Settlement, it is now proposed that Great Plains would sell the synthetic gas output of its coal gasification plant at the tailgate of the plant on an unregulated, non-jurisdictional basis. If the Offer of Settlement were approved by the Commission, Great Plains would be authorized to withdraw its certificate application in Docket No. CP78–391 and the sale of the synthetic gas would not be subject to Commission jurisdiction.

In Article III of the Offer of Settlement, Mich Wis, Natural, Tennessee, and Transco request Commission authority in Docket Nos. CP75–278 and CP77–556 to recover the cost of synthetic gas to be purchased under gas purchase agreements with Great Plains through the purchased gas cost adjustment ("PGA") provisions of their respective FERC Gas Tariffs. Columbia will not be contracting with Great Plains for a supply of synthetic gas and is therefore no longer requesting such Commission authority. The proposed revised PGA provisions of Mich Wis, Natural, Tennessee, and Transco, which are set forth in Appendix B to the Offer of Settlement, would permit the pipelines to recover in their rates the cost of synthetic gas to be purchased from Great Plains over the term of the Gas Purchase Agreements.

The charges to be incurred by the pipelines and recovered through their PGA provisions are contained in the *pro forma* Gas Purchase Agreement that is set forth as Appendix A to the Offer of Settlement. Each pipeline would enter into such a Gas Purchase Agreement with Great Plains following Commission approval of the Offer of Settlement.

The Gas Purchase Agreement provides for the sale of synthetic gas by

Great Plains to each pipeline at a price of $6.75 per MMBtu, adjusted quarterly commencing April 1, 1981, in accordance with a factor which reflects an equal weighting of changes in both (a) the Producer Price Index for all commodities and (b) the Producer Price Index for No. 2 fuel oil. In addition, ceiling prices for the synthetic gas would be established for various periods during the term of the Gas Purchase Agreement. During the first five years after deliveries of synthetic gas commence, the price of the gas may not exceed the equivalent price of No. 2 fuel oil, but that ceiling would not apply in the event that the price of oil were regulated. During the succeeding five years, the ceiling price would be the higher of (1) the arithmetical average of the prices paid during the preceding three-month period by each pipeline for the highest-priced 10% of its purchases of natural gas in the lower 48 states from non-affiliated producers (the "domestic price cap") or (2) the arithmetical average of the prices paid by the pipelines for gas imported from Canada and Mexico (the "imported price cap"), but under either cap the price could not exceed the equivalent price of No. 2 fuel oil if the price of oil were unregulated. Thereafter, the "domestic price cap" would establish the ceiling price for the synthetic gas unless natural gas producer prices were regulated, in which event the "imported price cap" would be applicable.

Notice is hereby given that any party desiring to comment on the Offer of Settlement should file such comments on or before April 20, 1981, with the Federal Energy Regulatory Commission, Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426. Reply comments should be filed on or before April 27, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11675 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3866-000]

Guadalupe-Blanco River Authority; Application for Preliminary Permit

April 14, 1981.

Take notice that Guadalupe-Blanco River Authority (Applicant) filed on December 11, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 3866 to be known as Cuero Dam Hydroelectric Project located on the Guadalupe River and Sandies Creek in DeWitt and Gonzales Counties, Texas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Specht, General Manager, Guadalupe-Blanco River Authority, P.O. Box 271, Seguin, Texas 78155. Any person who wishing to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete gravity dam, owned by Dick and Coot Coppedge of Cuero, Texas, with a height of 15 feet and length of 200 feet; (2) a reservoir with an approximate storage capacity of 608 acre-feet, a surface area of 91 acres, and a normal surface elevation of 158.4 feet; (3) an existing powerhouse containing one or more new generating units having a total rated capacity of 1,700 kW; (4) an existing 500-foot long transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6 million kWh.

Purpose of Project—The energy generated at the project would be sold to the DeWitt County Electric Cooperative, Inc.

Proposed Scope and Cost of Studies Under Permit—The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $10,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before May 29, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than July 28, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 29, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 3866. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent

to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11679 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-399-000]

Iowa-Illinois Gas & Electric Co.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that Iowa-Illinois Gas and Electric Company (Company), on its own behalf and as the authorized representative of Iowa Power and Light Company, Iowa Public Service Company and Iowa Southern Utilities Company, on April 2, 1981, tendered for filing a Rate Schedule Supplement consisting of Initial Assignments for Capacity Schedules pursuant to Article IV, Operating Agreement/Neal 3 Transmission in respect of Raun Substation to Lehigh Substation. Said Operating Agreement, dated January 2, 1978, was accepted for filing effective July 1, 1978 in Docket No. ER78-227.

Company states this filing effects mutual assignments for capacity schedules pursuant to Article IV of the Operating Agreement/Neal 3 Transmission, permitting the named Assignee to utilize the line segment of Neal 3 Transmission from Raun Substation to Lehigh Substation as an electric transmission scheduling path for the Assignee's generation from Neal Unit 4 Generating Station located near Sioux City, Iowa. No new facilities are required to effectuate this Rate Schedule Supplement.

The assignments comprising the Rate Schedule Supplement are in the form of Exhibit B to said Agreement. The Assignees are:

Algona Municipal Utilities
Bancroft Municipal Utilities
Coon Rapids Municipal Utilities
Corn Belt Power Cooperative
Graettinger Municipal Light Plant
City of Webster City
Iowa Public Service Company
Laurens Municipal Light & Power Plant
Milford Municipal Utilities
Spencer Municipal Utilities

Company requests waiver of the notice requirements so as to permit an effective date of October 24, 1979. The other parties concur in this request in their respective Certificates of Concurrence included in the filing. The proposed filing date reflects the in-service date of certain transmission facilities which permitted the Assignees to utilize the line section of Neal 3 Transmission as a scheduling path for the Assignee's generation and accords with the intention of the parties and the Assignees.

Copies of this filing have been mailed to each of the other parties, to each of the Assignees, to the Iowa State Commerce Commission, and to the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. All such eptitions or protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11658 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

Docket No. ER81-404-000]

Iowa-Illinois Gas & Electric Co.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that Iowa-Illinios Gas and Electric Company (Company), on its own behalf and as the authorized representative of Iowa Power and Light Company, Iowa Public Service Company and Iowa Southern Utilities Company, on *April 2, 1981,* tendered for filing a Rate Schedule Supplement consisting of Initial Assignments for Capacity Schedules pursuant to Article IV, Operating Agreement/Neal 3 Transmission in respect of Sycamore Substation to Lehigh Substation. Said Operating Agreement, dated January 2, 1978, was accepted for filing effective July 1, 1978 in Docket No. ER78-227.

Company states this filing effects mutual assignments for capacity schedules pursuant to Article IV of the Operating Agreement/Neal 3 Transmission, permitting the named Assignee to utilize the line segment of Neal 3 Transmission from Sycamore Substation to Lehigh Substation as an electric transmission scheduling path for the Assignee's generation from Council Bluffs Unit 3 Generating Station located near Council Bluffs, Iowa. No new facilities are required to effectuate this Rate Schedule Supplement.

The assignments comprising the Rate Schedule Supplement are in the form of Exhibit B to said Agreement. The Assignees are:

Cedar Falls Electric Utility
Corn Belt Power Cooperative

Company requests waiver of the notice requirements so as to permit an effective date of October 24, 1979. The other parties concur in this request in their respective Certificates of Concurrence included in the filing. The proposed filing date reflects the in-service date of certain transmission facilities which permitted the Assignees to utilize the line section of Neal 3 Transmission as a scheduling path for the Assignee's generation and accords with the intention of the parties and the Assignees.

Copies of this filing have been mailed to each of the other parties, to each of the Assignees, to the Iowa State Commerce Commission, and to the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before *May 1, 1981.* All such petitions or protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11659 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-17-000]

State of Kansas and Texaco, Inc.; Petition to Reopen Final Well Category Determination and Request for Withdrawal

Issued April 14, 1981.

In the matter of State of Kansas, Section 108 NGPA Determination Texaco, Inc., Anderson-Shrier Unit #1 Well, JD No. 80-04006, Landgraf Unit #1 Well, JD No. 80-04005, Garden City Unit #1 Well, JD No. 80-04002.

On March 17, 1980, Texaco, Inc. (Texaco) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and request for withdrawal of the final well category determinations for the Anderson-Shrier Unit #1 Well, the Landgraf Unit #1 Well, and the Garden City Unit #1 Well, pursuant to §§ 275.202 and 275.205 of the Commission's regulations.

Texaco states that the Kansas Corporation Commission (KCC) made affirmative determinations that the above mentioned wells qualify as stripper wells under section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. II 1978), and that these determinations became final on December 10, 1979, 45 days after the Commission received notice pursuant to § 275-202(a) of the Commission's regulations.

Texaco further states that subsequent to the time these determinations became final, it conducted an internal review of several well determination filings. On the basis of that review, Texaco seeks to reopen these final determinations to enable it to withdraw them. Texaco has already made the appropriate refunds, with interest, to purchasers of natural gas from the wells in question.

Any person desiring to be heard or to protest this petition should, within 30 days after publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washingon, D.C. 20426, a protest or a petition to intervene in accordance with §§ 1.8 or 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11686 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4126-000]

Long Lake Energy Corp.; Application for Preliminary Permit

April 14, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4126 to be known as the West Canada Creek Project located on the West Canada Creek in Herkimer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Donald E. Hamer, Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 12-foot high, combination, stone filled timber crib and concrete gravity dam 245 feet long; (2) the existing reservoir having a surface area of 15 acres at a mean elevation of 420.0 feet (U.S.G.S. datum); (3) the existing canal owned partially by the Pennsylvania Egg Carton Corporation and partially by the Herkimer Holding Corporation; (4) a new powerhouse having an installed capacity of 1,000 kW; (5) a new tailrace; (6) new transmission lines and switchyard equipment; and (7) appurtenant works. The dam and reservior are owned by the Pennsylvania Egg Carton Corporation. The applicant estimates that the average energy output would be 6,600,000 kWh.

Purpose of Project—Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $60,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 18, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS",

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4128. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11681 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4127-000]

Long Lake Energy Corp.; Application for Preliminary Permit

April 14, 1981.

Take notice that the Long Lake Energy Corportation (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4127 to be known as the Warrensburg Project located on the Schroon River in Warren County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Don Hamer; Long Lake Energy Corporation; 330 Madison Avenue, 7th Floor; New York; New York 10017. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing 15-foot high concrete gravity dam, originally 100 feet long, now breached at the north end for 25 feet which will require new construction; (2) the existing reservoir with a surface area of 52 acres at a mean elevation of 620.0 feet (USGS datum); (3) a new penstock; (4) a new powerhouse with a generating capacity of 1,800 kW; (5) a new tailrace; (6) new transmission lines and switchyard equipment; and (7) appurtenant works. The owner of the dam is the Warrensburg Board & Paper Company. The Applicant estimates that the average annual energy output would be 10,000,000 kWh.

Purpose of Project—Project energy would be sold to the Niagara Mohawk Power Corporation.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under permit would be $72,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 17, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 18, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in repsonse to this notice of application for preliminary permit for Project No. 4127. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11680 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-264-000]

Michigan Gas Storage Co.; Application

April 10, 1981.

Take notice that on April 1, 1981, Michigan Gas Storage Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. CP81-264-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new city gate station in Midland Township, Midland County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate a new city gate station in order to deliver sufficient gas supplies to Consumers Power Company's (Consumers) Midland distribution system which is connecting a new load of 651 Mcf of natural gas per hour for three boilers. It is stated that the boilers would supply start-up and test steam at the Midland nuclear plant.

Applicant states that it would construct the facilities in Midland Township, Midland County, Michigan, which would connect by an 8-inch line with Applicant's 12-inch Missaukee Line at Gordonville Road. Consumers' distribution system would extend from the new city gate station to the Midland nuclear plant located in Section 27 of the same township and county.

Applicant estimates the total cost of the proposed facilities to be $371,000 which would be initially financed by internally generated funds to be reimbursed by Consumers.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11638 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-405-000]

Middle South Services, Inc.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that on *April 6, 1981,* Middle South Services, Inc. (Services) notified the Federal Energy Regulatory Commission that on January 22, 1981, effective as of January 1, 1981, Arkansas Power & Light Company (APL) and Arkansas-Missouri Power Company (AMP) were consolidated and the latter company was dissolved. Therefore, the rate schedule designations for the Agreement Among APL, AMP, Louisiana Power & Light Company, Mississippi Power & Light Company, New Orleans Public Service Inc. and Services should be changed to exclude AMP.

Services states that APL has filed notice on March 11, 1981, pursuant to Section 35.16 of the Commission's Regulations, a Notice of Succession whereby it adopts, ratifies and makes its own in every respect Arkansas-Missouri Power Company Schedule No. 38.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petiton to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11657 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No., CP81-259-000]

Mississippi River Transmission Corp.; Application

April 13, 1981.

Take notice that on March 30, 1981, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP81-259-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing over a 3-year period the acquisition and conversion and operation of up to five production/exploratory wells, and the construction and operation of related gathering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to acquire over a three-year period five production/exploratory wells and to convert them for use as storage observation or injection/withdrawal wells within the existing boundaries of Applicant's East and West Unionville Storage Fields located in Lincoln Parish, Louisiana. Applicant further proposes to construct and operate certain related gathering lines necessary to connect such wells to the existing storage field gathering systems.

Applicant estimates the total cost of the proposed project to be a maximum of $2,000,000 which would be financed by available funds and/or short-term loans.

It is stated that the geographic area in which Applicant's East and West Unionville Storage Fields are located is one which has in recent years received the renewed interest of natural gas producers which believe that formations underlying the storage formations may contain natural gas in commercially producible quantities. Applicant feels that these exploratory wells could be abandoned by producers at almost any time and believes that some of the wells which may be abandoned would be located in areas in which a storage observation well or injection/withdrawal well would be useful. Applicant avers that producers might be willing to sell abandoned wells to

Applicant for an amount approaching salvage value. Applicant explains that the blanket authorization sought herein is necessary in order that Applicant might act quickly in acquiring abandoned wells before the producer removes casing or plugs the well.

Any person desiring to be heard or to make any protest with reference to said applicant should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11639 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-207-000]

Monterey Pipeline Co.; Application for Approval of Rates

April 13, 1981.

Take notice that on March 23, 1981, Monterey Pipeline Company (Applicant), 1700 Commerce Building, New Orleans, Louisiana 70112, filed in Docket No. ST81-207-000 an application pursuant to Section 311(a) of the Natural Gas Policy Act of 1978 and § 284.123 of the Regulations thereunder for approval of rates for the transportation of natural gas on behalf of Southern Natural Gas Company (Southern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide a transportation service for Southern pursuant to an agreement dated March 1, 1981. Applicant states it would transport up to 40,000 Mcf of natural gas per day for a period up to two years. Applicant further asserts it would receive gas for Southern at a tap located on Applicant's existing Baton Rouge-South No. 1 mainline in St. Martin Parish, Louisiana, and would redeliver the gas to Sugar Bowl Gas Corporation (Sugar Bowl) for the account of Southern at existing or other mutually agreeable future points of interconnection with Sugar Bowl. It is further asserted that in the event Sugar Bowl is unable to receive sufficient gas at such points Applicant would redeliver the gas directly to Southern at mutually agreeable points. This transportation service, it is submitted, would be subject to interruption by Applicant to the extent necessary to provide adequate service to Applicant's intrastate customers.

Applicant would charge Southern a fee not to exceed 17.5 cents per million Btu, a fee it represents as equitable. Southern, it is stated, would also reimburse Applicant for any present and future applicable taxes.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11640 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4151-000]

Municipal Electric Power Association of Virginia; Application for Preliminary Permit

April 14, 1981.

Take notice that Municipal Electric Power Association of Virginia (Applicant) filed on February 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4151 to be known as the R. D. Bailey Project located on the Guyandotte River in Mingo and Wyoming Counties, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. R. Michael Amyx, Executive Secretary/Treasury, Municipal Electric Power Association of Virginia, 311 IRONFRONTS, P.O. Box 752, Richmond, Virginia 23206. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' R. D. Bailey Dam and Reservoir and would consist of: (1) a penstock utilizing the existing outlet works tunnel near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 19,000 kW; (3) a tailrace; (4) a new transmission line, approximately 4 to 5 miles long; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 52,000,000 kWh.

Purpose of Project—Project energy would be utilized by the fifteen municipal utility members of MEPAV.

Proposed Scope and Cost of Studies under Permit.—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $230,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine

the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to West Virginia Renewable Resources, Inc.'s application for Project No. 3415 filed on September 2, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be received on or before May 14, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4151. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11682 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-383-000]

NPP-PJM Group, et al.; Supplement to Interconnection Agreement

April 10, 1981.

In the matter of NPP-PJM Group Interconnection Agreement, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Incorporated, Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange and Rockland Utilities, Incorporated, Rochester Gas and Electric Corporation, (Above Referred to Collectively as the NYPP Group), Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, Atlantic City Electric Company, and Delmarva, Power & Light Company (above referred to collectively as the PJM group).

The filing company submits the following:

Take notice that on March 31, 1981 the Office of the Pennsylvania-New Jersey-Maryland Interconnection filed on behalf of the above listed utilities a Supplemental Agreement dated March 26, 1981, modifying the Interconnection Agreement between the NYPP Group and the PJM Group dated April 9, 1974. The Supplemental Agreement adds Atlantic City Electric Company and Delmarva Power & Light Company as signatories to the Agreement, makes minor changes to update references to certain Schedules, and makes provision for interest penalties on past-due amounts.

No new facilities will be installed nor will existing facilities be modified in connection with the Supplemental Agreement. The filing party has requested a waiver of any otherwise applicable Rules and Regulations not already complied with and has requested an effective date of June 1, 1981.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11660 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4374-000]

New England Hydro, Inc.; Application for Preliminary Permit

April 14, 1981.

Take notice that New England Hydro, Inc. (Applicant) filed on March 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4374 to be known as the Woodsville Hydro Power Project located near the Town of Woodsville, New Hampshire, on the Ammonoosuc River in Grafton County, New Hampshire. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: New England Hydro, Inc., 130 Upton Avenue, Providence, Rhode Island 02906.

Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) an existing concrete gravity dam having a height of 23 feet, a crest length of 300 feet, and a crest elevation of 416.6 msl; (2) a reservoir having a negligible storage capacity; (3) an existing powerhouse, which would be refurbished with new turbines and generators having a total installed capacity of 640 kW; and (4) appurtenant works.

The Applicant estimates that the average annual energy output would be 3,900,000 kWh.

Purpose of Project—Project power would be sold to a local public utility.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would proceed with an application for an FERC license. Applicant estimates the cost of the studies would be $25,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permitee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing fom the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the Application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 19, 1981, either the competing application itself or a notice of intent to file a competing application. Submisson of a timely notice of intent allows an interested person to file the competing application no later than August 18, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 19, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION","PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4374. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additonal copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washingotn, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11683 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4341-000]

Niagara Mohawk Power Corp.; Application for Preliminary Permit

April 14, 1981.

Take notice that Niagara Mohawk Power Corporation (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for proposed Project No. 4341 to be known as the Little Falls Project located on the Mohawk River and the New York State Barge Canal in the City of Little Falls, Herkimer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: John H. Terry, Esquire, Senior Vice-President, General Counsel and Secretary, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, New York 13202. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would consist of: (1) an overflow-type dam in two sections with spillway crest elevation 362.0 m.s.l. and surmounted by proposed one-foot high flashboards; (2) a reservoir having a storage capacity of 209 acre-feet at normal pool elevation 363.0 m.s.l.; (3) a portion of the New York State Barge Canal (to be used as an intake channel from the Mohawk River); (4) a reinforced-concrete intake structure with trash racks and gates, and an ice sluice structure, located on the left (north) bank of the Barge Canal; (5) two 12-foot diameter steel penstocks about 120 feet in length; (6) a concrete powerhouse located on the right (south) bank of the Mohawk River containing two generating units having a total rated capacity of about 8,400-kW and operated under a 41-foot head; (7) an outdoor switchyard; (8) a 175-foot long 46-kV transmission line; and (9) appurtenant facilities. The Applicant estimates that the average annual energy output would be 35,400,000 kWh.

Purpose of Project—Project energy would be sold to Applicant's customers within its service area.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would review its completed feasibility study, perform legal and financial reviews, consult with Federal, State, and local agencies, prepare a preliminary engineering design including surveying and mapping, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit would be $240,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the

proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to that of Little Falls Hydroelectric Associates Project No. 3509 filed on September 29, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 13, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4341. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11684 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-254-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

April 13, 1981.

Take notice that on March 27, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-254-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has acquired an 8.75 percent interest in reserves in Sough Marsh Island Block 265, offshore Louisiana, from Cabot Corporation and proposes to sell up to 20 percent of such gas to Panhandle in partial consideration for the transportation of such gas.

Applicant submits that on March 4, 1980, it entered into an agreement with Michigan Wisconsin Pipeline Company (Mich Wis) under which Mich Wis would transport Applicant's Block 265 gas from the platform in Block 265 to the Pecan Island station, Vermilion Parish, Louisiana, and deliver said gas to Columbia Gulf Transmission Company (Columbia) for Applicant's account. It is further submitted that Columbia would transport gas received at the Pecan Island station to the existing point of interconnection between the facilities of Columbia and Trunkline Gas Company (Trunkline) located in Acadia Parish, Louisiana (Egan).

Applicant states that on November 25, 1980, it entered into a transportation and sales agreement with Panhandle and Trunkline pursuant to which Trunkline would receive Applicant's Block 265 gas at the Egan delivery point and transport it to Trunkline's Longville, Louisiana, compressor station located in Beauregard Parish, Louisiana. It is submitted that the gas would be transported from the Longville compressor station to Applicant's system by Trunkline and Panhandle pursuant to the terms of a transportation agreement between Applicant, Trunkline and Panhandle dated September 24, 1976.

Applicant asserts that as partial consideration for the transportation of Applicant's Block 265 gas, Panhandle has a continuing option to purchase up to 20 percent of the volume of Applicant's Block 265 gas received by Trunkline.

It is submitted that the gas would be sold to Panhandle on a monthly cost of service basis which cost represents Applicant's cost of gas at the point of delivery to Trunkline. Applicant estimates the average cost of service per Mcf for the first year of operations to be $3.30.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11042 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-33-001]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend

April 10, 1981.

Take notice that on March 27, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-33-001 a petition to amend the order issued January 13, 1981, in said docket pursuant to Section 7 of the Natural Gas Act and Section 157.7(g) of the REgulations thereunder (18 CFR 157.7(g)) so as to authorize an increase in the total and the single project cost limitations prescribed therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it was authorized by order issued January 13, 1981, to construct and operate certain field compression and related metering and appurtenant facilities with a maximum total limitation of $3,000,000 and an individual project limitation of $500,000.

Petitioner proposes herein to increase the total cost limitation from $3,000,000 to $5,000,000, and to increase the single project cost limitation from $500,000 to $1,000,000. Petitioner contends that such an increase would be commensurate with the increased costs of the construction of compression facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-11062 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-255-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

April 10, 1981.

Take notice that on March 27, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-255-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation and sales agreement with Panhandle and Trunkline Gas Company (Trunkline) dated November 5, 1980, Applicant proposes to sell to Panhandle up to 20 percent of its 47.3 percent interest in natural gas reserves in Eugene Island Blocks 384/385, offshore Louisiana, as partial consideration for Panhandle's transportation of the dedicated reserves. It is stated that such quantities are purchased by Applicant from Union Texas Petroleum, a Division of Allied Chemical Corp.

Applicant asserts that it has entered into an agreement with Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) wherein Tennessee would receive Applicant's Blocks 384/385 gas at a point of interconnection between the jointly owned pipeline facilities extending from Block 384 and Tennessee's facilities in Eugene Island Block 342. Tennessee, it is asserted, would transport the gas onshore and deliver it to Trunkline at the Kinder delivery point in Jefferson Davis Parish, Louisiana. Trunkline, it is submitted, would transport the gas to its Longville, Louisiana, compressor station in Beauregard Parish, Louisiana, for further delivery by Panhandle and Trunkline to Applicant's system.

Applicant states that the gas would be sold to Panhandle on a monthly cost of service basis which is estimated to average $3.28 per Mcf for the first year.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required therein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will by duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11041 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-277-006]

Northwest Pipeline Corp.; Amendment to Application

April 10, 1981.

Take notice that on March 27, 1981, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP79-277-006 an amendment to its pending application in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect delivery of gas to Southwest Gas Corporation (Southwest) at an additional point in Owyhee County, Idaho, all as more fully set forth in the

amendment which is on file with the Commission and open to public inspection.

Applicant states that in its pending application in the instant docket, it proposed, *inter alia*, to sell and deliver to Southwest up to 15,000 Mcf of natural gas per day and up to 1,500,000 Mcf during the 1980–81 winter season pursuant to its Rate Schedule WS–1. It is stated that deliveries were made to El Paso Natural Gas Company (El Paso) at an interconnection between the facilities of Applicant and El Paso in LaPlata County, Colorado.

Pursuant to a new agreement between Applicant and Southwest dated March 20, 1981, Applicant proposes herein to establish a second delivery point for delivery of gas to Southwest at the interconnection of the facilities between Applicant and Southwest on the Idaho-Nevada state line in Owyhee County, Idaho.

It is asserted that because of mild weather on El Paso's system and an improving gas supply, Southwest may be unable to sell its WS–1 volumes to El Paso in order to continue to satisfy its minimum take obligation. The additional delivery point proposed herein would allow Southwest to back out volumes available from Applicant which do not require minimum volume purchases, it is explained. Southwest, it is therefore stated, would be able to purchase the remainder of the 60 percent minimum take level of its WS–1 purchases from Applicant.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All person who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–11643 Filed 4–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–242–000]

Northwest Pipeline Corp.; Application

April 10, 1981.

Take notice that on March 17, 1981, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP81–242–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to replace three deteriorated 12-inch meter runs at its Ignacio Meter Station located in LaPlata County, Colorado, with three 16-inch meter runs. Applicant further proposes to add a fourth 16-inch meter run in order to assure continuity of service during periods when normal maintenance requires one meter run to be removed from service. Such facilities, it is asserted, are utilized to measure volumes of natural gas delivered to El Paso Natural Gas Company.

It is submitted that the present capacity of the existing facilities is approximately 410,000 Mcf per day and that the replacement facilities would have a maximum capability of 640,000 Mcf per day in the event that all four runs are operated simultaneously.

Applicant states that the existing meter runs were installed in 1956 and their physical condition has deteriorated significantly over the years.

Applicant estimates that the cost of installing the four meter runs would be $920,400 which would be financed from funds on hand or from short-term borrowings to be subsequently repaid from funds generated through a permanent form of financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–11661 Filed 4–16–81; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP81–247–000]

Northwest Pipeline Corp.; Notice of Application

April 13, 1981.

Take notice that on March 20, 1981, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP81–247–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Chevron Chemical Company (Chemical), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a transportation agreement dated March 3, 1981, to transport up to 5,000 Mcf of natural gas per day for the account of Chemical exclusive of Chemical's share of operational fuel, lost or unaccounted-for gas, and processing losses for a term of five years. Chemical, it is asserted, would use the gas as process fuel and feedstock in the manufacture of anhydrous ammonia which would then be used as a raw material in the manufacture of nitrogeneous fertilizers.

It is stated that pursuant to two gas purchase contracts dated December 15, 1980, Chemical would purchase a supply of natural gas from Chevron U.S.A. Inc. at central points in the Ryckman Creek

and Painter Reservoir fields, Uinta County, Wyoming. It is asserted that Chemical would deliver its gas to Applicant at either a point of interconnection between the facilities of Applicant and Amoco Production Company located in Uinta County, Wyoming, (Ryckman delivery point) or at the Painter delivery point also located in Uinta County, Wyoming. Applicant states that from the delivery points it would transport Chemical's gas through the Ryckman-Painter gathering line to an existing interconnection with Applicant's main line at the Opal Gasoline Plant and from this interconnection the gas would be transported through Applicant's main line for redelivery for Chemical's account at Applicant's existing connection with the Phillips Pacific Chemical Company Coulee Plant in Benton County, Washington.

Applicant states that it would charge Chemical at the rate of 20.34 cents per Mcf of gas transported. It is stated that the fuel lost and unaccounted-for gas would be supplied in kind to Applicant by Chemical. It is stated that in the event Applicant must install incremental gathering or mainline transmission facilities in order to permit continued service to its existing customers while executing the transportation of Chemical's gas, Chemical has agreed to bear the full cost-of-service associated with the incremental facilities. It is further asserted that for each million Btu of gas and associated liquids and liquefiable hydrocarbons delivered to Applicant by Chemical, Chemical would pay Applicant the gathering rate per million Btu for the Ryckman-Painter Area which is presently 30.2 cents per million Btu. In addition, Applicant states that if it must compress or cause to be compressed Chemical's gas in order for it to enter Applicant's facilities then Chemical would reimburse Applicant for its actual cost-of-service including amortization and a reasonable rate of return, of providing such compression. Finally, it is stated, that Chemical would also reimburse Applicant if Applicant incurs costs for processing to remove liquid or liquefiable hydrocarbons prior to Chemical's gas entering Applicant's facilities, or if Applicant incurs costs for treatment to attain the quality specifications contained in the transportation agreement, or for the costs incurred should Chemical elect to have its gas processed at Applicant's Opal Gasoline Plant. It is asserted that the current processing rate at the Opal Gasoline Plant is 5.72 cents per Mcf.

Applicant states that it has the capacity sufficient to perform the proposed transportation service without detriment or disadvantage to its existing customers and that in the event Applicant would not have sufficient capacity for its existing customers which are dependent on its system supply would be given priority service.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11644 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST80-5-001]

ONG Western, Inc.; Filing of Extension Report

April 10, 1981.

Take notice that on March 17, 1981, ONG Western, Inc. (Applicant), 624 Boston Avenue, Tulsa, Oklahoma 74119, filed in Docket No. ST80-5-001 an extension report pursuant to Section 311 of the Natural Gas Policy Act of 1978 and Part 284 of the regulations thereunder giving notice of Applicant's intention to continue the sale of natural gas to United Gas Pipe Line Company (United) for an additional two-year period, all as more fully set forth in the extension report which is on file with the Commission and open to public inspection.

Applicant states that it initiated the sale of natural gas to United on November 29, 1979, and now proposes to extend such sale for an additional two-year period.

Applicant estimates that the daily quantities of gas to be sold to United States would be 100 billion Btu with the total quantity to be sold during the two-year period to be approximately 62.5 trillion Btu.

Applicant states that the rate to be charged for the gas sold to United would be equal to: (a) Applicant's weighed average acquisition cost of natural gas per million Btu at 14.73 psia for the month during which gas is delivered, plus (b) a fee of 10.0 cents per million Btu as compensation for expenses incurred by Applicant and associated with the gathering, treatment, processing, transportation and delivery of natural gas hereunder including a reasonable profit on such services, plus (c) an adjustment to reflect any differences between the weighted average acquisition cost of natural gas used for billing purposes for the most recent billing period and the actual weighted average acquisition cost experienced during the same billing period for which actual data are presently available and for which the actual weighted average acquisition costs of natural gas have not yet been recovered.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before April 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11845 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RE81-15-000]

Pennsylvania Electric Co.; Application for Waiver

April 14, 1981.

Take notice that Pennsylvania Electric Company (Penelec), on December 22, 1981, filed an application for waiver from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Waiver is sought from the requirements to file on or before June 30, 1982, certain jurisdictional load data separately for Penelec's New York customers located in the Waverly, New York area by retail regulatory jurisdiction, pertaining to its cost of providing electric service as specified in § 290.401(b).

In its application for exemption, Penelec states that it should not be required to file the specified data for the following reasons:

(1) The amount of plant in service, the number of customers and total of sales in the State of New York are less than 1% of the total Penelec system, plant, customers and sales.

(2) The Company-wide load data research would produce appropriate data for use in both Pennsylvania and New York.

(3) The isolation of the total load served in the State of New York would require significant expenditures.

Copies of the application for waiver are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for waiver should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, on or before 45 following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on Penelec, addressed to: c/o GPU Service Corporation, Attention: Mr. F. D. Hafer, Vice President—Rate Case Management, 100 Interpace Parkway, Parsippany, New Jersey 07054.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11685 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-392-000]

Pennsylvania Power & Light Co.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that Pennsylvania Power & Light Company (PP&L), on March 31, 1981, tendered for filing proposed changes in its FERC Rate Schedule Nos. 28, 32, 45, 50, 51, 54, 56, 57, 58, 63, 65, 69, 70, 71 and 61, applicable to the Boroughs of Watsontown, Duncannon, Blakely, Weatherly, Schuylkill Haven, Perkasie, St. Clair, Catawissa, Ephrata, Lehighton, Olyphant, Hatfield, Mifflinburg, Quakertown and to Citizens Electric Company of Lewisburg, respectively. The proposed changes would increase revenues from jurisdictional sales and service by $2,074,266, or 13.1%, based on the 12-month period ending December 31, 1981.

The proposed increase is required by the increase in the cost of providing service to said jurisdictional customers which PP&L has experienced since the base rates of these customers were last adjusted in November of 1976.

Copies of the filing were served upon PP&L's jurisdicitional customers named above and upon the Pennsylvania Public Utility Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11663 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-400-000]

Pennsylvania Power & Light Co.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that Pennsylvania Power & Light Company (PP&L) on April 3, 1981, tendered for filing a Capacity and Energy Sales Agreement, dated September 24, 1979 between PP&L and Atlantic City Electric Company (AC).

The Agreement provides for the sale by PP&L to AC of 5.94 percent of the net capacity and energy output of each unit of PP&L's Susquehanna Steam Electric Station located in Salem Township, Luzerne County, Pennsylvania. The Agreement also provides that PP&L will provide a transmission service for AC from the Susquehanna Steam Electric Station to PP&L's points of interconnection with other electric utilities or transmission systems. PP&L proposes that the filing be effective the day Susquehanna Unit No. 1 is placed into commercial operation.

Copies of the filing were served upon AC, the Pennsylvania Public Utility Commission, and the New Jersey Board of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 1, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11681 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-394-000]

Public Service Company of Oklahoma; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that on April 1, 1981, the Public Service Company (PSO) tendered for filing a Letter Agreement dated November 19, 1980 between PSO and

Gulf States Utilities (GSU) which provides for PSO to transfer 133,900 megawatt hours of its entitlement for the 1981 summer exchange period. This entitlement, provided for in the agreement between Tennessee Valley Authority and the Mississippi Power and Light Company for delivery of the allocated diversity capacity and energy within the South Central Electric Companies' agreement rate schedule FERC No. 118 with SWEPCO. PSO states that it desires to tranfer the energy and accompanying capacity entitlement to reduce its excess reserves in 1981 and GSU desires to purchase this entitlement for its system requirements in the summer exchange period.

PSO requests the proposed sale to become effective as of May 25, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11664 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-17888-005, et al.]

Shell Oil Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

April 10, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 28, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure base
G-17888-005, C, Mar. 12, 1981	Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001	El Paso Natural Gas Co., Sizelove 1-35 Well, Section 35-T4N-R27ECM, Clear Lake and Madison Fields, Beaver County, Okla.	(1)	14.65
G-17979-001, C, Mar. 24, 1981	ARCO Oil & Gas Co., A Division of Atlantic, Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Transwestern Pipeline Co., Fulton-Sell Unit, Well No. 1, Section 905, Block 43, H & TC Survey Lipscomb County, Tex.	(2)	14.65
G-2755-000, D, Mar. 25, 1981	Kerr-McFee, Bison Gas Co. & Joseph Allen Fear, Jr., P.O. Box 25861, Oklahoma City, Okla. 73125.	Phillips Petroleum Co., Texas-Hogoton Field, Sherman County, Tex.	(3)	
CI60-511-000, C, Mar. 26, 1981	ARCO Oil & Gas Co., Division of Atlantic, Richfield Company, P.O. Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Apple Gas Unit, Well No. 1, All of Section 33-1N-20 ECM and all of Lot 1, Section 4-1S-20 ECM, Beaver County, Okla.	(4)	
CI61-691-001, C, Mar. 20, 1981	do	Michigan Wisconsin Pipe Line Co.; Orie C. Johnson Unit, Well No. 2, Section 5, T21N, R16W Major County Okla.	(5)	14.65
CI61-1213-000, D, Mar. 27, 1981	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	Transwestern Pipeline Co.; Atoka Field, Eddy County, N. Mex.	(6)	
CI63-886-002, D, Mar. 23, 1981	General American Oil Co. of Texas, Meadows Building, Dallas, Tex. 75206.	Columbia Gas Transmission Corp (Successor to the United Fuel Gas Co., West Duson Field, Lafayette Parish, La.	(7)	
CI76-629-003, C, Apr. 1, 1981	Conoco Inc., P.O. Box 2197, Houston, Tex. 77001	Tennessee Gas Pipeline Co., West Cameron Block 66, Offshore Louisiana.	(8)	14.73
CI81-237-000, A, Mar. 10, 1981	do	Texas Eastern Transmission Corp., West Cameron Block 459, Offshore Louisiana.	(9)	15.025
CI81-275-000, A, Mar. 25, 1981	Freeport Oil Co., P.O. Box 61922, New Orleans, La. 70161.	Transcontinental Gas Pipe Line Corp West Delta Block 34 (North Half) Offshore Louisiana.	(10)	15.025
CI81-276-000, A, Mar. 25, 1981	do	Transcontinental Gas Pipe Line Corp., High Island Block A-492, Offshore Texas.	(11)	14.65
CI81-277-000, A, Mar. 30, 1981	Samedan Oil Corp., P.O. Box 909, Ardmore, Okla. 73401.	Sea Robin Pipeline Co., Blocks 232 and 239, East Cameron Area, Offshore Louisiana.	(12)	15.025
CI81-278-000 (CI76-109), B, Mar. 27, 1981.	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001	Columbia Gas Transmission Corp., West Cameron Block 544, Offshore Louisiana.	(13)	
CI81-279-000, E, Mar. 30, 1981	Southland Royalty Co., (Successor in Interest to Shenandoah Oil Corp), 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Rio Arriba County, N. Mex.	(14)	14.65

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per mcf	Pressure base
CI81-280-000, E, Mar. 30, 1981	do	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	(15)	15.025
CI81-281-000, E, Mar. 30, 1981	do	El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.	(16)	15.025
CI81-282-000, E, Mar. 30, 1981	do	do	(17)	15.025
CI81-283-000 E, Mar. 30, 1981	do	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	(18)	14.65
CI81-284-000, E, Mar. 30, 1981	do	El Paso Natural Gas Co., Lea County, N. Mex	(19)	14.65
CI81-285-000 E, Mar. 30, 1981	do	do	(20)	14.65
CI81-286-000, E, Mar. 30, 1981	do	El Paso Natural Gas Company, Lea County, N. Mex	(21)	14.65
CI81-287-000, E, Mar. 30, 1981	do	do	(22)	14.65
CI81-288-000, E, Mar. 30, 1981	do	do	(23)	14.65
CI81-289-000 F, Apr. 2, 1981[24]	The Superior Oil Co. (Successor in interest to Canadian Superior Oil (U.S.) Ltd., P.O. Box 1521, Houston, Tex. 77001.	United Gas Pipeline Company, Block A-325, High Island Area, Offshore,Texas.	(25)	14.73
CI81-290-000, A, Apr. 3, 1981	Alminex U.S.A., Inc., P.O. Box 1521, Houston, Tex. 77001.	do	(25)	14.73
CI81-291-000, A, Apr. 3, 1981	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Eastern Transmission Corporation, Block 528, West Cameron Area, Offshore Louisiana.	(26)	15.025
CI81-292-000, A, Apr. 3, 1981	Alminex U.S.A., Inc., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Company, Block A-325, High Island Area, Offshore Texas.	(25)	14.65
CI81-293-000, F, Apr. 3, 1981[24]	The Superior Oil Co. (Successor in interest to Canadian Superior Oil (U.S.) Ltd., P.O. Box 1521, Houston, Tex. 77001.	do	(25)	14.65
CI81-294-000, A, Apr. 6, 1981	Samedan Oil Corp., P.O. Box 909, Ardmore, Okla. 73401.	Tennessee Gas Pipeline Corporation, Brazos Block A-28 Field, Offshore Texas.	(27)	14.65

[1] Applicant is filing under Gas Purchase Agreement dated May 19, 1958, as amended.
[2] Applicant is filing under Gas Purchase Agreement dated May 12, 1980, amended by Letter Agreement dated November 12, 1980.
[3] The well on the lands covered by this Application has been plugged and the lease has been released of record.
[4] Applicant is seeking authorization for the sale of gas attributable to an additional working interest acquired until payout of the well pursuant to the sole risk clause of the operating agreement governing the Apple Gas Unit Well #1.
[5] Applicant is filing under Gas Purchase Contract dated 10-17-60.
[6] Leases no longer owned by Applicant.
[7] The leasehold interests which were not acquired by General American expired or were released prior to the acquisition because there had been no sales of natural gas attributable to such leasehold interests and the acreage was considered to be nonproductive.
[8] Applicant is filing under Gas Purchase and Sales Agreement dated June 17, 1976, as amended March 9, 1981.
[9] Applicant is filing under Gas Purchase Contract dated November 6, 1980.
[10] Applicant is willing to accept a certificate conditioned upon the applicable ceiling price established by the Natural Gas Policy Act of 1978 and permitted by the terms of Gas Purchase Contract dated March 1, 1981.
[11] Not used.
[12] Applicant is filing under Gas Purchase Contract dated April 22, 1980.
[13] The gas underlying the West Cameron Block 544 is considered depleted. The lease covering the dedicated acreage expired on March 29, 1980.
[14] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated January 22, 1953.
[15] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated March 15, 1968.
[16] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated July 18, 1957.
[17] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated October 20, 1966.
[18] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated November 19, 1963.
[19] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated May 11, 1953.
[20] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated April 12, 1954.
[21] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated February 1, 1955.
[22] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated October 3, 1952.
[23] Effective as of February 1, 1979, Southland acquired all of Shenandoah's interest in properties covered by contract dated September 23, 1952.
[24] The Superior Oil Company succeeded to the interest of Canadian Superior Oil (U.S.) Ltd. in this property on February 28, 1981.
[25] Applicant is willing to accept an initial rate consistent with that prescribed by the Natural Gas Policy Act of 1978.
[26] Applicant is filing under Gas Purchase Contract dated March 23, 1981.
[27] Applicant is filing under Gas Purchase Contract dated October 30, 1980.
[1] Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-11646 Filed 4-16-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-251-000

Southern Natural Gas Co.; Application

April 10, 1981.

Take notice that on March 25, 1981, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP81-251-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of offshore pipeline and appurtenant facilities necessary to connect gas supplies located in Blocks 632, 656, and 657, Matagorda Island area, offshore Texas, to Applicant's Matagorda offshore pipeline system in Block 658, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas purchase contract dated December 24, 1980, Applicant acquired the right to purchase from Exxon Corporation (Exxon) the natural gas reserves to be produced from Blocks 632, 656, and 657, Matagorda Island area, offshore Texas. It is stated that the potential gas reserves in Block 632 are estimated to be up to 14,100,000 Mcf while estimated reserves of up to 16,500,000 Mcf exist in Blocks 656 and 657. Applicant estimates the initial deliverability to be 14,500 Mcf of natural gas per day from Matagorda Island Block 632 and 10,500 Mcf per day from Blocks 656 and 657.

Applicant states that in order to receive such dedicated gas reserves it proposes to construct and operate (1) approximately 2 miles of 6⅝-inch pipeline which would extend from Exxon's production "B" platform in Block 657 to Exxon's production "A" platform in Block 632; (2) approximately 6 miles of 10¾-inch pipeline to extend from production "A" platform to a point of interconnection with Applicant's Matagorda offshore pipeline system in or near Block 658; (3) a receiving station and appurtenant facilities; and (4) one 2,700 horsepower compressor station. It is asserted that both the receiving station and compressor station would be installed on production "A" platform in Block 632.

Applicant estimates the total cost of the proposed facilities to be $8,752,000 which would be financed initially by short-term financing and/or cash from current operations and ultimately with permanent financing. Applicant further submits that Exxon would reimburse Applicant for Exxon's ratable portion of the cost of the compressor unit's installation, operating maintenance, and repair expense.

Any person desiring to be heard or to make any protest with reference to said

application should on or before May 1, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11665 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-395-000]

Southwestern Electric Power Co.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that on April 1, 1981, Southwestern Electric Power Company (SWEPCO) tendered for filing a letter agreement between SWEPCO and Gulf States Utilities Company (GSU) dated October 2, 1978, and Amendment dated March 10, 1981, which provides for SWEPCO to offer to sell and GSU to purchase capacity without reserves from specific generating units of Public Service Company of Oklahoma according to the following schedule:

Period	Unit No.	MW rated capability	MW amount offered
June 1, 1981 to May 31, 1982.	Northeastern 3	450	60
June 1, 1982 to May 31, 1983.	do	450	100
June 1, 1983 to May 31, 1984.	do	450	45

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11666 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP75-23-008]

Tennessee Gas Pipeline Co., Division of Tenneco Inc.; Petidon To Amend

April 13, 1981.

Take notice that on April 1, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-23-008 a petition to amend the order issued March 7, 1977,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize two additional receipt points from Tenneco Oil Company (TOC), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued March 7, 1977, it was authorized to transport gas received from TOC to a point of interconnection with Creole Gas Pipeline Corporation near Yscloskey, Louisiana, for ultimate delivery to Air Products and Chemicals, Inc.

Pursuant to an amendment to its gas transportation agreement with TOC dated October 27, 1980, Petitioner proposes herein to establish new receipt points at Cocodrie, Terrebonne Parish, Louisiana, and at Katy, Waller County, Texas, for the receipt of gas from TOC. Petitioner submits that TOC has interests in certain natural gas reserves produced from the San Juan Basin in New Mexico. It is stated that deliveries would be made from the San Juan source by TOC to El Paso Natural Gas Company which would by exchange make such gas available to Tennessee at the proposed new receipt points.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11667 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP81-267-000]

Transwestern Pipeline Co.; Application

April 13, 1981.

Take notice that on April 1, 1981, Transwestern Pipeline Company (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP81-267-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of compression facilities on its Panhandle lateral, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following compression facilities on its 24-inch Panhandle lateral:

(1) A new compressor station, Station P-1, consisting of two gas turbine-driven compressors of up to 4,000 horsepower each together with appurtenant facilities located in Roosevelt County, New Mexico.

(2) A new compressor station, Station P-2, consisting of two gas turbine-driven

compressors of up to 4,000 horsepower together with appurtenant facilities located in Deaf Smith County, Texas.

(3) An additional gas turbine-driven compressor up to 4,000 horsepower at an existing compressor station, Station P–3, located in Gray County, Texas.

Applicant states that the additional compression would increase the capacity of Applicant's Panhandle 24-inch lateral by approximately 100,000 Mcf per day from Station P–3 to the Roswell compressor station No. 9 over the existing capacity of approximately 162,000 Mcf per day.

Applicant asserts that the installation of the proposed compression facilities would eliminate a severe capacity restriction on its Panhandle lateral which restriction now prevents it from maximizing purchases of available gas supplies the availability of which have shifted from the Permain to the Panhandle area.

Applicant states that the total cost of the proposed construction would be $16,319,000 which would be financed initially through existing comporate funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11646 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-261-000]

United Gas Pipe Line Co.; Application

April 13, 1981.

Take notice that on March 31, 1981, United Gas Pipe Line Company (Applicant) P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81–261–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain measuring facilities located at the Jagneaux No. 1 Well in Branch Field, Acadia Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon certain measuring facilities which were to measure and connect gas purchased by Applicant from the Jagneaux No. 1 Well at Applicant's 6-inch Opelousas Main Line. Such facilities including a 4-inch ANSI 600 orifice meter station and 2-inch tap valve were constructed pursuant to budget authority, it is stated. It is asserted that the well has been plugged and abandoned and that the landowner, Mr. A. T. Jagneaux has requested Applicant to remove the subject facilities from his property. Therefore, Applicant proposes to abandon the facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11650 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-262-000]

United Gas Pipeline Co.; Application

April 13, 1981.

Take notice that on March 31, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81–262–000 an application pursuant to Section 7(c) of the Natural Gas Act for permission and approval to abandon by sale to Kissinger Petroleum Company (Kissinger) 3.5 miles of 6-inch pipeline and appurtenant facilities in Bee County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to abandon 3.5 miles of 6-inch pipeline and appurtenant facilities which connect Kissinger's T. L. Kidd No. 1 Well to the Getty Oil Company's Normanna processing plant in Bee County, Texas. Applicant states that such facilities were to enable Applicant to receive into its system additional gas supply a''ributable to Kissinger.

Pursuant to a letter agreement dated December 1, 1978, Kissinger represented that it could deliver to Applicant total gas reserves equal to 3,250,000 Mcf, but if the actual reserve determination fell short Kissinger would reimburse Applicant for certain construction costs. It is stated that the total reserves did fall

short of the 3,250,000 Mcf thus Kissinger agreed to reimburse Applicant for the construction and take title to the subject pipeline. Applicant further submits that the proceeds from such a sale would be credited to its accumulated depreciation account.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandoment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11649 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-384-000]

VEPCO-PJM Group, et al.; Filing

April 10, 1981.

In the matter of VEPCO-PJM Group Interconnection Agreement, Virginia Electric and Power Company (Referred to as VEPCO), Public Service Electric and Gas Company, Philadelphia Electric Company, Pennsylvania Power & Light Company, Baltimore Gas and Electric Company, Jersey Central Power & Light Company Metropolitan Edison Company, Pennsylvania Electric Company, Potomac Electric Power Company, Atlantic City Electric Company, and Delmarva Power & Light Company, (Above Referred to Collectively as the PJM Group).

The filing Company submits the following:

Take notice that on March 31, 1981, the Office of the Pennsylvania-New Jersey-Maryland Interconnection filed on behalf of the above listed utilities a Supplemental Agreement dated March 26, 1981, modifying the Interconnection Agreement between VEPCO and the PJM Group dated September 30, 1965, and Schedule 4.03 replacing Schedule 4.02 to the Agreement. The Supplemental Agreement adds Atlantic City Electric Company and Delmarva Power & Light Company as signatories to the Agreement, makes minor changes to update references to certain Schedules, and makes provision for interest penalties on past-due amounts. Schedule 4.03 makes provisions for a Party to transmit Economy Energy from another Party to a system not a signatory to the Agreement.

No new facilities will be installed nor will existing facilities be modified in connection with the Supplemental Agreement or Schedule. The filing party has requested a waiver of any otherwise applicable Rules and Regulations not already complied with and has requested an effective date of June 1, 1981.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11652 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-391-000]

Western Massachusetts Electric Co.; Filing

April 10, 1981.

The filing Company submits the following:

Take notice that Western Massachusetts Electric Company (the "Company") on March 31, 1981, tendered for filing Supplement No. 4 to its Resale Service Rate CD-1 with the City of Westfield, Massachusetts. In addition, the Company tendered for filing an amendment to its Rate Schedule No. RS-1, by which it provides firm electric service to: the Town of Chester, Massachusetts; the Town of Russell, Massachusetts; Fletcher Gas and Electric Company; Massachusetts Electric Company and New York State Electric and Gas Company. The Company proposes that both amendments become effective on April 1, 1981.

The Company states that all of the customers under the rate schedule and the tariff concur in the filing and support the proposed effective date. The Company states that the rate schedule amendment provides for increased demand charges which would result in an increase of approximately $655,862.00 in test year revenues.

The Company states that it is in a financially weakened condition and the proposed rate increase is essential to maintain its ability to provide service.

The Company has requested waiver of the requirements of Section 35.3 of the Commission's regulations to permit its filing to be made less than 60 days prior to the proposed effective date of January 1, 1981.

The Company states that copies of the filing were served upon all of the affected customers, the Department of Public Utilities of the Commonwealth of Massachusetts and the Department of Public Utility of the State of Connecticut.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (10 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies

of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11807 Filed 4-16-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1807-3]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of April 6, 1981 to April 10, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from April 17, 1981 and will end on June 1, 1981. The 30-day review period for Final EISs' as calculated from April 17, 1981 will end on May 18, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3006.

Dated: April 14, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

REA: Final—Sherco-Benton 345 kV Transmission Line, Loan Guarantee, Sherburne and Benton Counties, Minnesota (EIS Order No. 810262)

SCS: Draft—Plum Bayou Watershed Protection, Flat Bayou Portion, Jefferson County, Arkansas (EIS Order No. 810266)

SCS: Final—Rattlesnake Creek Watershed Land Treatment and Channel Modification, Clinton, Fayette, Greene and Madison Counties, Ohio (EIS Order No. 810263)

SCS: Final—South Fork Licking River Watershed Multipurpose Project, Licking, Perry, and Fairfield Counties, Ohio (EIS Order No. 810268)

US Army Corps of Engineers

Draft—Seward Generating Station, Unit 7, Permits, Indiana and Westmoreland Counties, Pennsylvania (EIS Order No. 810267)

Draft—Banita and Lanana Creeks Flood Protection Plan, Nacogdoches County, Texas (EIS Order No. 810277)

Revised Draft—Carolina Beach Erosion Control and Hurricane Wave Protection, New Hanover County, North Carolina (EIS Order No. 810279)

Final—Parker Lake/Muddy Bottom Creek Multipurpose Project, Coal County, Oklahoma (EIS Order No. 810274)

Department of Commerce

Extension—Atlantic Sea Scallops FMP, published FR April 3, 1981—review period extended until May 22, 1981 (EIS Order No. 810239)

Environmental Protection Agency

EPA5: Final—Milwaukee Water Pollution Abatement Program, Milwaukee County, Wisconsin (EIS Order No. 810278)

EPA8: Final—Spearfish WWT Facilities, Grant, Lawrence County, South Dakota (EIS Order No. 810264)

Department of Housing and Urban Development

Final—Oak Ridge Estates and North Shore Development, Mortgage Insurance, San Patricio County, Texas (EIS Order No. 810269)

104H: Final—General Motors Plant Relocation, UDAG, Wyandotte County, Kansas (EIS Order No. 810275)

104H: Final—Sutherlin City Water and Sewerage Facilities, CDBG, Douglas County, Oregon (EIS Order No. 810280)

Nuclear Regulatory Commission

Final—Turkey Point Steam Generator Repair, Units 3 and 4, Dade County, Florida (EIS Order No. 810273)

Department of Transportation

FHWA: Draft—Boise River Crossing, Ada County, Idaho (EIS Order No. 810270)

FHWA: Draft—Salem Parkway and Corollary Projects, Marion County, Oregon (EIS Order No. 810271)

FHWA: Draft—Cruse Avenue Extension and North Last Chance Gulch Reconstruction, Lewis and Clark Counties, Montana (EIS Order No. 810272)

UMTA: Draft—North-East Sacramento Prospective Interstate Substitution Transportation Improvements, Sacramento County, California (EIS Order No. 810276)

FHWA: Draft—Lomas Verdes Avenue Construction, Municipalities of Bayamon, Guaynabo and San Juan, Puerto Rico (EIS Order No. 810265)

[FR Doc. 81-11739 Filed 4-16-81; 8:45 am]

BILLING CODE 6560-37-M

[OPTS-59047 TS FRL 1807-1]

Toxic Substances Control; Substituted Diphenylsulfone; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register**. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by May 11, 1981. Persons should submit written comments on the application no later than May 4, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St., SW., Washington, DC 20460, (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of and Toxic Substances, Environmental Protection Agency, Rm. E-221, 401 M St., SW., Washington, DC 20460, (202-426-3980).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-

Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined any present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacturing Notification Requirements and Review procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before May 4, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59047]". Comments received may be seen in Rm. E–401 at the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 13, 1981.

Edward A. Klein,

Director, Chemical Control Division.

TM–81–8

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Close of Review Period. May 11, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted diphenylsulfone.

Use. Claimed confidential business information.

Production Estimates. The manufacturer states that 12–15 kilograms of the substance will be manufactured for test marketing purposes.

Physical Properties. Melting point—128–130°C. No other data were submitted.

Toxicity Data. No data were submitted with the application. The manufacturer states that toxicological and environmental effects evaluation is in progress.

Exposure. The manufacturer states that (1) During manufacture of the substance for test marketing purposes, no more than four employees may be exposed during a number of activities associated with synthetsis, purification, and use of the substance; (2) Personnel involved will be required to observe proper industrial hygienic procedures such as wearing of protective garments, glasses, masks, gloves; (3) All working areas will be properly ventilated; and (4) No personnel outside the submitter will be exposed to the substance.

Environmental Release/Disposal. The manufacturer states that all byproducts are removed, in DOT-approved containers, and disposed of by incineration.

[FR Doc. 81-11602 Filed 4-16-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket: FEMA–REP–4–SC–2]

South Carolina Radiological Emergency Response Plan for Plant Summer

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of South Carolina has submitted its radiological emergency plans to the FEMA Regional office. These plans support nuclear power plants which impact on South Carolina and include those of local governments near the South Carolina Electric and Gas Company's V. C. Summer Plant located in Fairfield County, South Carolina.

DATE: Plans received March 31, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Harris M. Pope, Acting Regional Director, FEMA Region IV, 1375 Peachtree Street NE., Atlanta, Georgia 30309, (404) 881–2400, or (912) 226–1761.

NOTICE: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of the State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response plan for the State of South Carolina was received by the Federal Emergency Management Agency Region IV Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the V. C. Summer Plant, plans are included for Fairfield, Newberry, Lexington and Richland Counties.

Copies of the Plan are available for review at the FEMA Region IV Office, or

they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 1250 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Harris M. Pope, Acting Regional Director, at the above address within thirty days of this **Federal Register** notice.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting will be announced in The Charlotte Observer, The Greenville News, The State, and other local papers at least two weeks prior to the scheduled meeting. Local radio and television stations will be requested to announce the meeting.

Harris M. Pope,

Acting Regional Director.

April 8, 1981.

[FR Doc. 81-11605 Filed 4-16-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 81-27; Agreement Nos. 10355 and 10402]

Order of Investigation and Hearing and Pendente Lite Approval

Agreement No. 10355, a cooperative working arrangement between the Bank and Savill Line, Ltd. (BSL), and the Shipping Corporation of New Zealand Ltd. (SCNZ),[1] has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

Agreement No. 10355 provides for the joint operation of a cargo service in the trades between Australasia, the Pacific Islands and Gulf ports and inland points in the United States, and between ports and inland points in Australasia, the Pacific Islands and the Caribbean. Under this arrangement, BSL and SCNZ agree, among other things, to: (1) Belong to or operate independently from any conference as a group; (2) establish and maintain common rates, charges and practices in the absence of conference-prescribed rates; (3) leave each party with the sole responsibility for procuring and financing its own vessels and equipment; (4) operate up to three container vessels, each with a capacity of up to 800 TEU's, and four composite break-bulk vessels (or the equivalent in single voyage charter tonnage), each vessel having an average overall capacity of up to 750,000 cubic feet bale space within which up to 400 TEU's can be accommodated; (5) schedule containership sailings at regular intervals as warranted, supplemented by conventional sailings as necessary; (6) appoint BSL as managing agents of the service, and general agents of the service in the United States, with responsibility for collecting all revenues; (7) submit to the Commission on annual revenue tonnage report; and (8) retain the freedom to advertise their respective services separately.

Notice of the filing of Agreement No. 10355 was published in the October 30, 1978 **Federal Register**. Sea-Land Service, Inc., filed comments in which it claimed that the agreement was vague and nonspecific. Subsequently, the Proponents filed an answering memorandum and, in an effort to remove Sea-Land's objections, also modified the agreement by redefining its scope and more clearly stating its objectives. Sea-Land then withdrew its objection to approval.

SCNZ is owned and controlled by the Government of New Zealand and does not maintain a tariff with the Commission or currently operate as a common carrier in the trade. BSL commenced operations in the Australia-New Zealand-U.S. trade on January 1, 1978. BSL itself is a joint venture of the Bank Line Limited[2] and Shaw Savill and Albion Co., Ltd.[3] BSL has operated and chartered several vessels in the trade which range from 660 to 750 TEU's container capacity and 100,000 to 250,000 cubic feet break-bulk capacity.

In considering Agreement No. 10355, the Commission directed its staff to examine the authority under which BSL operated inasmuch as no approved section 15 agreement covered this joint service. Bank Line and Shaw Savill then provided information regarding BSL's formation and status. Review of this information indicated that BSL had been and was still operating in violation of section 15 and that this conduct adversely affected the approvability of Agreement No. 10355.

In order to resolve the "unauthorized operation" question, Bank Line and Shaw Savill negotiated a settlement with the Commission under 46 CFR Part 505 of any civil penalties for which they may have been liable and also filed a separate section 15 agreement (No. 10402) covering the BSL joint service. Agreement No. 10402 covers the trade between Australasia, the Pacific Islands and U.S. Gulf ports and inland points in the United States. Bank Line and Shaw Savill each contributed 50 percent of BSL's capital and each holds 50 percent of the stock and voting control.

The Proponents of Agreement No. 10402 agree that: (1) BSL will not employ more than three container vessels (each with a capacity of up to 800 TEU's) or four composite breakbulk vessels (each vessel having an average overall capacity of up to 750,000 cubic feet bale space included in which up to 400 TEU's can be accommodated), or the equivalent in charter tonnage; (2) BSL vessels will be acquired as BSL's directors determine, by purchase or charter from the parties or chartered from other sources; (3) BSL will issue its own bill of lading; (4) BSL will act as a single member of any conference, pooling agreement, or other agreement it may join; (5) BSL will establish and maintain its own tariff whenever its rates, charges, and practices are not prescribed by conference action; (6) BSL may appoint such agents, contract for such terminals and stevedores, and engage such other persons it may deem advisable in connection with its business; (7) the agreement may be terminated by: (a) Withdrawal of a party from the agreement by giving at least 12 months written notice to the other party and the Commission; or, (b) mutual agreement of the parties in which the parties will give at least 30 days written notice to the Commission; and, (8) the agreement will become effective when approved by the Commission and shall continue in effect for an initial period of five years, and thereafter may be terminated by one party giving notice to the other as required in the agreement.

Notice of the filing of Agreement No. 10402 was published in the October 8, 1980 **Federal Register**. No comments, protests, or requests for hearing were received.

The Proponents of Agreement Nos. 10402 and 10355 believe that approval of both joint ventures is appropriate under the standards established in *FMC* v. *Aktiebolaget Svenska Amerika Linien*, 390 U.S. 238, 243 (1968). They argue that the new BSL/SCNZ operation will supply an important public benefit to numerous parties, including shippers, forwarders, exporters and carriers by

[1] The Agreement states that BSL's partner would be either SCNZ or its subsidiary New Zealand Line. Filing counsel stated that the Commission would be advised when a decision on the matter was made. Obviously, the precise membership of this proposed Agreement must be resolved at an early stage of the investigation ordered herein.

[2] Bank Line, a common carrier by water, maintains several FMC tariffs providing for service between ports in Australasia, Great Britain, Northern Ireland, Eire, Scotland, Wales, Continental Europe, Scandinavia and Madagascar and ports in the U.S. Atlantic, Gulf and Pacific Coast.

[3] Shaw Savill maintained FMC tariffs on file for service between Puerto Rico and New Zealand until December 6, 1979.

providing depending service, rate stability and a trading environment relatively free of malpractices. This proposal is also alleged to meet a serious transportation need by upgrading the vessels and services available to shippers and to further the public interest by promoting commerce between the U.S. and ports in Australasia and the Pacific Islands. It is contended that Agreement No. 10355 would accomplish these objectives by facilitating the entry of a new carrier (SCNZ) which could not otherwise offer a regular service in the trade and by providing accelerated service in the trade.

Approval of Agreement No. 10402 is allegedly necessary to maintain an upgraded all-water service from and to the Gulf ports of the U.S., employing energy efficient and high technology vessels that would improve cost effectiveness in the trade. It is also submitted that approval of both agreements would promote intergovernmental harmony between the United States and New Zealand.

Both agreements are subject to the *Svenska* doctrine and must be justified to receive approval. The justification submitted to date has not been sufficient. The introduction of modern vessels and technology are generally beneficial to international commerce, but, in this instance, the Proponents have not demonstrated that the service in the trade is or would be inadequate if the Agreements were not approved. If the individual Proponents lines already own the vessels in question, these vessels may well continue in the trade even in the absence of joint service arrangements. The Proponents have also provided no information on any malpractices which now exist or would be likely to occur in the trade in the absence of the proposed joint service arrangements. Thus, the Commission believes an investigation to determine what transportation benefits would be conferred by Agreements Nos. 10355 and 10402 must be undertaken before full approval could be granted. This investigation will include an examination of the present operating conditions in the trade, the nature and extent of the breakbulk and container cargo markets, the exact activities covered by the Agreements and any transportation needs, public benefits, or regulatory purposes which Proponents believe would result from Agreements Nos. 10355 and 10402. In addition, Agreement No. 10355 provides in Article 1 that each of its parties "shall exercise its rights to freedom of action" in voting in conference matters. This provision appears to be contrary to the Commission's policy of restricting members of joint services from voting individually in conferences. The investigation shall therefore include the issue whether Article 1 should be modified to reflect the proponents' mutuality of interest. *Agreement No. 9973–3, Johnson ScanStar Voting Provision,* 18 S.R.R. 807 (1978).

Pending the ultimate dispostion of the agreements, the Commission has determined to grant *pendente lite* approval to Agreement No. 10402. No protesting party has alleged, nor does the Commission have reason to believe, that the BSL agreement, will, during the brief litigation period, create a situation inconsistent with the purposes of section 15. Moreover, abrupt cessation of the BSL joint service would unnecessarily disrupt legitimate commercial expectations of shippers and carriers alike.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), a proceeding is instituted to determine whether: (1) Agreement NO. 10402 should be approved, disapproved or modified; and (2) Agreement No. 10355 should be approved, disapproved, or modified under the provisions of section 15; and

It is further ordered, That the Bank and Savill Line, Ltd., the Bank Line Limited, Shaw Savill and Albion Co., Ltd., and the Shipping Corporation of New Zealand, Ltd., and New Zealand Line are designated as Proponents in this proceeding; and

It is further ordered, That this matter be assigned for public hearing and decision by an Administrative Law Judge at a date and place to be hereafter determined by the Commission's Presiding Administrative Law Judge, within the time limits proscribed in 46 CFR 502.61. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record; and

It is further ordered, That this Order be published in the **Federal Register** and a copy served upon Proponents and the Commission's Bureau of Investigation and Enforcement; and

It is further ordered, That other persons having an interest in participating in this proceeding may file a petition for leave to intervene in accordance with section 46 CFR 502.72 of the Commission's Rules (46 CFR 502.72); and

It is further ordered, That all future notices, orders, or decisions issued this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by any party in this proceeding be filed in accordance with § 502.118 of the Commission's Rules (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-11806 Filed 4-16-81; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR-37; Federal Procurement Supplement 11]

Voluntary Wage and Price Standards; Companies Not in Compliance

March 23, 1981.

To: Heads of Federal agencies.

Subject: Companies not in compliance with the Voluntary Wage and Price Standards.

1. *Purpose.* This Supplement 11 cancels FPR Bulletin 37, dated August 17, 1979, and Supplement 10, dated December 29, 1980.

2. *Effective date.* This bulletin was effective January 29, 1981.

3. *Expiration date.* This bulletin expires October 31, 1981.

4. *Background.* Executive Order 12092, OFPP Policy Letter 78–6, and FPR Temporary Regulation 56 implemented the President's anti-inflation program by requiring that Federal contractors comply with voluntary wage and price standards. Listings of noncompliant companies were published in GSA Bulletin FPR 37, Supplements 1 through 10. Executive Order 12288 revoked Executive Order 12092, and OFPP rescinded OFPP Policy Letter 78–6. A separate FPR amendment will cancel FPR Temporary Regulation 56 which implemented the Executive Order and the Policy Letter.

5. *Cancellation.* This bulletin cancels GSA Bulletin FPR 37, and Supplement 10.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81-11559 Filed 4-16-81; 8:45 am]

BILLING CODE 6820-61-M

[Intervention Notice 135]

Northwestern Bell Telephone Co., Minnesota Public Utilities Commission, Proposed Intervention in Telecommunications Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Minnesota Public Utilities Commission concerning the application of the Northwestern Bell Telephone Company for an increase in telecommunications rate increase proceeding. GSA represents the interests of the Executive Agencies of the U.S. Government as users of telecommunications services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Charles V. Curcio, Assistant General Counsel, Automated Data and Telecommunications Division, General Services Administration, 18th & F Streets, NW, Washington, D.C. (mailing address: General Services Administration (LX), Washington, D.C. 20405), telephone 202-566-1156, on or before May 18, 1981, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)))

Dated: April 1, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-11576 Filed 4-16-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Minority Advisory Committee; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), annoucement is made of the following national advisory body scheduled to assemble during the month of April 1981.

Minority Advisory Committee, ADAMHA, April 27-28; 9:00 a.m. Open, Room 17-09B, Parklawn Building, 5600 Fishers Lane Rockville, Maryland 20857, Contact: Marta Sotomayor, Ph.D., Room 13C-26, Parklawn Building, Rockville, Maryland 20857 (301) 443-3838.

Purpose. The Minority Advisory Committee, ADAMHA, advises the Secretary of Health and Human Services, and the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, on needs, programs, and activities regarding minority alcohol, drug abuse, and mental health matters, and makes recommendations for possible solutions which meet the needs and concerns of minority groups throughout the United States. The Committee functions in an advisory capacity to the Administrator, ADAMHA, on those matters which relate to the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health.

Agenda. Agenda items will include an update of the proposed budget cuts and the implications for the Agency's mission, structure and program; the role of the States and the Federal Government; and a discussion of Block Grants.

The submission of this notice was delayed because of agenda considerations and the future role of the Minority Advisory Committee.

Substantive program information may be obtained from the contact person listed above. Attendance by the public will be limited to space available.

Mr. James C. Helsing, Deputy Director, Office of Communications and Public Affairs, ADAMHA, will furnish on request summaries of the meeting and a roster of the Committee members. Mr. Helsing is located in Room 6C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-3783.

Dated: April 13, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-11568 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 81M-0110]

Medical Devices; Boehringer Mannheim Corp.; Premarket Approval of Synthograft® Dental Implant

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Synthograft® dental implant sponsored by Boehringer Mannheim Corp., Indianapolis, IN. After reviewing the recommendation of the Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by May 18, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Henry Goldstein, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On June 12, 1980, Boehringer Mannheim Corp., Indianapolis, IN, submitted to FDA an application for premarket approval of the Synthograft® dental implant. The application was reviewed by the Dental Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On March 24, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA

action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 18, 1981, file with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–11570 Filed 4–16–81; 8:45 am]

BILLING CODE 4110–03–M

National Institutes of Health

Communicative Disorders Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institutes of Health, June 18–19, 1981, in Conference Room 9, C-Wing, Building 31, 9000 Rockville Pike, Rockville, Maryland 20205.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on June 18th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(c)(4), and 552(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 19th from 8:30 a.m. to adjournment on that day, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Ernest J. Moore, Executive Secretary, NINCDS, NIH, Federal Building, Room 9C14, Bethesda, MD 20205, Telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.851, Communicative Disorders Program, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–11586 Filed 4–16–81; 8:45 am]

BILLING CODE 4110–08–M

Mandatory Retirement Age for Commercial Airline Pilots; Open Meetings

AGENCY: National Institutes of Health, National Institute on Aging.

ACTION: Amended Notice of Meetings.

Notice is hereby given of changes in the meetings of the Expert Panel on the Experienced Pilots Study of the National Institute on Aging which was published in the **Federal Register** on Monday, March 23, 1981, 46 FR 18069.

The April meeting, to be held in Conference Room 6 of Building 31 at the National Institutes of Health (NIH), was scheduled to start at 9:00 a.m. on both April 27 and 28, 1981 but will not start at 8:00 a.m. on April 27 and at 9:00 a.m. on April 28.

The location of the May meeting, scheduled to be held in Conference Room 9 of Building 31 at the National Institutes of Health, has been changed as follows: May 27, 1981 in Conference Room 6; May 28 and 29, 1981 in Conference Room 9.

For further information, contact Ms. Lily O. Engstrom, National Institute on Aging (NIA), Building 31, Room 2C06, Bethesda, Maryland 20205 (301) 496–5608.

Dated: April 10, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–11584 filed 4–16–81; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, June 1–2, 1981 at the National Institutes of Health, Building 31C, Conference Room 9, Bethesda, Maryland.

This meeting will be open to the public on June 1, 1981, from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 1, from approximately 1:00 p.m. to adjournment on June 2, 1981, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Leota B. Staff, Committee Management Officer, NIEHS, Building 31, Room 2B55, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3511, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 755–4015, FTS 672–4015, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.892, Prediction, Detection and Assessment of Environmentally Caused Diseases and Disorders; 13.893, Mechanisms of Environmental Diseases and Disorders; 13.894, Environmental Health Research and Manpower Development Resources, National Institutes of Health)

Note.—NIH programs are not covered by OMB circular A–95 because they fit the

description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-11568 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-08-M

National Heart, Lung, and Blood Advisory Council and Its Manpower Subcommittee and Research Subcommittee; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, May 21, 22, 23, 1981, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 10, Bethesda, Maryland, 20205. In addition, meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be May 20, 1981 at 8:00 p.m. in Building 31, Conference Rooms 9 and 10 respectively.

This meeting will be open to the public on May 21 from 9:00 a.m. to approximately 3:00 p.m., to discuss program policies and issues. Attendance by the public is limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting of the Council will be closed to the public on May 21 from 3:00 p.m. until recess and on May 22 from 9:00 a.m. to adjournment on May 23 for the review, discussion, and evaluation of individual grant applications. The meetings of the Manpower Subcommittee and the Research Subcommittee of the above Council will be closed from 8:00 p.m. to adjournment on May 20, also for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the Council members.

Kathleen S. Holcombe, Executive Secretary of the Council, Westwood Building, Room 7A-15, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7548, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: April 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-11591 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-08-M

National Institute on Aging, Board of Scientific Counselors, Amended Notice of Meeting

Notice is hereby given of the cancellation of the April 23-24, 1981, meeting of the Board of Scientific Counselors, NIA, which was published March 23, 1981 (46 FR 18070).

The meeting is rescheduled for June 8-9, 1981 and will be held at the Gerontology Research Center, Baltimore, Maryland. As originally scheduled, this meeting will be open to the public from 9:00 a.m. to adjournment on Monday, June 8, and from 9:00 a.m. until 1:30 p.m. on Tuesday, June 9. Attendance by the public will be limited to space available. On June 9, the meeting will be closed to the public from 1:30 p.m. to adjournment.

Dr. Richard C. Greulich, Scientific Director, NIA Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will provide further information.

Dated: April 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-11589 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Environmental Health Sciences; Board of Scientific Counselors; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, May 19-20, 1981, in Building 18 conference room, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina.

This meeting will be open to the public from 9 a.m. to 12 noon on May 19, for the purpose of discussing recent developments in the Institute's budget, personnel, permanent facilities, contracts, scientific programs, and plans of the Laboratory of Environmental Biophysics and the Laboratory of Behavioral and Neurological Toxicology. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6) title 5 U.S. Code and Section 10(d) of Public Law 92-463, the meeting will be closed to the public on May 19 from approximately 1 p.m. to adjournment on May 20, 1981, for the evaluation of the programs of the Laboratory of Environmental Biophysics and the Laboratory of Behavioral and Neurological Toxicology, including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. Charles E. Carter, Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, telephone (919) 541-3205, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: April 10, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-11585 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-08-M

National Library of Medicine Board of Regents and the Extramural Programs and Lister Hill Center National Medical Audiovisual Center Subcommittees; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 28-29, 1981, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meetings of the Extramural Programs Subcommittee of the Board of Regents and the Lister Hill Center and National Medical Audiovisual Center Subcommittee on the preceding day, May 27, 1981, from 2:00 to 5:00 p.m., in the 5th floor Conference Room of the Lister Hill Center Building, and from 1:00 to 5:00 p.m., in the 7th floor Conference Room

of the Lister Hill Center Building, respectively.

The meeting of the Board will be open to the public from 9:00 a.m. to 5:00 p.m. on May 28 and from 9:00 a.m. to 2:00 p.m. on May 29 for administrative reports and program discussions. The entire meeting of the Lister Hill Center and National Medical Audiovisual Center Subcommittee will be open to the public for the assessment of the Training Grant Program, a discussion of National Medical Audiovisual Center Program Objectives and Plans, and a report on the Board of Scientific Counselors' review. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the entire meeting of the Extramural Programs Subcommittee on May 27 will be closed to the public, and the regular Board meeting on May 29 will be closed from 2:00 p.m. to adjournment for the review discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property, such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: April 9, 1981.

Thomas E. Malone,

Deputy Director.

[FR Doc. 81–11582 Filed 4–16–81; 8:45 am]

BILLING CODE 4110–08–M

Neurological Disorders Program Project Review A Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program Project Review A Committee, National Institutes of Health, May 28, 29 and 30, 1981 at the Shoreham Hotel, Calvert Street and Connecticut Avenue, Washington, D.C. 20008.

The meeting will be open to the public from 8:00 p.m. until 10:00 p.m. on May 28, 1981 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 29, 1981 from 8:30 a.m. to adjournment on May 30, 1981 for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, (Tel. No. 301/496–5751) will furnish summaries of the meeting and roster of committee members.

Dr. Leon Jack Greenbaum, Jr., Executive Secretary, Federal Building, Room 9C14, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 81–11583 Filed 4–16–81; 8:45 am]

BILLING CODE 4110–08–M

Neurological Disorders Program—Project Review B Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program—Project Review B Committee, National Institutes of Health, May 28, 29, 30, 1981, in Club Room B, Shoreham Hotel, Washington, District of Columbia 20008.

The meeting will be open to the public from 8:30 p.m. until 10:00 p.m. on May 28th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(4), and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 29th from 8:30 a.m. to adjournment on May 30th, for the review, discussion and evaluation of individual grant applications. The applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which could constitute a clearly unwarranted invasion of personal privacy.

Sylvia Shaffer, Chief, Office of Scientific and Health Reports, Building 31, Room 8A03, NIH, NINCDS, Bethesda, MD 20205, telephone 301/496–5751, will furnish summaries of the meeting and roster of committee members.

Dr. Ellen G. Archer, Executive Secretary, Federal Building, Room 9C10B, Bethesda, MD 20205, telephone 301/496–9223, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.852, Neurological Disorders Program, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: April 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81–11587 Filed 4–16–81; 8:45 am]

BILLING CODE 4110–08–M

Sickle Cell Disease Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, June 1–2, 1981. The meeting will be held at the National Institutes of Health, 7550 Wisconsin Avenue, Bethesda, Maryland, Federal Building, Conference Room B–119. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 4A21, (301) 496–4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI Federal Building, Room 504, (301) 496–6931, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: April 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-11590 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-08-M

Working Group on Blood and Its Substitutes; Meeting

Notice is hereby given of the meeting of the Working Group on Blood and Its Substitutes, sponsored by the National High Blood Pressure Education Program, National Heart, Lung, and Blood Institute, on July 2, 1981, Building 31, C Wing, Conference Room 6, at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting, from 9:00 A.M. to 12:30 P.M., will be open to the public. The Working Group on Blood and Its Substitutes is meeting to examine and coordinate Federal research activities which concern human blood and its substitutes. Attendance by the public will be limited to space available.

For detailed program information and an agenda for a list of meeting participants and a meeting summary, contact: Dr. David M. Robinson, Co-Chairman, IATC Working Group on Blood and its Substitutes, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, NIH, 9000 Rockville Pike, Bethesda, Md. 20205 (301-496-5031).

Dated: April 9, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-11581 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

National Toxicology Program Fiscal Year 1981 Annual Plan; Correction

As published in the **Federal Register**, Vol. 46, No. 39, pp. 14532-14625, of February 27, 1981, there were errors in the Annual Plan which should be noted as follows:

(1) In Table 8, page 14572, butyl benzyl phthalate (Seq. No. 3) was reported as being positive (P) for carcinogenic activity, and should have been reported as being suspect (S) for such activity. Di(2-ethylhexyl)adipate (Seq. No. 7) was reported as being negative (N) for carcinogenic activity, and should have been reported as being positive (P) for carcinogenic activity. As a result, the sentence beginning on line 10, column 2, page 14567, should have read: "Under the conditions of the tests, 10 (42%) were considered negative, 12 (50%) positive, and 2 (8%) suspect as to carcinogenicity."

(2) In the Immunological Toxicology section, the sentence beginning on line 19, column 2, page 14586, should have read: "In general, the compounds DES, CY, BP and TCDD were highly immunosuppressive affecting cell-mediated immunity and T-cell function, antibody PFC formation and host resistance parameters; OPP, INDO and TCPP demonstrated minimal or no immunotoxicity." In the Executive Summary, the sentence beginning on line 19, column 3, page 14534, should have read: "The chemicals, diethylstilbestrol, cyclophosphamide, benzo(a)pyrene, and 2,3,7,8-tetrachlorodibenzo-p-dioxin, were immunosuppressive, affecting cell-mediated immunity and T-cell function, antibody PFC formation and host resistance parameters."

Dated: April 9, 1981.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 81-11582 Filed 4-16-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Arizona Strip District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management.

ACTION: Notice of Meeting.

SUMMARY: The Arizona Strip District Grazing Advisory Board will meet on May 19, 1981 at 10:00 a.m. to discuss range improvement projects for Fiscal Year 1981.

DATE: May 19, 1981.

ADDRESS: The Four Seasons Convention Center, Suite 8, 747 East St. George Blvd., St. George, Utah 84770.

FOR FURTHER INFORMATION CONTACT: Billy R. Templeton, 196 E.Tabernacle St., St. George, Utah 84770, (801) 673-3545.

SUPPLEMENTARY INFORMATION: The Arizona Strip District Grazing Advisory Board will meet at 10:00 a.m. on Tuesday, May 19, 1981 in Suite 8 of the Four Seasons Convention Center at 747 East St. George Blvd. in St. George, Utah. The primary topic on the agenda will be road maintenance and range improvement projects to implement Allotment Management Plans on the Arizona Strip District. Additionally, progress on the Rangeland Management Program for the Shivwits Resource Area will be discussed.

The meeting is open to the public. Anyone wishing to make a presentation to the Board should contact the District Manager of the Arizona Strip District at 196 E. Tabernacle St. in St. George, Utah or call (801) 673-3545 at least 5 days prior to the meeting.

Billy R. Templeton,

District Manager, Arizona Strip District.

[FR Doc. 81-11552 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-84-M

Montana; Lewiston District Grazing Advisory Board; Emergency Meeting

AGENCY: Bureau of Land Management, Montana.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the agenda for an emergency meeting of the Lewiston District Grazing Advisory Board.

DATE: April 24, 1981, 10:00 a.m. to 3:00 p.m.

10:00 a.m. Current range condition effects on AMPs.

1:00 p.m. User participation in range improvements.

ADDRESS: Elks Club, 309 Second Avenue South, Glasgow, Montana.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Airport Road, Lewiston, Montana 59457 (406-538-7461).

SUPPLEMENTARY INFORMATION: The Lewiston District Grazing Advisory Board is authorized under Section 403 of the Federal Land and Management Act of 1976 (Pub. L. 94-579).

Dated: April 13, 1981.

Glenn W. Freeman,

District Manager.

[FR Doc. 81-11795 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Wilderness Inventory; Final Decisions on Protest to Intensive Wilderness Inventory Decisions of November 15, 1980

April 3, 1981.

AGENCY: Bureau of Land Management.

ACTION: Decision.

SUMMARY: The New Mexico State Director received 37 letters of protest to the Intensive Wilderness Inventory

decisions of November 15, 1980. These protests affected portions of 32 Wilderness Inventory Units.

After careful consideration of each protest and subsequent field checks when necessary, following are the only amendments to the November 15, 1980 decision:

NM-020-038—Sierra Las Canas

A portion of the southern boundary was amended to exclude an area impacted by range developments. This resulted in a 200-acre reduction of the Wilderness Study Area.

NM-020-040—Stallion

A boundary adjustment was made on the eastern boundary to exclude a finger of the Wilderness Study Area which was impacted by range developments. This resulted in about 320 acres removed from the Wilderness Study Area.

NM-030-042—Cedar Mountains

An error existed in the map for this unit which appeared in the book *New Mexico Wilderness Study Area* decisions. The map was corrected and unit acreage was recalculated. This boundary clarification resulted in a reduction of unit size by about 700 acres.

NM-030-052—West Potrillo Mountains

A road was confirmed along the eastern boundary of this Wilderness Study Area. A boundary adjustment was made to exclude this 2 mile, dead end road from the unit. Actual acreage reduction is negligible since the new boundaries were drawn along the shoulder of the road.

Send information requests to: State Director (930), Bureau of Land Management, United States Post Office and Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, NM 87501.

FOR FURTHER INFORMATION CONTACT: Dan Wood at the above Santa Fe, New Mexico address or call (505) 988-6227.

Charles W. Luscher,

State Director.

[FR Doc. 81-11553 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Wilderness Study Areas Under Appeal to Interior Board of Land Appeals

The Wyoming State Director published a notice in the **Federal Register** on January 29, 1981, announcing those wilderness study areas decisions that had been protested. Those decisions were previously published on November 14, 1980, and 18 protests were received. The January 29 notice identified which units were protested, gave a summary of the substance of the protest, and announced the State Director's decision on the protest. The protests were denied in all but one instance. Each of the protestants were advised of their right of appeal to the Interior Board of Land Appeals for a period of 30 days from receipt of the response to their protests. The January 29 notice also stated that the appeal period for the general public would close on February 27, 1981. Five notices of appeal were received concerning four wilderness study areas (WSA's). These four WSA's are:

Rock Springs District

WY-040-307 Sand Dunes
WY-040-311 Alkali Draw
WY-040-401 Adobe Town; WY-030-408 Adobe Town; Combined area

Rawlins District

WY-030-305 Pedro Mountains

The permanent documentation files for these units have been forwarded to the Interior Board of Land Appeals for a decision by that body. All other wilderness inventory decisions, as published on January 29, 1981, are now final, and the constraints of the interim management policy no longer apply to those units dropped from the inventory.

Three WSA's were identified in a decision issued on December 15, 1979. Those three WSA's are WY-040-221, Raymond Mountain; WY-040-110, Lake Mountain; and WY-030-303, Prospect Mountain. That decision also dropped 10 wilderness inventory units from the inventory, one of which was the Coal Creek unit, WY-040-223. Three appeals were generated from the December 1979 decisions on the Raymond Mountain, Lake Mountain, and Coal Creek units. The permanent documentation files for those three units were forwarded to the Interior Board of Land Appeals for a decision by that body. The Coal Creek unit remains under the constraints of the interim management policy pending the decision by the Interior Board of Land Appeals.

The intensive wilderness inventory decisions in Wyoming have resulted in a total of eight appeals concerning six WSA's and one unit that was dropped.

This notice completes the inventory phase of the Bureau's wilderness review in Wyoming, and the study phase of the wilderness review is in progress.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-11554 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-16383]

Idaho; Proposed Withdrawal and Reservation of Lands

April 10, 1981.

Water and Power Resources Service, Department of Interior, on July 24, 1980, filed application, serial no. I-15133, for the withdrawal of the following described lands from location or entry, under the land laws, including the mining laws, subject to valid existing rights:

Boise Meridian, Idaho

T. 11 S., R. 16 E.,
Sec. 5, SW¼SE¼SE¼;
Sec. 8, E½NE¼;
Sec. 22, SW¼SW¼SE¼;
Sec. 35, (S½N½NE¼SW¼SW¼, S½NE¼SW¼SW¼, and SE¼SW¼SW¼ except the east 50' thereof); NW¼SE¼SW¼, N½SW¼SE¼SW¼, SE¼SW¼SE¼ SW¼.
T. 12 S., R. 16 E.;
Sec. 14, S½NE¼
Sec. 24, NE¼NW¼, S½NW¼.
T. 11 S., R. 17 E.,
Sec. 4, S½NE¼;
Sec. 7, W½SE¼NW¼;
Sec. 11, NE¼SW¼, S½SE¼NW¼.
T. 12 S., R. 18 E.;
Sec. 1, N½SE¼;
Sec. 4, SE¼NE¼;
Sec. 6, Lot 7.

The area described aggregates 661.0 acres in Twin Falls County.

Water and Power Resources Service desires that the land be withdrawn to protect the site for the Salmon Falls Irrigation Project. Purposes include rights-of-way for project facilities, agricultural development, and fish and wildlife use.

On or before May 18, 1981, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to Section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724, within 30 days of date of publication of this notice. Notice of the public hearing will be published in the **Federal Register** giving the time and place of such hearing. The public meeting will be

scheduled and conducted in accordance with BLM Manual, Sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency. The determination of the Secretary will be published in the **Federal Register**. A separate notice will be sent to each interested party of record.

Effective April 17, 1981, the land will be segregated from entry as specified above for a period of two years unless the application is approved or rejected prior to that date. If the withdrawal is approved, the segregation will continue for the time specified in the withdrawal notice.

All communications (except for hearing requests) in connection with this proposed withdrawal should be addressed to the undersigned officer, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-11689 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Outer Continental Shelf; Produced Oil and Gas Exempt From Royalty Requirements

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Final Revision to Notice to Lessees and Operators (NTL) in the Outer Continental Shelf (OCS) concerning produced oil and gas exempt from royalty requirements.

SUMMARY: This revision is being made to eliminate language that now permits gas and liquids that are to be used for reinjection to be used for such purposes *outside* a lease or unit area.

DATE: This revision to the NTL shall become effective April 17, 1981.

FOR FURTHER INFORMATION CONTACT: Ronald Prehoda, Branch of Offshore Field Operations, Conservation Division, U.S. Geological Survey, Mail Stop 640, Reston, Virginia 22092; Telephone: 703/860-6831.

PRINCIPAL AUTHOR: Ronald Prehoda, Branch of Offshore Field Operations, Conservation Division, U.S. Geological Survey, Mail Stop 640, Reston, Virginia 22092; Telephone: 703/860-6831.

SUPPLEMENTARY INFORMATION: A final NTL concerning produced oil and gas that is to be exempt from royalty requirements was published in the **Federal Register** on December 11, 1980, (Vol. 45 No. 240). Subsequent to the publication of this NTL, it was discovered that language was inadvertently included that indicated that gas or liquids to be used for reinjection or other lease use could be used for such purposes *outside* the lease or unit area. The NTL as written could conceivably lead to the transfer to custody of such gas or liquids and could thus create accounting problems, i.e., accountability if the injected gas or liquids are not recovered. We are aware of no usual provision or custom which permits transfer of custody of a hydrocarbon product outside a lease or unit area without royalty consideration. The language that would allow such action was inadvertent and did not appear in the proposed NTL published for comment (see **Federal Register** publication, August 13, 1980, Vol. 45, No. 158) and was not in the discussion of comments in the *Federal Register* issue that published the final NTL.

Dated: April 10, 1981.

Robert L. Rioux,

Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

The NTL as it appears in the **Federal Register** on December 11, 1980, Vol. 45, No. 240, is revised as follows:

Paragraph I.A.(3)—At the third line remove the words "either" and "or outside."

Paragraph I.B.—At the seventh line, remove the words "either" and "or outside."

Paragraph I.C.—At the ninth and tenth lines, remove the words "either" and "or outside."

[FR Doc. 81-11443 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-31-M

Office of the Secretary

Proposed Changes in Offshore Leasing Program; Request for Comment

AGENCY: Office of the Secretary.

ACTION: Request for information on proposed changes in offshore leasing program.

SUMMARY: On April 13, 1981 the Secretary of the Interior transmitted to the Governors of the affected coastal States for review and comment his draft proposed 5-Year OCS Oil and Gas Leasing Program, prepared pursuant to section 18 of the OCS Lands Act, as amended. This program consists of a schedule of offerings, including pre-offering milestones, for the period January 1982 through December 1986. The proposal anticipates a streamlined leasing process, including changes in the way the Department meets its statutory responsibility to assure receipt of fair market value.

This notice seeks public comments on the workability and appropriateness of the proposed streamlined leasing process, including area-wide environmental and hydrocarbon resource assessments, tiering of NEPA documents, area-wide lease offerings, and more efficent methods for assuring receipt of fair market value. The responses to this notice will be considered in the Secretarial decision on adoption of a proposed 5-Year OCS Oil and Gas Leasing Program scheduled for June of this year.

DATES: Comments must be received by May 11, 1981.

ADDRESS: Comments should be submitted to Director, Office of OCS Program Coordination, Office of Assistant Secretary—Policy, Budget and Administration, Department of the Interior, Room 5150, 18th and C Streets, N.W, Washington, D.C. 20240. Envelopes or packets should be marked "Request for Information on Proposed Changes in Offshore Leasing Program."

FOR FURTHER INFORMATION CONTACT: Carolita Kallaur, Office of OCS Program Coordination, Department of the Interior, Room 5150, 18th and C Streets, N.W., Washington, D.C. 20240, telephone 202/343-9314.

AUTHOR: Carolita Kallaur, Office of OCS Program Coordination, Department of the Interior, Room 5150, 18th and C Streets, N.W., Washington, D.C. 20240, telephone 202/343-9314.

SUPPLEMENTARY INFORMATION: An objective of the Department of the Interior in developing the draft proposed program is to allow earlier access to

promising areas in order to encourage exploration and, if discoveries are made, production of offshore oil and gas. Revisions in the preparation procedures for lease offerings have been proposed in order to assist in the accomplishment of this objective. These proposed changes, collectively referred to as streamlining proposals, have been endorsed by the Secretary in concept. Further Departmental staff work to specify implementation details, and public comment solicited in this notice, will be provided to him before he makes a decision to adopt formally the changes described herein.

Departmental practice to date in determining lease offerings has been to call for nominations and comments on a large area encompassing tens of millions of acres. The nominations and comments, together with information available to the United States Geological Survey (USGS), are used to select for study in an environmental impact statement (EIS) those tracts which appear to have greatest potential for successful hydrocarbon recovery. The largest tract selection to date has been 3.4 million acres for #75—North Aleutian Basin.

After tract selection, USGS further assesses the hydrocarbon potential of the specific area selected, and those estimates are used in the EIS. Following the completion of the EIS, tracts are sometimes deleted by the Secretary based on information available to him in the EIS and other decision documents and on advice from various parties. The largest offering to date has been 2.9 million acres.

Under streamlining, the Call for Nominations and Comments and Tentative Tract Selection would be removed as pre-lease milestones and replaced with a Call for Information and Area Selection, respectively. Once a planning area was included on the schedule, all of it would be subject to study in an EIS, unless the Call for Information resulted in sufficient information to conclude at that time that it would not be possible for some portion of the area to be offered for leasing. If such a conclusion were reached, the area studied for leasing would be modified accordingly at the time of the Area Selection. An appropriate modification might be, for example, to accommodate national defense activities. There are currently seven OCS planning areas off the contiguous 48 States and 15 off Alaska. These planning areas are drawn roughly according to geologic boundaries. In some instances they may contain several geologic basins. Under this proposal, offerings of entire planning areas would begin to take place in late 1983 or early 1984.

An entire planning area would be evaluated in an EIS. The area would be one for which USGS has already estimated the hydrocarbon resources, and USGS would not make any further hydrocarbon estimates for the purposes of the EIS. The Bureau of Land Management (BLM) would continue to use the same type of modelling techniques for EIS's, as it currently uses, but would rely more on the cumulative assessment of effects. Since hydrocarbon estimates would be available before a Call for Information was issued, much of the analytical work could begin early in the process.

This approach has the advantage of requiring less time following a Call for Information for preparing the initial area-wide EIS for each planning area. It also will later NEPA documents covering subsequent lease offerings in each area to be shorter in length. They will focus on information relevant to leasing decisions which has become available since the previous NEPA document was written. This concept is referred to as the tiering of NEPA documents. The tracts leased neither at the first area-wide offering, nor at the following year's reoffering, would be included in the next offering designated for that area.

Streamlining also involves increasing the efficiency of Departmental methods to assure receipt of fair market value. The current approach of assuring fair market value relies, in part, on estimates developed by USGS, prior to lease offering, of tract-specific values for each tract offered. These tract-specific values are used in bid acceptance and rejection decisions. This procedure must be modified considerably in order to accommodate increased offering sizes. The streamlining approach calls for evaluation of tracts after they have been bid on, rather than before, in order to prevent unnecessary expenditure of government funds and to avoid allocating scarce management resources to tracts which do not receive bids. Further, tracts with clearly adequate competition such as those receiving three or more bids may not need to be evaluated at all.

The draft proposed program follows. Accompanying it are maps and tables showing the planning areas and their geographic boundaries, and the approximate acreage encompassed in each.

BILLING CODE 4310-10-M

DRAFT PROPOSED 5-YEAR OCS OIL AND GAS LEASING SCHEDULE

U.S. DEPARTMENT OF THE INTERIOR

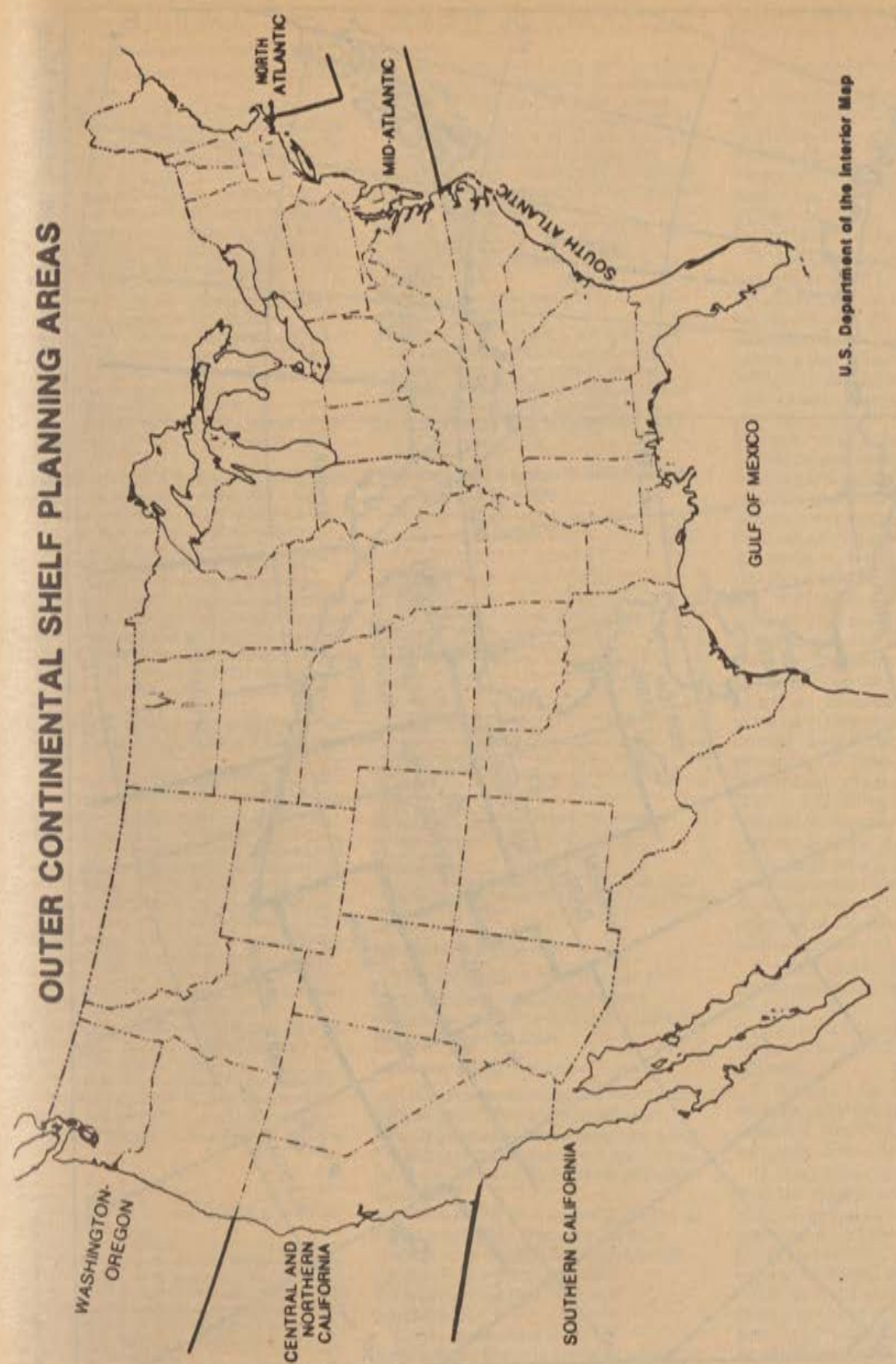
April 1981

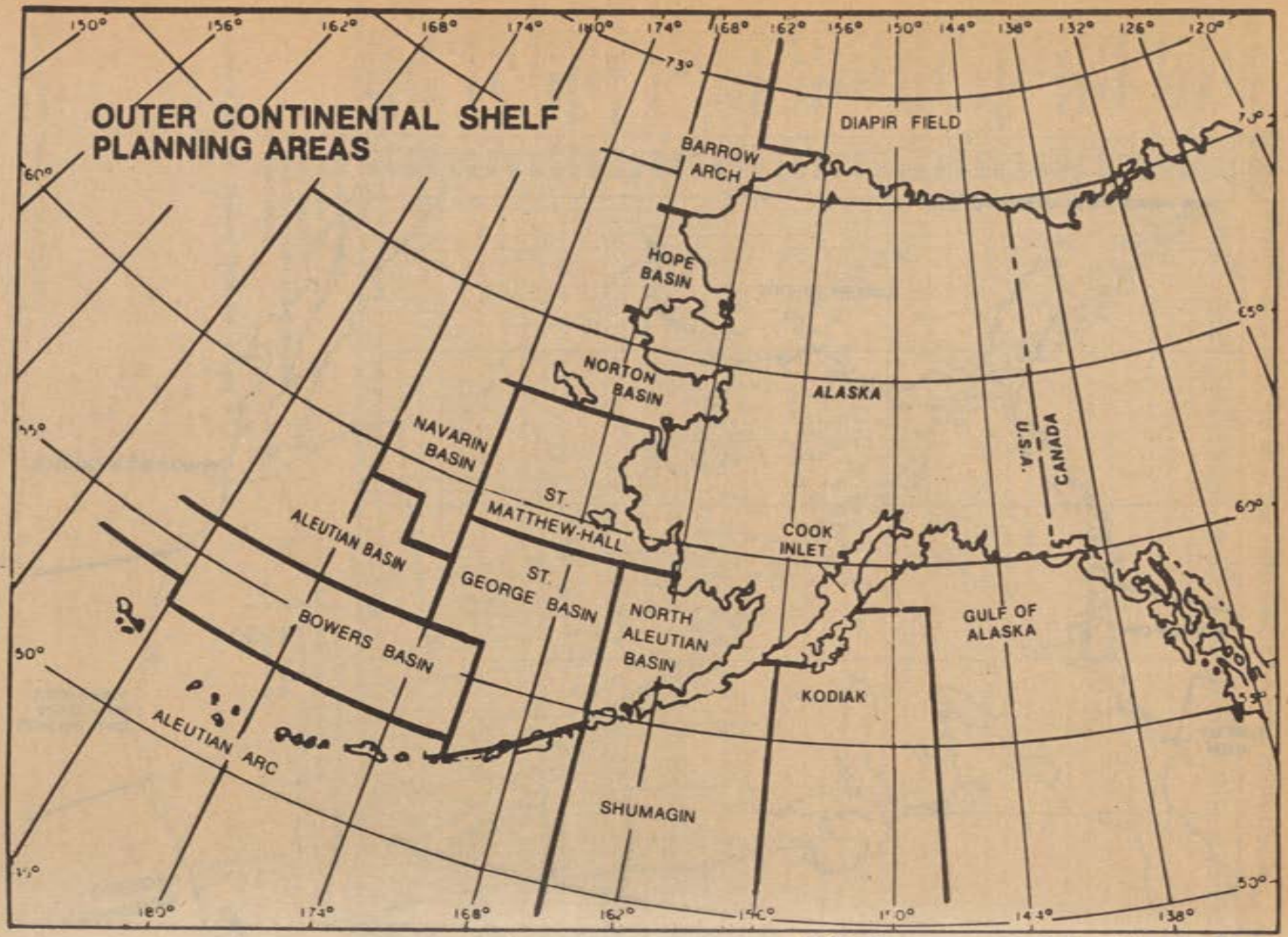
SALE AREA	Proposed Date	1982 J F M A M J J A S O N D	1983 J F M A M J J A S O N D	1984 J F M A M J J A S O N D	1985 J F M A M J J A S O N D	1986 J F M A M J J A S O N D
67 Gulf of Mexico	2/82	N S				
68 S. California	4/82	G R N S				
57 Norton Basin	5/82	F P G R N S				
RS-2	6/82	P G R N S				
52 North Atlantic	8/82	F P G R N S				
71 Diapir Field	10/82	E H F P G R N S				
69 Gulf of Mexico	11/82	P G R N S				
70 St. George Basin	12/82	H F P G R N S				
73 California	1/83	E H F P G R N S				
76 Mid Atlantic	2/83	E H F P G R N S				
75 N. Aleutian Basin	4/83	E H F P G R N S				
72 Gulf of Mexico	5/83	E H F P G R N S				
RS-3	6/83	P G R N S				
78 So. Atlantic	7/83	E H F P G R N S				
74 Gulf of Mexico	11/83	E H F P G R N S				
83 Navarin Basin	12/83	C D A E H F P G R N S				
80 California	1/84	C D A E H F P G R N S				
82 N. Atlantic	2/84	C D A E H F P G R N S				
87 Diapir Field	3/84	C D A E H F P G R N S				
79 Gulf of Mexico	4/84	C D A E H F P G R N S				
88 Norton Basin	6/84	C D A E H F P G R N S				
RS-4	7/84	P G R N S				
89 St George Basin	10/84	C D A E H F P G R N S				
81 Gulf of Mexico	11/84	C D A E H F P G R N S				
85 Barrow Arch	1/85	C D A E H F P G R N S				
90 Atlantic	2/85	C D A E H F P G R N S				
91 California	3/85	C D A E H F P G R N S				
84 Gulf of Mexico	4/85	C D A E H F P G R N S				
RS-5	5/85	P G R N S				
92 N. Aleutian Basin	6/85	C D A E H F P G R N S				
86 Hope Basin	7/85	C D A E H F P G R N S				
93 St. Matthew-Hall	10/85	C D A E H F P G R N S				
94 Gulf of Mexico	11/85	C D A E H F P G R N S				
95 California	1/86	C D A E H F P G R N S				
96 Atlantic	2/86	C D A E H F P G R N S				
97 Diapir Field	3/86	C D A E H F P G R N S				
98 Gulf of Mexico	4/86	C D A E H F P G R N S				
RS-6	5/86	P G R N S				
99 Norton Basin	6/86	C D A E H F P G R N S				
100 S. Alaska *	8/86	C D A E H F P G R N S				
101 St. George Basin	10/86	C D A E H F P G R N S				
102 Gulf of Mexico	11/86	C D A E H F P G R N S				

C - Call for Information
D - Information Due
A - Area Selection
E - Draft Environmental Impact Statement
H - Public Hearing

F - Final Environmental Impact Statement
P - Proposed Notice of Sale
G - Governors' Comments Due
R - DOE Review
N - Notice of Sale
S - Sale

* includes Cook Inlet, Shumagin, Kodiak, Gulf of Alaska


OUTER CONTINENTAL SHELF PLANNING AREAS
NORTH ATLANTIC
MID-ATLANTIC
SOUTH ATLANTIC
GULF OF MEXICO
WASHINGTON-OREGON
CENTRAL AND NORTHERN CALIFORNIA
SOUTHERN CALIFORNIA
U.S. Department of the Interior Map



U.S. Department of the Interior Map

BILLING CODE 4310-10-C

Longitude and Latitude Descriptions of Planning Areas [1]

Area and Approximate Location [2]

1. *North Atlantic*—North of 38° N. lat., east of 71° W. long.
2. *Mid-Atlantic*—Between approximately 36°30' N. lat. (the line of latitude east of the Virginia-North Carolina border) and 39° N. lat. with that portion north of 39° N. lat. west of 71° W. long.
3. *South Atlantic*—South of 36°30' N. lat.
4. *Gulf of Mexico*—South from Florida along 81° W. long. to approximately 25° N. lat., west to 82° W. long., south to 24°30' N. lat., west to 83° W. long., south to 24° N. lat., and west to the Mexican border.
5. *Southern California*—South of 34°30' N. lat. to the boundary with Mexico.
6. *Central and Northern California*—North of 34°30' N. lat. to approximately 42° N. lat., the line of latitude west from the California-Oregon border.
7. *Washington-Oregon*—North of approximately 42° N. lat., the line of latitude west from the California-Oregon border.
8. *Gulf of Alaska*—The portion of the Gulf of Alaska that lies north and east of a line that starts where 59° N. lat. intersects the east side of Cook Inlet, thence east to 148°30' W. long., thence south.
9. *Kodiak*—Between 148°30' W. long. and 156° W. long. that is south of a line that starts where 156° W. long. intersects 57° N. lat.; thence east to the west coast of Kodiak Island, thence around the south and east of Kodiak Island; thence northeasterly to where 59° N. lat. intersects the eastern side of Cook Inlet; thence east to 148°30' W. long.
10. *Cook Inlet*—Lower Cook Inlet from 60°15' N. lat., south through Shelikof Strait to 57° N. lat.
11. *Shumagin*—Between 156° W. Long. and 165° W. long. south of the Aleutian Islands and the Alaska Peninsula and the Cook Inlet area as described above.
12. *Aleutian Arc*—West of 165° W. long. and south of a line that starts at the intersection of 165° W. long. and the Aleutian Islands, thence southwesterly along the Aleutian Islands to 171° W. long., thence north to 53° N. lat., thence west to 174° E. long., thence north to 54° N. lat., thence west.
13. *North Aleutian Basin*—West of 165° W. long., between 59° N. lat., and the Aleutian Islands and the Alaska Peninsula.
14. *Bowers Basin*—East of 171° W. long., between 56° N. lat., and the Aleutian Arc area as described above.
15. *St. George Basin*—North of the Aleutian Islands, west of 165° W. long., south of 59° N. lat., and east of a line that starts at the intersection of 59° N. lat., and 174° W. long., thence south to 56° N. lat., thence east to 171° W. long., thence south to the Aleutian Islands.
16. *Aleutian Basin*—North of 56° N. lat. and west of a line that starts at the intersection of 174° W. long., and 56° N. lat., thence north to 58° N. lat., thence west to 177° W. long., thence north to 59° N. lat., thence west to 180°, thence north along 180°.
17. *Navarin Basin*—South of 63° N. lat., west of 174° W. long., and north of the Aleutian Basin described above.
18. *St. Matthew-Hall*—East of 174° W. long. between 59° N. lat. and 63° N. lat.
19. *Norton Basin*—Between 65°37.5' N. lat. and 63° N. lat.
20. *Hope Basin*—Between 69° N. lat. and 65°37.5' N. lat.
21. *Barrow Arch*—North of 69° N. lat. and south and west of a line that starts at a point where 71° N. lat. intersects the coastline west of Barrow, Alaska, thence west to 162° W. long., thence north.
22. *Diapir Field*—East of the Barrow Arch area described above.

Estimates of Acreage in OCS Planning Areas [1]

Lower 48	Million acres
1. North Atlantic	40
2. Mid-Atlantic	69
3. South Atlantic	94
4. Gulf of Mexico	95
5. Southern California	33
6. Central & Northern California	50
7. Washington-Oregon	33
8. Gulf of Alaska	106
9. Kodiak	37
10. Cook Inlet	9
11. Shumagin	50
12. Aleutian Arc	160
13. North Aleutian Basin	32
14. Bowers Basin	86
15. St. George Basin	73
16. Aleutian Basin	54
17. Navarin Basin	32
18. St. Matthew-Hall	51
19. Norton Basin	25
20. Hope Basin	16
21. Barrow Arch	28
22. Diapir Field	51

[1] These estimates include acreage out to the continental slope.

Information Requested

This notice has been prepared to obtain public views on the above proposals. Specific questions relating to these proposals follow.

I. Area-wide Assessments

A. Will area-wide environmental and hydrocarbon resource assessments benefit planners and decionmakers by providing a more complete overview of what can be anticipated from offshore activity?

B. Will NEPA documents prepared on subsequent sales in an area used in tandem with the initial area-wide EIS provide better planning and decisionmaking tool than past procedures?

C. Are there other ways of streamlining pre-sale environmental analysis, consistent with the requirements of NEPA?

II. Area-wide Offerings

A. Are the proposed planning areas of the appropriate dimensions for individual lease offerings? Are they too small—e.g., too limiting for efficient exploration strategies? Are they too large—e.g., too extensive for the evaluation, capital or operating capabilities of industry?

B. Are there alternative ways of defining areas to be offered other than the planning areas currently proposed, consistent with the objectives of streamlined sale preparation and assuring that industry has sufficient latitude in developing an efficient exploration strategy? Examples of possible criteria to be applied include geologic features, such as basins; environmental features, such as water depths, ice conditions, or potential resource conflicts; technological considerations; or geographic features. Latitude and longitude descriptions of alternative areas for leasing in a single offering would be most helpful.

C. Will increased acreage offerings—up to 50 million acres at one time—affect the amount of acreage bid on by industry? Comments are invited specifically on the effect of offerings of 10 million, 20 million and 50 million acres on (1) the percentage of tracts offered likely to receive bids, and (2) the percentage of those tracts receiving bids that are likely to receive one or two bids, in a planning area such as the Navarin Basin or South Atlantic.

D. What is the likely effect on patterns or levels of competition for the program as a whole, for a single lease offering, or for additional tracts, resulting from offerings of 10 million, 20 million or 50 million acres each?

E. What approaches to tract or area evaluation, and to bid rejection decisions, would be appropriate supplements to competition for assuring receipt of fair market value in large offerings?

F. Which of the bidding systems authorized by the OCS Lands Act, as amended, would be most compatible with area-wide offerings?

G. Does industry have the capability from the standpoint of capital, manpower and equipment availability to prepare for and participate in larger offerings at the 10, 20, or 50 million acre level per offering, with at least 7 offerings and 1 reoffering a year? Is there a problem of sufficient lead time to gear up for much larger offerings, and if so, what timeframe is required?

[1] Geologic basins do not necessarily underlie the entire planning area.

[2] The Government of the United States is engaged in consultations and negotiations with governments of neighboring countries concerning the delimitation of areas subject to their respective jurisdictions. The Department of State published in the March 7, 1977, **Federal Register** at p. 12937, a notice of limits pursuant to the Fishery Conservation and Management Act of 1976.

III. Other

A. Should any changes be made to the boundaries of the 15 planning areas proposed for Alaska and shown on the above maps? Please provide reasons for any changes.

B. Are all promising areas included in the draft proposed leasing program? Are any of the areas included not promising enough to warrant the allocation of management resources?

C. Is the concept of reoffering sales still valid under an area-wide approach to leasing with earlier reentry into promising areas?

Dated: April 13, 1981.

Donald Paul Hodel,

Under Secretary of the Interior.

[FR Doc. 81-11687 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-10-M

Water and Power Resources Service

Animas-La Plata Project Contract Negotiations; Intent To Initiate Negotiations for Water Service or Combination Water Service/ Repayment Contracts

In accordance with procedures established by the Department of the Interior concerning public participation in contract negotiations, the Regional Director of the Upper Colorado Regional Office, Water and Power Resources Service (Water and Power), intends to initiate negotiations with various entities for repayment of the construction of the Animas-La Plata Project in Colorado and New Mexico, and for supplying irrigation and municipal and industrial (M&I) water. Potential contractors with whom negotiations will be conducted are as follows:

Contractor	Location	Type of water service
Animas-La Plata Water Conservancy District.	Durango, Colorado	M&I and Irrigation.
La Plata Water Conservancy District.	La Plata, New Mexico.	Irrigation.
City of Farmington	Farmington, New Mexico.	M&I.
City of Aztec	Aztec, New Mexico.	M&I.
City of Bloomfield	Bloomfield, New Mexico.	M&I.
Southern Ute Tribe.	Ignacio, Colorado	M&I and Irrigation*.
Ute Mountain Ute Tribe.	Towac, Colorado	M&I and Irrigation*.
Navajo Tribe	Window Rock, Arizona.	M&I.

*Construction costs for Indian irrigation facilities to be deferred under the Leavitt Act of July 1, 1932 (47 Stat. 564).

The Animas-La Plata Project was authorized for construction, operation, and maintenance by Title V of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 896). The project will be constructed in Colorado and New Mexico to (1) serve 70,100 acres of irrigable land with a full service and supplemental service irrigation water supply (61,470 acres in Colorado and 8,630 acres in New Mexico), and (2) provide 80,100 acre-feet of M&I water (41,700 acre-feet for Colorado and 38,400 acre-feet for New Mexico).

The contracts will be negotiated under the authority of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), and will provide, among other things, for the delivery of project water for irrigation of irrigable lands, for M&I water service, and for the operation, maintenance, and replacement of project works.

All meetings scheduled by Water and Power with the potential contractors for the purpose of discussing terms and conditions of the proposed contracts shall be open to the general public as observers. Advance notice of meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to a meeting.

For further information on scheduled negotiating sessions and copies of the proposed contract forms, please contact Mr. Richard Gjere, Chief, Operations Division, Water and Power Resources Service, P.O. Box 640, Durango, Colorado 81301, telephone (303) 247-0247. All written correspondence concerning the proposed contracts shall be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act of September 6, 1966 (80 Stat. 383), as amended.

The public is invited to submit written comments on the forms of the proposed contracts not later than 30 days after the completed contract drafts are declared to be available to the public. Unless significant public interest in the proposed contracts is demonstrated in response to this notice, the availability of the proposed forms of contract will be limited to those parties who have expressed an interest therein. The Commissioner of Water and Power Resources will review comments submitted and based on the number, source, and nature of the comments, a decision will be made whether to hold a public hearing.

Dated: April 13, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-11573 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-09-M

Contracts for Interim Water Service, Central Valley Project, California

The Department of the Interior, through the Regional Director of the Mid-Pacific Region, Water and Power Resources Service (Water and Power), intends to enter into interim water service contracts for the marketing of temporary water during 1981. The maximum supply will not exceed 85,000 acre-feet of water and will be marketed in the Sacramento Valley Canals, Delta-Mendota Canal, Folsom-South Canal, Mendota Pool, and other miscellaneous service areas of the Central Valley Project, California. The water will be used for agricultural purposes, municipal, industrial and domestic use, and for waterfowl.

The interim contracts will be similar in form to contracts used for marketing of water in previous years and will not be negotiable. The contractors, service areas, and water quantities are as follows:

Service area	Maximum contract amount (acre-feet)
Sacramento Valley Canals:	
Stony Creek Water District	400
El Camino Irrigation District	500
Rawson Water District	1,000
Richfield Water District	1,000
Holthouse Water District	1,000
Delta-Mendota Canal (including Mendota Pool):	
Laguna Water District	800
The West Side Golf Club	200
Mads S. Beck (Duck Club)	90
Patos Unlimited	106
Tranquility Gun Club	80
Cole Gun Club	80
Tulle Gun Club	90
Central California Irrigation District	[1] 15,000
Folsom-South Canal:	
Omochumne-Hartnell Water District	4,000
Galt Irrigation District	4,200
Clay Water District	2,000
Sacramento County Water Agency	2,000
Mather Air Force Base	350
Miscellaneous:	
Kings County Water District	10,000
Lower Tule Irrigation District	10,000
Arvin-Edison Water District	[1] 30,000
Pleasant Valley Water District	2,000
Total	84,896

[1] Any interim contract exceeding 10,000 acre-feet per irrigation contract or 500 acre-feet per municipal and industrial contract will need to be submitted for approval by the Department of the Interior.

The water rates will be:

Service area	Agricultural water (rate per acre-foot)	Municipal, industrial and domestic water (rate per acre-foot)
Sacramento Valley Canals [1]	$6.60	$16.10
Delta-Mendota Canal (including Mendota Pool)[2]	8.10	18.40
Folsom-South Canal	6.60	16.10
Miscellaneous	[3] 5.90	

[1] These areas require power which will be added according to use by specific contractors.

[2] The charge for waterfowl water will be based on utilization of such water. (Agricultural rate or municipal, industrial, and domestic rate.)

[3] Plus State conveyance.

Parties interested in receiving information about Water and Power's interim water marketing program can contact Mr. John Budd, Department of the Interior, Water and Power Resources Service, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484–4680. Unless significant public interest in this proposed water marketing program is demonstrated, responses to this notice will be limited to those parties who have expressed an interest therein. The public is invited to submit written comments on proposed contracts not later than 30 days after the completed draft contracts are made available.

Parties interested in obtaining a temporary supply of water from Water and Power project facilities should apply in writing to the Regional Director, Mid-Pacific Region, at the above address. All written correspondence concerning the proposed interim contracts will be made available to the public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

Dated: April 13, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-11574 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With the State of Idaho Water Resources Board, for Short-Term Agricultural Water Service Contract

The Department of the Interior, through the Regional Director of the Pacific Northwest Region of the Water and Power Resources Service (Water and Power), intends to open negotiations with the State of Idaho Water Resources Board (State), Boise, Idaho, for a 10-year water service contract involving 20,000 acre-feet of uncontracted storage capacity in Lucky Peak Reservoir. Authority for the proposed water service arrangement is collectively covered by the Reclamation Act of June 17, 1902 (32 Stat. 388), the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), the Flood Control Act of December 22, 1944 (55 Stat. 887), and the Flood Control Act of July 24, 1946 (60 Stat. 641). Water will be provided from active storage capacity in Lucky Peak Reservoir to facilitate Water and Power's involvement in the State's Water Supply Bank Program. The Water Supply Bank Program was authorized by the Idaho State Legislature in 1979 for the purpose of encouraging the highest beneficial use of water, provide a source of adequate water supply to benefit new and supplemental water uses, and provide a source of funding for improving water user facilities and efficiencies.

Lucky Peak Reservoir, A Corps of Engineers impoundment on the Boise River, was authorized primarily for flood control purposes but with supplemental irrigation benefits accruing to the available storage. Subsequently, a revised reallocation report for the Boise Federal Reclamation Project, approved by Congress August 24, 1954, provided that two Water and Power constructed upstream reservoirs, Anderson Ranch and Arrowrock, could be operated jointly with Lucky Peak Reservoir for irrigation and flood control purposes. An agreement for coordinated operation of the three dams as a system has been executed between the Department of the Interior and the Department of the Army.

Water and Power has acquired Idaho Water Permit No. 1183 for the 278,200 acre-feet of active storage capacity of Lucky Peak Reservoir and has entered into contracts with water user entities involving 111,950 acre-feet of the active capacity for supplemental irrigation purposes. The contract may be revoked by either party upon 2-years' notice. The storage charge for water is currently under review by Water and Power personnel and the minimum rate of $0.50 per acre-foot for storage could be adjusted prior to contract execution. The analysis will reflect current construction and operation and maintenance costs of Lucky Peak Reservoir assigned to the irrigation function. The right to market the storage capacity of 20,000 acre-feet will be accepted by the State on a contingency basis with payment to be made only if storage water is subsequently subcontracted for by water users from the Water Supply Bank. The proposed contract will require that any subsequent arrangement by the State with third parties for the use of the water will be subject to Water and Power's usual contracting policies, procedures, and requirements which specify quantities, rates, and other conditions applicable to water service contracts.

The terms and conditions of the proposed contract with Idaho representatives will be submitted to the Secretary of the Interior for approval as to form prior to its execution.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and must specify that the requesting party is interested in the proposed contract with the State of Idaho Water Resources Board. Inquiries should be addressed to the Regional Director, Water and Power Resources Service, Attention: Code 440, Box 043, 550 West Fort Street, Boise, Idaho 83724. Unless significant public interest is demonstrated in response to this notice, announcement of the availability of negotiated draft contracts will be limited to those parties who have expressed an interest therein. The public is invited to submit written comments on the proposed contract not later than 30 days after the completed contract draft is made available. All written correspondence concerning the proposed contract will be made available for review or inspection upon receipt of written request pursuant to the Freedom of Information Act of September 6, 1966 (80 Stat. 383), as amended.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact Ms. Cathy Kent, Repayment Contract Assistant, Division of Water, Power, and Lands, Water and Power Resources Service, at the above address, or telephone (208) 334–9011.

Dated: April 9, 1981.

Clifford I. Barrett,

Assistant Commissioner of Water and Power Resources.

[FR Doc. 81-11495 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-09-M

Ventura County Water Management Project, California; Intent To Prepare an Environmental Statement; Withdrawal

The Water and Power Resources Service (formerly the Bureau of Reclamation) published a Notice of Intent to Prepare an Environmental Statement on the Ventura County Water Management Project, California on September 17, 1979 (Vol. 44, No. 181, page 53807). Because of the lack of local support for the project, the investigation was terminated and a concluding report was released to the public on March 10, 1981. Since the investigation has been terminated we are withdrawing the notice of intent and do not plan to prepare an environmental statement.

Dated: April 10, 1981.

Clifford I. Barrett,

Assistant Commissioner.

[FR Doc. 81-11496 Filed 4-16-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

(I) Parent Corporation and address: Bell Fuels, Inc., 4116 W. Peterson, Chicago, IL 60646. State of incorporation: Nevada.

(II) Wholly-owned Subsidiary and address: Wirtz Cartage Company, 4116 W. Peterson, Chicago, IL 60646. State of incorporation: Illinois.

1. Name and address of parent corporation: Coast Materials Company, Creosote Road at Taylor Boulevard, P.O. Box 1059, Gulfport, MS 39501.

2. Name and address of wholly owned subsidiary: Southern Trucking Service, Inc., Creosote Road at Taylor Boulevard, P.O. Box 1059, Gulfport, MS 39501.

3. Both parent and wholly-owned subsidiary corporation are incorporated under the laws of the State of Mississippi.

(1) *Parent Business and Address of Principal Office:* Fargo Freight Terminal & Warehouse, a sole proprietorship, 1445 5th Ave. N., P.O. Box 1828, Fargo, ND 58102.

(2) *Wholly Affiliates Which Will Participate in the Operations:* (1) David A. Lundeen, dba, Fargo Freight Terminal & Warehouse, a sole proprietorship.

1. Name and address of Parent Corporation: Gary Industries, Inc. (an Oklahoma corporation), P.O. Box 617, Madill, OK 73446.

2. Wholly-owned Subsidiary: Sooner Express, Inc. (a Texas corporation).

1. Parent corporation and address of principal office: Kimberly-Clark Corporation, 401 North Lake Street, Neenah, Wisconsin 54956.

2. Wholly-owned subsidiaries which will participate in the operations, and jurisdictions of incorporation:

(i) Avent, Inc., Delaware.

(ii) K–C Aviation, Inc., Delaware.

(iii) Kimberlands, Ltd., Wisconsin.

(iv) Kimberly-Clark of Canada Limited, Ontario, Canada.

(v) Kimberly-Clark Integrated Services Corporation, Delaware.

(vi) Kimberly-Clark International Services Corporation, Delaware.

(vii) Kimberly-Clark Lumber (Canada), Limited, Ontario, Canada.

(viii) Kimfibers Ltd., Delaware.

(ix) Kimtech Ltd., Delaware.

(x) Peter J. Schweitzer, Export Corporation, Delaware.

1. Parent corporation and address of principal office: Kranson Industries, Inc., 2222 North Second Street, St. Louis, Missouri 63102.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Northwestern Bottle Company, 2222 North Second Street, St. Louis, Missouri 63102.

(b) Northwestern Transportation Company, 2222 North Second Street, St. Louis, Missouri 63102.

(c) Dart Research, Inc., 2222 North Second Street, St. Louis, Missouri 63102.

1. The parent corporation and address of its principal office is: Poultry, Inc., 18770 NE 6th Avenue, Miami, FL 33164.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation are:

i. Atlantic Cold Storage Corporation—Florida.

ii. Florida Frozen Foods, Inc.—Florida.

iii. Southeast Frozen Foods, Inc.—Florida.

iv. Frozen Xpress, Inc.—Florida.

v. Independence International, Inc.—Florida.

1. Parent Corporation: Suave Shoe Corporation, 14100 N.W. 60th Avenue, Miami Lakes, FL 33014.

2. Wholly-owned subsidiaries which will participate in the operations: Florida Coating Industries, 14100 N.W. 60th Avenue, Miami Lakes, FL 33014; Rainbow Footwear Corporation, 14100 N.W. 60th Avenue, Miami Lakes, FL 33014; Americana Knitting Mills, 2337 N.W. 5th Avenue, Miami, FL 33127; Oriental Trading Corporation, 9800 N.W. 77th Avenue, Hialeah Gardens, FL 33012; Shoe Supply, Inc., 9800 N.W. 77th Avenue, Hialeah Gardens, FL 33012; Universe Shoe, Inc., 9800 N.W. 77th Avenue, Hialeah Gardens, FL 33012; Distinction Footwear Corporation, 9800 N.W. 77th Avenue, Hialeah Gardens, FL 33012; OTC International Corporation, 9800 N.W. 77th Avenue, Hialeah Gardens, FL 33012; Southern Shoe, Inc., 2065 Peachtree Street, Industrial Court, Suite 210, Atlanta, GA 30431.

1. Parent Company: T.R.I., Inc., 2610 Hart Street, Nashville, Tennessee 37207.

2. Subsidiaries which will participate: Care Line, Inc., Longview & Wiseman, Portland, Tennessee 37148.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11800 Filed 4-16-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Motor Carriers; Lease and Interchange of Vehicles

Decided: April 6, 1981.

Westport Trucking Co. (MC 126822) and Jo/Kel, Inc. (MC 128988) (commonly controlled) have filed a petition for waiver of paragraph (c) of § 1057.12 of the Lease and Interchange of Vehicles Regulations (49 CFR 1057).

Findings: 1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater efficiency and economy would result from the waiver.

It is ordered: 1. The petition of Westport Trucking Co. and Jo/Kel, Inc. for waiver of paragraph (c) of § 1057.12 is granted with respect to equipment leased between them, provided petitioners or their authorized representatives agree in writing that control and responsibility for operating the equipment shall be that of the lessee from the time it takes possession until such time as it relinquishes possession, and further provided petitioners remain under common control.

2. The waiver granted in this decision does not affect the application of the leasing regulations in a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11702 Filed 4-16-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be

obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: April 14, 1981.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams.

MC 120126 (Sub-2F), January 16, 1981. Applicant: HARRIETT TRANSPORT, INC., 63 Conway Street, P.O. Box D–620, New Bedford, MA 02742. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities*, except Classes A and B explosives, between points in MA. Condition: Coincidental cancellation at applicant's request of applicant's Certificate of Registration No. MC–120126 (Sub-No. 1).

Note.—This application is directly related to Docket No. MC–FC 78962, published in the **Federal Register** issue of March 18, 1981.

(Hearing site: Boston, MA)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11701 Filed 4–16–81; 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. OP1–120

Decided: April 10, 1981.

By The Commission, Review Board No. 1, members Parker, Chandler, and Taylor.

MC 135530 (M1), filed January 9, 1981. Petitioner: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 5676 Industrial Park Rd., Winona, MN 55987. Representative: John G. Grote (same address as petitioner), (507) 457–3750. Transporting (1) *transportation equipment*, (2) *machinry*, (3) *metal products*, and (4) *wire and wire products*, between points in the U.S., under continuing contract(s) with Lake Center Industries, of Winona, Lewiston, and Rushford, MN, Decorah, IA, and Galesville, WI, Crenlo, Inc., of Rochester, MN, Drilltite Products, Camcar Division of Textron Inc., of Decorah, IA, and Boelter Industries, Inc., DCM Tech, Inc., Fiberite Corporation and Badger Construction Equipment Co., Division of Burro-Badger Corp., of Winona, MN. Condition: Issuance of a permit in this proceeding will cancel permit MC 135530.

Note.—Petitioner holds the above authority in permit MC 135530 issued October 17, 1975, under contract with Lake Center Industries in the above mentioned locations. The purpose of this application is to add the six contracting shippers. The above authority has been modified to reflect the Motor Carrier Act of 1980.

Volume No. OP5–86

Decided: April 10, 1981.

By The Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 111729 (Sub-769), filed February 3, 1981, previously noticed in **Federal Register** issue of March 10, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). Transporting *commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between points in the U.S., under continuing contract(s) with Federal Home Loan Bank of Atlanta, of Atlanta, GA.

Note.—This republication corrects the commodity description in the previous notice.

MC 143699 (Sub-4), filed February 4, 1981, previously noticed in **Federal Register** issue of March 10, 1981. Applicant: QUALITY CONTRACT CARRIERS, INC., 1009 West Edgewood Ave., Indianapolis, IN 46217. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of books, catalogues, directories, and printed matter, between points in the U.S. under continuing contract(s) with R.R. Donnelley & Sons Company, of Crawfordsville, IN.

Note.—This republication changes the commodity description of the previous notice.

MC 151368 (Sub-1), filed November 15, 1980. Applicant: KOCH TRUCK LINE, INC., 619 Iowa, Sabetha, KS 66534. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603. Transporting (1) *metal livestock panels, portable corrals, loading chutes, hay bale movers, hay bale feeders, and livestock handling equipment,* and (2) *steel products,* between points in the U.S., under continuing contract(s) with Molzer Manufacturing Company, of Plymouth, NE.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11703 Filed 4-16-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81–7665, appearing at page 16347, on Thursday, March 12, 1981, on page 16351, in the application for Safe Transportation Company, in the second column, in the fourth line, "and Clay Counties, NM;" should be corrected to read "and Clay Counties, MN;".

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. OPY–2–044

Decided: April 10, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 154173 filed February 9, 1981 (correction), published in the **Federal Register**, issue of March 23, 1981, and republish, as corrected, this issue. Applicant: ARNIE M. ARNIO, 3302 Ivy, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *contractor's materials and supplies* between points in MT and WY on the one hand, and, on the other, points in NE, ND and SD.

Note.—The purpose of this republication is to correct the commodity description.

Volume No. OPY–3–038

Decided: April 7, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 2304 (Sub-50), filed March 27, 1981. Applicant: THE KAPLAN TRUCKING CO., a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting (1) *forest products,* and (2) *lumber and wood products,* between points in Calhoun, Perry, and Neshoba Counties, MS, and Sumter and Lamar Counties, AL, on the one hand, and, on the other, points in IN, IL, MI, OH, WI, IA, MN, MO, KS, NE, AK, TX, LA, MS, AL, KY, TN, GA, FL, NC, SC, NY, PA, NJ, WV, and VA.

MC 26825 (Sub-61), filed March 26, 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 *food and related products,* between Chicago, IL, and points in IA, MN, and NE, on the one hand, and, on the other, points in CA.

MC 106074 (Sub-175), filed March 26, 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, (404) 256-4320. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Lowe's Companies, Inc., or FCX, Inc., in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116544 (Sub-249), filed March 24, 1981. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O.B. 10061, Palo Alto, CA 94303, (415) 856-0117. Transporting *chemicals and related products*, between St. Louis and points in St. Louis County, MO, on the one hand, and, on the other, points in the U.S.

MC 123744 (Sub-95), filed March 27, 1981. Applicant: BUTLER TRUCKING COMPANY, a corporation, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830, (814) 765-9611. Transporting *general commodities* (except classes A and B explosives), between points in PA, NY, OH, NJ, ND, MD, VA, and WV, on the one hand, and, on the other, points in the U.S.

Note.—Applicant relies on traffic studies rather than shipper support.

MC 125335 (Sub-120), 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 distributors of alcoholic beverages, between points in Dearborn County, IN, Franklin County, KY, Armstrong County, PA, and Coffee County, TN, on the one hand, and, on the other, points in FL.

MC 135185 (Sub-59), filed March 27, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Hwy 31 North, South Bend, IN 46624. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839-5856. Transporting *such commodities* as are dealt in by rubber processors, between points in the U.S., under continuing contract(s) with Baker Rubber, Inc., of South Bend, IN.

MC 135185 (Sub-60), filed March 30, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, 52275 U.S. Highway 31 North, South Bend, IN 46624. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839-5856. 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 136405 (Sub-3), filed March 27, 1981. Applicant: COLOSSAL CARRIERS LTD., 78 Hymus Blvd, Pointe Claire, Quebec, Canada H9R 1E3. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting (1) *marine containers*, and (2) *food and related products*, between ports of entry on the international boundary line between the United States and Canada at points in NY, VT, NH, and ME, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, and VT.

MC 138065 (Sub-7), filed March 27, 1981. Applicant: LOU BOLE CARPET CARRIER, INC., 325 Main St., Belleville, NJ 07109. Representative: Michael R. Werner, 167 Fairfield Rd., P.O. Box 1409, Fairfield, NJ 07006, (201) 575-7700. Transporting *floor covering*, between New York, NY, points in NJ, and those in Suffolk, Westchester, Rockland, Putnam, Orange, Dutchess and Ulster Counties, NY, and Fairfield, New Haven and Litchfield Counties, CT.

MC 146955 (Sub-2), filed March 26, 1981. Applicant: LAMERS BUS LINES, INC., 2407 So. Point Rd., Green Bay, WI 54303. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, NM 55424, (612) 927-8855. Transporting *passengers and their baggage*, in round trip, charter, and special operations, between those points in WI, in east, and north of Ashland, Sawyer, Price, Taylor, Clark, Wood, Juneau, Sauk, Columbia, Dodge, Washington, and Milwaukee Counties, WI, and points in Delta, Dickinson, and Menominee Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 154345 (Sub-1), ffled March 12, 1981. Applicant: DICK HOGLO, d.b.a. DICK HOGLO TRUCKING, 311 South Arnold, Thief River Falls, MN 56701. Representative: Neil A. McEwen, Northern State Bank Bldg., Thief River Falls, MN 56701, (218) 681-3070. Transporting *beer*, between points in Pennington County, MN, on the one hand, and, on the other, Milwaukee and LaCrosse, WI, and St. Louis, MO.

MC 154495 (Sub-1), filed March 25, 1981. Applicant: THOMAS J. PAWLACYK, d.b.a. N & M TRANSFER, 1120 North Perkins St., Appleton, WI 54911. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *general commodities* (except classes A and B explosives), between points in Winnebago, Fond du Lac, Outagamie, and Brown Counties, WI, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, ND, OH, SD, and WI.

MC-F-14568, MC-F-14578, and MC-153915, previously noticed in the **Federal Register** on March 13, 1981.

Note.—This republication corrects the name of the carrier to read "Florida Express Carrier, Inc.", instead of "Florida Express, Inc." All due dates will remain the same.

Volume No. OPY5-34

Decided: April 10, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 98438 (Sub-6), filed March 30, 1981. Applicant: TOMPKINSVILLE TRANSFER CO., INC., 1213 Rugby Drive, Nashville, TN 37207. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004, 202-347-8862. Transporting *general commodities* (except classes A and B explosives), between points in Monroe County, KY, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack with its existing regular-route authority.

MC 123978 (Sub-1), filed March 27, 1981. Applicant: RICHEY & STEWART, INC., P.O. Box 235, Scottsburg, IN 47170. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Morgan Packing Company, Inc., of Austin, IN.

MC 133689 (Sub-367), filed March 27, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples Street NE., Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, 612-457-6889. Transporting *general commodities* (except classes A and B explosives) between the facilities of Evans Products Company and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136228 (Sub-43), filed March 30, 1981. Applicant: LUISI TRUCK LINES, INC., P.O. Box H, Milton-Freewater, OR 97862. Representative: Philip G. Skofstad, 1525 N.E. Weidler, Portland, OR 97232, 503-228-8141. Transporting *food and related products* between points in Umatilla County, OR, and Walla Walla and Franklin Counties, WA, on the one hand, and, on the other, points in CA.

MC 142268 (Sub-45), filed March 25, 1981. Applicant: GORSKI BULK TRANSPORT INC., R.R. #4, Harrow,

Ontario, CD NOR 160. Representative: William H. Shawn, 1730 M Street NW Washington, DC 20036, (202) 296–2900. Transporting *rubber and plastic products*, between (1) points in Beaver County, PA and Hamilton County, TN, and the ports of entry on the International Boundary line between the U.S. and Canada in MI and NY, and (2) between the points in (1) above on the one hand, and, on the other points in the U.S.

MC 142508 (Sub-169), filed March 30, 1981. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137, 402–895–3588. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Lamb-Weston, Inc., of Portland, OR.

MC 142969 (Sub-3), filed March 27, 1981. Applicant: WESTERN DISTRIBUTING TRANSPORTATION CORPORATION, 1800 Bassett, Unit A, Denver, CO 80217. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, 303–892–6700. Transporting *food and related products* between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, CA, and MO.

MC 144868 (Sub-2), filed March 30, 1981. Applicant: DON SCOTT CHEVROLET-PONTIAC, INC., 9830 State Route 64, Whitehouse, OH 43571. Representative: Lynn H. Gressley, 410 Gardner Bldg., 506 Madison Ave., Toledo, OH 43604, 419–244–8336. Transporting *disabled or wrecked transportation equipment and replacement equipment therefor*, by use of wrecker equipment, between points in Lucas County, OH, on the one hand, and, on the other, points in IL, IN, KY, MI, NY, PA, WI and WV.

MC 145018 (Sub-25), filed March 27, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Edward F. V. Pietrowski, 3300 Birney Ave., Moosic, PA 18507, 717–343–2126. Transporting *rubber and plastic products* between points in Erie County, PA, 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. 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 5, Room 6370.

MC 146628 (Sub-9), filed March 26, 1981. Applicant: HUNT SUPER SERVICE, INC., P.O. Box 270, Bradley, IL 60915. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *animal by-products*, between points in Cook and Kankakee Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 152069, filed March 31, 1981. Applicant: CARL COLEMAN AND ROY MARTIN, d.b.a. C & M TRUCKING CO., 2682 Brenner Dr., Dallas, TX 75220. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, 214–255–6279. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Eli Lilly and Company, of Indianapolis, IN, and Purex Corporation, of Lakewood, CA.

MC 153879 (Sub-1), filed March 27, 1981. Applicant: DeCAMP TRANSIT, INC., 101 Greenwood Ave., Montclair, NJ 07042. Representative: Robert E. Goldstein, 370 Lexington Ave., New York, NY 10017, 212–532–5181. To engage in operations as a *broker* at Montclair, NJ, in arranging for the transportation of *passengers and their baggage* between points in the U.S.

MC 154008 (Sub-1), filed February 10, 1981. Applicant: DAVID E. YOUNG, d.b.a. YOUNG TRUCK LINES, Box 8, Lyle, MN 55953. Representative: William J. Gambucci, 400 Marquette Ave., Suite M–30, Minneapolis, MN 55401, 612–340–0808. Transporting *metal products*, between points in Hancock County, KY, on the one hand, and, on the other, points in IA, MN, and WI.

MC 154159, filed February 12, 1981. Applicant: RONALD R. ELLIS, d.b.a. ELLIS WRECKER SERVICE, 8300 1st Avenue North, Birmingham, AL 35206. Representative: M. Wayne Wheeler, 2230 Third Avenue North, Birmingham, AL 35203, (205) 322–0627. Transporting *disabled motor vehicles* and *replacement vehicles* for disabled motor vehicles, by use of wrecker equipment only, between points in the U.S.

MC 154459 (Sub-1), filed March 26, 1981. Applicant: ADCOM EXPRESS, INC., 7225 Duvan Drive, Tinley Park, IL 60477. Representative: Anthony E. Young, 29 South La Salle St., Suite 350, Chicago, IL 60603, 312–782–8880. Transporting *waste or scrap materials not identified by industry producing*, between points in the U.S., under continuing contract(s) with Adco Services, Inc., of Tinley Park, IL.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11599 Filed 4-16-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Agricultural Cooperatives; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: April 14, 1981.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP–102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC–75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(1) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Arkansas Delta Farmers Cooperative.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 54, Griffithville, Arkansas 72060.
Where Are Records of your Motor Transportation Maintained (Street No., City, State, and Zip Code): P.O. Box 54, Griffithville, AR 72060.
Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Cordia Cooprider, P.O. Box 54, Griffithville, AR 72060.

(2) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: B.C. Transportation, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 13811 N. 35th Dr., Suite E, Phoenix, Arizona 85023.
Where Are Records of your Motor Transportation Maintained (Street No., City, State, and Zip Code): 13811 N. 35th Dr., Suite E, Phoenix, AZ 85023.
Person To Whom Inquiries and Correspondence should be Addressed

(Name and Mailing Address): James E. Woodruff, 13811 N. 35th Dr., Suite E, Phoenix, AZ 85023.
(3) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Farm Fresh Co-Operative Marketing Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Rt. 2, Box 294, Idaho Falls, Idaho 83401.
Where Are Records of your Motor Transportation Maintained (Street No., City, State, and Zip Code): Rt. 2, Box 294, Idaho Falls, ID 83401.
Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Daniel N. Biggs, Rt. 2, Box 294, Idaho Falls, ID 83401.
(4) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Federal Co-op Transport.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 353, Hoopeston, IL 60942.
Where Are Records of your Motor Transportation Maintained (Street No., City, State, and Zip Code): 6th Ave. & Route 9, Hoopeston, IL 60942.
Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): R. Goldsbery, P.O. Box 353, Hoopeston, IL 60942.
(5) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Freedom Trucking Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 2217, Fullerton, CA 92633.
Where Are Records of your Motor Transportation Maintained (Street No., City, State, and Zip Code): 2763 W. Orangethorpe, Fullerton, CA 92633.
Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): David M. Kittelson, 420 S. Hoyt, Springfield, MN 56087.
(6) Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: T.L.C. Farm Lines, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): 1666 Fabick Drive, Fenton, Missouri 63026.
Where Are Records of your Motor Transportation Maintained (Street No., City, State, and Zip Code): 1666 Fabick Drive, Fenton, MO 63026.
Person To Whom Inquiries and Correspondence should be Addressed (Name and Mailing Address): Tom C. Lange, 1666 Fabick Drive, Fenton, MO 63026.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11597 Filed 4-16-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified 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.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily , that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing and able properly to perform the service proposed and to conform to the requirements to Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notices (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 notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. OP1–119

Decided: April 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 142291 (Sub-5F), filed July 2, 1979, previously noticed in the **Federal Register** issue of February 5, 1980. Applicant: MDI, INC., 6202 Concord Blvd., East, Inver Grove Heights, MN 55075. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *beverages* (except in bulk), from points in CA, CT, FL, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MO, MT, NJ, NY, OH, OK, OR, PA, RI, TN, VA, WA, WI, and DC, to Minneapolis, MN, under continuing contracts(s) with Griggs Cooper & Co., Inc., of St. Paul, MN, Old Peoria Company, Inc., of Golden Valley, MN, Kiwi Kai Imports, of Plymouth, MN, The Liquor House, of Minneapolis, MN, and Casanova Beverage Company, of Hudson, WI.

MC 146251 (Sub-7F), filed May 29, 1980, and previously noticed in **Federal Register** issue of August 5, 1980. Applicant: CLAXTON TRANSPORT, INC., Route 3, Box 135, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 420 International Square, 1875 I Street NW., Washington, DC 20006, (202) 293–9020. Transporting (1) *malt beverages*, from Detroit, MI, and Fostoria, OH, to points in AL, FL, GA, NC, and SC, and (2) *equipment, materials, and supplies* used in the sale, manufacture, and distribution of malt beverages, in the reverse direction.

Note.—This republication shows MC–146251 Sub 7F as the correct docket number in lieu of MC–146521 Sub 3F, and shows Fostoria, OH as an origin and destination point in lieu of Perrysburg, OH.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11594 Filed 4–16–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Volume No. OP1–118

Decided: April 18, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 154050 (Sub-2), filed March 31, 1981. Applicant: CARRIER SYSTEMS INTERNATIONAL MOTOR FREIGHT, INC., Sellers O'Brien Streets, Kearny, NJ 07032. Representative: Harry J. Jordan, Suite 502, Solar Bldg., 1000 16th Street NW., Washington, DC 20036; (202) 783–8131. Transporting *general commodities* (except classes A and B explosives), in containers having a prior or subsequent movement by water, between ports in MA, CT, NY, RI, NJ, DE, MD, IL, VA, PA, NC, SC, GA, FL, AL, MS, LA, TX, OH, MI, IN, WI, and MN, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

Note: This application is directly related to MC–F–14614, published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11595 Filed 4–16–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations,

and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Volume No. OPI–117

Decided: April 10, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC–F–14614, filed March 31, 1981. SUN CARRIERS, INC. (Carriers) (2000 Market Street, Philadelphia, PA 19103)—CONTINUANCE IN CONTROL—CARRIER SYSTEMS INTERNATIONAL MOTOR FREIGHT, INC. (Systems) (Sellers O'Brien Streets, Kearny, NJ 07032). Representative: Harry J. Jordan, Suite 502, Solar Building, 1000 16th Street, N.W., Washington, DC 20036. Carriers, a non-carrier, seeks authority to continue in control of Systems upon the institution by Systems of operations, in interstate or foreign commerce as a motor common carrier. Sun Company, a publicly held non-carrier, the sole stockholder of Carriers seeks authority to acquire control of said rights through the transactions. Carriers is the sole stockholder of Milne Truck Lines, Inc., of Salt Lake City, UT, operating under certificate No. MC 44605 and subs thereunder, Jones Truck Lines, Inc., of Springdale, AR operating under certificate No. MC–111231 and subs thereunder, and Standard Trucking Company, of Charlotte, NC, operating under certificate No. MC 39973 and subs thereunder. In addition, Carriers indirectly controls through stock ownership St. Johnsbury Trucking Company, Inc., of Holliston, MA operating under certificate No. MC–108473 and subs thereunder. Condition: Sun Carriers, Inc., a non-carrier holding company, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subject to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11143, Sun Carriers, Inc. need only file such special reports as the Commission may from time to time require. Sun Carriers, Inc. is not made subject to the accounting requirements of 49 U.S.C. 11142.

Note.—Systems has filed a directly related application. This application, docketed No. MC–154050 Sub 2 is published in this same **Federal Register** issue.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11596 Filed 4–16–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in **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 when 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. OP1–115

Decided: April 8, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Member Taylor not participating).

MC 155071, filed March 13, 1981. Applicant: IMPERIAL VAN LINES, INC., OF CALIFORNIA, 2805 Columbia St., Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, DC 20006, (202) 833–8884. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2–040

Decided: April 8, 1981.

By the Commission Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 147552 (Sub-13F), filed April 2, 1981. Applicant: CAJUN CARTAGE & WAREHOUSING CORP., 1205 St. Louis St., New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 Sixteenth Street, NW., Suite 502, Solar Bldg., Washington, DC 20036, (202) 783–8131. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 147552 (Sub-14F), filed April 2, 1981. Applicant: CAJUN CARTAGE & WAREHOUSING CORP., 1205 St. Louis St. New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 Sixteenth St., NW., Suite 502, Solar Bldg., Washington, DC 20036, 202–783–8131. 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 15032, filed March 31, 1981. Applicant: TRAFFIC DISPATCH INTERNATIONAL, INC., 31 South Calvert St., Baltimore, MD 21202. Representative: T. L. Harrigan (same as applicant) (301) 837–1087. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY–2042

Decided: April 9, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 69833 (Sub-162) (Correction), filed February 10, 1981, published in the **Federal Register** on March 16, 1981, and republished, as corrected, this issue. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave, NW–6th Fl., Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant) 616–456–2868. The following routes should read: (7) Between Montgomery, AL and the NC–VA state line, over Interstate Hwy 85; (19) serving points in KY, TN, NC, SC, MS, GA, AL, FL and points in West Baton Rouge, East Baton Rouge, Livingston, Tangipahoa, St. Tammany, Iberville, Acension, St. James, St. Charles, St. John the Baptist, Jefferson, Plaque-Mines, and St. Bernard Parishes, LA, as off route points. The purpose of this republication is to correct the territorial descripion in routes (7) and (19).

MC 114492 (Sub-16), filed March 30, 1981. Applicant: TRANSPORT TRUCKING CO. OF TEXAS, a Corporation, P.O. Box 327, Texico, NM 88135. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St., NW, Washington, DC 20001, (202) 628–9243. 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 126582 (Sub-6), filed March 31, 1981. Applicant: CANOVA MOVING & STORAGE CO., 1336 Wolner Ave., Fairfield, CA 94533. Representative: John J. Canova (same address as applicant) (707) 425–6756. Transporting *household goods*, between points in Siskiyou, Mono, Alpine, Modoc, Lassen, and Sierra Counties, CA, and Curry, Klamath, Josephine, and Jackson Counties, OR, on the one hand, and, on the other, points in the U.S. 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 155093, filed March 31, 1981. Applicant: HANFORD ORCHARDS, Star Route Box 444, Entiat, WA 98822. Representative: Virgil R. Hanford (same address as applicant) (509) 784–1263. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditions* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP–2–057

Decided: April 9, 1981.

By The Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 77972 (Sub-38) (clarification), filed January 26, 1981, published in the **Federal Register**, issue of March 10, 1981, and republished, as corrected, this issue. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205 (601–948–8820). The following route should read as follows: (2) Between the AL-GA state line and Atlanta, GA, over Interstate Hwy 20, serving all intermediate points in GA, and serving Covington, GA, as an off-route point. The purpose of this republication is to clarify Route (2).

MC 148293 (Sub-2), filed January 23, 1981. Applicant: S & K MOTOR TRANS., INC., 30 Murdock St., Somerville, MA 02145. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA 02019 (617) 966–2093. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with the E. A. Staley Manufacturing Co., of Decatur, IL.

MC 148622 (Sub-2), filed January 22, 1981. Applicant: EXPRESS SERVICE, INC., P.O. Box 263, Antioch, TN 37013. Representative: Bryan E. Hubbard (same address as applicant) (615) 834–3604. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of automobiles, trucks, farm equipment, industrial machinery, and earth-moving equipment, (2) *printed matter*, (3) *instruments and photographic goods*, (4) *electrical machinery or equipment, or equipment, or supplies*, and (5) *furniture and fixtures*, (a) between points in Christian, Todd, Logan, Simpson, Warren, Allen,

Barren, Monroe, and Metcalf Counties, KY, on the one hand, and, on the other, points in Montgomery, Cheatham, Dickson, Robertson, Sumner, Macon, Trousdale, Clay, Jackson, Overton, Davidson, Wilson, Smith, Putnam, DeKalb, Cannon, Rutherford, Williamson, Maury, Coffee, Bedford, Marshall, Giles, Moore, Lawrence, Lincoln, Franklin, Warren, White, Grundy, Sequatchie, Hamilton, Marion, Rhea, Bradley, McMinn, and Monroe Counties, TN, points in Dade, Whitfield, Murray, Walker, Chattanooga, Gordon, Floyd, Bartow, Polk, Paulding, Douglas, Fulton, Cherokee, Cobb, Clayton, DeKalb, Rockdale, Newton, Walton, Gwinnett, Clarke, Barrow, Henry, Hall, and Forsyth Counties, GA, (b) between points in Montgomery, Cheatham, Dickson, Robertson, Sumner, Macon, Trousdale, Clay, Jackson, Overton, Davidson, Wilson, Smith, Putnam, DeKalb, Cannon, Rutherford, Williamson, Maury, Coffee, Bedford, Marshall, Giles, Moore, Lawrence, Lincoln, Franklin, Warren, and White Counties, TN, on the one hand, and, on the other, points in Grundy, Sequatchie, Hamilton, Rhea, Bradley, McMinn, Monroe, and Marion Counties, TN, Bartow, Dede, Whitfield, Murray, Walker, Chattanooga, Gordon, Floyd, Polk, Paulding, Douglas, Fulton, Cherokee, Cobb, Clayton, DeKalb, Rockdale, Newton, Walton, Gwinnett, Clark, Barrow, Henry, Hall and Forsyth Counties, GA, (c) between points in Grundy, Sequatchie, Hamilton, Rhea, Marion, Bradley, McMinn, and Monroe Counties, TN, on the one hand, and, on the other, points in Dade, Whitfield, Murray, Walker, Chattanooga, Gordon, Floyd, Bartow, Polk, Paulding, Douglas, Fulton, Cherokee, Cobb, DeKalb, Clayton, Rockdale, Newton, Walton, Gwinnett, Clark, Barrow, Henry, Hall, Hall, and Forsyth Counties, GA, and (d) between points in Dade, Whitfield, Murray, Walker, Chattanooga, Gordon, and Floyd Counties, GA, on the one hand, and, on the other, points in Bartow, Polk, Paulding, Douglas, Fulton, Cherokee, Cobb, Clayton, DeKalb, Rockdale, Newton, Walton, Gwinnett, Clark, Barrow, Henry, Hall, and Forsyth Counties, GA.

Volume No. OPY–3–040

Decided: April 8, 1981.

By The Commission on Review board No. 2, Members Carleton, Fisher and Williams.

MC 40815 (Sub-9), filed March 31, 1981. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Ave., North Merrick, NY 11565. Representative: William H. Shawn, 1730 M St., N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending at points in Queens, Nassau, and Suffolk Counties, NY, and extending to points in the U.S., under continuing contract(s) with Resorts International, Inc., of Atlantic City, NJ.

MC 56344 (Sub-5), filed March 27, 1981. Applicant: ALERT MOTOR TRANSPORT, INC., P.O. Box 1045, Delran, NJ 08705. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904 (201) 572–5551. Transporting *iron and steel articles*, between points in CT, DE, GA, IL, IN, KY, ME, MA, MD, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VA, WV, and DC. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of carrier's existing certificate in No. MC–56344 and related subs.

MC 97674 (Sub-3), filed March 31, 1981. Applicant: JOHN T. THUT d.b.a. THUT'S EXPRESS, 23 Emerson St., Bangor, ME 04401. Representative: John T. Thut (same address as applicant) (207) 942–8251. Transporting *general commodities* (except classes A and B explosives), between points in Cumberland, Hancock, Kennebec, Knox, Lincoln, Pennobscot, Sagadahoc, Somerset and Waldo Counties, ME.

MC 106074 (Sub-176), filed March 27, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy. 221 S., Forest City, NC 28043. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA 30328 (404) 256–4320. Transporting *glass fiber rovings, yarn and strand, mats and matting, fabric, waste and glass fiber reinforced polypropylene sheets*, between points in Cleveland and Davidson Counties, NC, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, LA, MI, MN, MO, NE, ND, OH, OK, SD, and WI.

MC 105984 (Sub-30), filed April 1, 1981. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, a corporation, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116 (817) 592–4121. Transporting *metal products* and *machinery*, between points in PA, OH, IN, IL, IA, MI, NE, TN, KY, MO, and WV, on the one hand, and, on the other, points in KS, OK, LA and TX.

Note.—Applicant intends to tack this authority with its existing authority.

MC 106674 (Sub-526), filed March 31, 1981. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *machinery*, between points in Berrien County, MI, Cook and Edgar Counties, IL, Greene County, MO, Hidalgo County, TX, Northumberland County, PA, and Vanderburgh County, IN, on the one hand, and, on the other, points in the U.S.

MC 106775 (Sub-47), filed March 27, 1981. Applicant: ATLAS TRUCK LINE, INC., 15015 East Freeway, Houston, TX 77015. Representative: Sam Hallman, 4555 First National Bank Building, Dallas, TX 75202 (214) 741–6263. Transporting *machinery, metal products*, and *those commodities which because of their size or weight require the use of special handling or equipment*, between points in the U.S., under continuing contract(s) with White Farm Equipment Company of Oakbrook, IL.

MC 111274 (Sub-71), filed March 31, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant) (309) 266–9773. Transporting (1) *building*, (2) *roofing*, and (3) *insulation materials*, between points in the U.S. under continuing contract(s) with Georgia Pacific Corp., of Atlants, GA.

MC 114055 (Sub-11), filed March 31, 1981. Applicant: RAY KOLNIK, d.b.a. RAY KOLNIK TRUCKING, Route #1, Prairie View Rd. Walworth, WI 53821. Representative: Joseph E. Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601, (608) 788–2000. Transporting *general commodities* (except classes A and B explosives), between points in Dupage and Cook Counties, IL, on the one hand, and, on the other, points in La Crosse County, WI, Campbell County, KY, Vandenburg County, IN, St. Clair County, IL, and Ramsey County, MN. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of carrier's existing certificate in No. MC–114055 and related subs.

MC 123115 (Sub-24), filed March 31, 1981. Applicant: PACKER TRANSPORTATION CO., a corporation, 280 Parr Blvd., Reno, NV 89512. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701 (702) 882–5649. Transporting *general commodities* (except classes A and B explosives), between points in CA, NV and OR.

MC 125335 (Sub-121), filed April 1, 1981. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L.

Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting *food and related products*, between the facilities of Campbell Soup Company, its divisions, and subsidiaries, 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 127955 (Sub-6), filed March 23, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. at Aloe St., Pomona, NJ 0824. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717)–562–1202. Transporting *food and related products*, between points in Rockingham County, NC, Dougherty and Lee Counties, GA, and Fulton and Oswego Counties, NY, on the one hand, and, on the other, points in Monmouth County, NJ.

MC 134105 (Sub-101), filed March 27, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). Transporting *humas inoculant and seed treatment*, between points in CO, IA, ID, and IL, on the one hand, and, on the other, points in the U.S.

MC 136384 (Sub-26), filed March 31, 1981. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 103, Savannah, GA 31402. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, Norfolk, VA, and points in Mobile and Baldwin Counties, AL, Duval, Bay and Hillsborough Counties, FL, Camden, Glynn, Chatham and Beauford Counties, GA, Orleans, Jefferson and St. Bernard Counties, LA, Brunswick and New Hanover Counties, NC, Berkeley and Charleston Counties, SC, and Harris County, TX, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, NC, SC, TN and VA.

MC 136635 (Sub-53), filed March 31, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting (1) *metal products*, and (2) *machinery*, between points in St. Joseph County, IN, on the one hand, and, on the other, points in the U.S.

MC 138575 (Sub-14), filed March 31, 1981. Applicant: GWINNER OIL CO., INC., P.O. Box 38, Gwinner, ND 58040. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402, (612) 340–0806. Transporting *petroleum and petroleum products*, between points in MN and SD, on the one hand, and, on the other, points in Sargent, Ransom, Richland, Dickey, and LaMoure Counties, ND.

MC 139934 (Sub-8), filed April 1, 1981. Applicant: ALL SOUTHERN TRUCKING, INC., P.O. Box 2698, Tampa, FL 33601. Representative: Robert R. Solomon (same address as applicant), (813) 248–6846. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 140484 (Sub-90), filed March 31, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517. Transporting *clay, concrete, glass or stone products*, between points in FL, GA, and KY, on the one hand, and, on the other, points in the U.S.

MC 140484 (Sub-91), filed March 31, 1981. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, Fort Meyers, FL 33902. Representative: Frank T. Day (same address as applicant), (813) 334–4517. Transporting *general commodities* (except classes A and B explosives), between the facilities of ITOFCA, Inc., at points in the U.S., on the one hand, and, on the other, points in AL, CA, CT, DE, FL, GA, IL, IN, KY, LA, MA, MD, MI, MS, NH, NJ, NY, OH, PA, RI, SC, TN, TX, VA, WV, WI, and DC.

MC 140965 (Sub-2), filed March 30, 1981. Applicant: BUX MONT EXPRESS, INC., P.O. Box 223, Gwynedd, PA 19436. Representative: Peter A. Green, 1920 N St., N.W., Washington, DC 20036, (202) 331–8800. Transporting *general commodities*, between points in Bucks, Montgomery, and Philadelphia Counties, PA, on the one hand, and, on the other, points in NY, NJ, MD, and DE.

Note.—To the extent the certificate granted in the proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 144145 (Sub-7), filed March 30, 1981. Applicant: GILBERT TRUCK LINES, INC., 10928 Lakeside Dr. West, Perrinton, MI 48871. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 839–5856. 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 144505 (Sub-6), filed March 31, 1981. Applicant: DOYLE LOVE, d.b.a. LOVE TRUCKING, Route 1, Box 438, Mabank, TX 75147. Representative: Thomas L. Cook, 5801 Marvin D. Love Freeway, #301, Dallas, TX 75237, (214) 339–4108. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Medi-Vac Corporation of Jacksonville, TX.

MC 144964 (Sub-8), filed March 31, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Rd., Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M St., N.W., Washington, DC 20037, (202) 457–6495. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with West Coast Shippers' Association, of Philadelphia, PA.

MC 145595 (Sub-6), filed March 31, 1981. Applicant: ROBERT D. ANTHOLZ, d.b.a. PAWNEE GRAIN COMPANY, Route 3, Box 42, Pawnee City, NE 68420. Representative: Jack L. Schultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *transportation equipment*, between points in Douglas County, NE, on the one hand, and, on the other, points in the U.S.

MC 145994 (Sub-4), filed March 27, 1981. Applicant: PENGUIN POINT ENTERPRISES, INC., P.O. Box 975, Warsaw, IN 46580. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *such commodities* as are dealt in or used by music publishers and distributors, between points in the U.S.

MC 147264 (Sub-14), filed March 31, 1981. Applicant: JAT EXPRESS, INC., 4002 N. Rosewood Ave., Muncie, IN 47304. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *food and related products*, between points in La Porte County, IN, on the one hand, and, on the other, points in OK.

MC 147574 (Sub-1), filed February 9, 1981, previously published in the **Federal Register** of March 10, 1981. Applicant: MARINE TRUCKING, INC., 47595 North Gratiot Ave., Mt. Clemens, MI 48045. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (313) 776–1706. Transporting *boats*, between points in MI, on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

MC 151404 filed March 31, 1981. Applicant: NORTHLAND PRODUCE, INC., 4350 Lincoln Rd., Holland, MI 49423. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting

general commodities (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kent Provisions, Inc., of Grand Rapids, MI, and Dry Slide, Inc., of Fremont, MI.

MC 152694 (Sub-1), filed March 31, 1981. Applicant: PAGLIUGHI TRUCKING, INC., 1190 Hendee Rd., Vineland, NJ 08360. Representative: Frederic L. Wood, 914 Washington Bldg., Washington, DC 20005, (202) 783–1215. Transporting *food and related products*, between points in Cumberland County, NJ, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC.

MC 153114 (Sub-1), filed March 31, 1981. Applicant: OLYMPIC EXPRESS, INC., 2690 East 81st St., Bloomington, MN 55420. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Minnetonka, Inc., of Minnetonka, MN.

MC 153515 (Sub-1), filed March 31, 1981. Applicant: JO' CEE TRANSPORT CO., INC., 1310 West 107th Street, Chicago, IL 60643. Representative: Thomas M. O'Brien, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in IA, IL, IN, MI, MN, MO, OH and WI.

MC 154105 (Sub-3), filed March 31, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021, (704) 435–6811. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Clorox Company, of Oakland, 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 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 3, Room 2158.

MC 154105 (Sub-4), filed March 31, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021, (704) 435–6811. 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. 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 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 3, Room 2158.

MC 154105 (Sub-5), filed March 31, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021, (704) 435–6811. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Pharr Yarns, Inc., Stowe Mills, Inc., Pharr Yarns of Georgia, Inc., and Crescent Spinning Mills, Inc., all of McAdenville, NC. 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 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 3, Room 2158.

MC 154105 (Sub-6), filed March 31, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021, (704) 435–6811. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI. 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 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 3, Room 2158.

MC 154375 (Sub-1), filed March 31, 1981. Applicant: ANAMAX TRANSPORTATIN CORP., 2099 Shawano Ave., Green Bay, WI 54303. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520, (715) 478–3341. Transporting *inedible meat products, meat by-products, hides, and skins*, between points in the U.S., under continuing contract(s) with Anamax Corporation, of Green Bay, WI.

MC 155014, filed March 26, 1981. Applicant: JEAN WINDISH, d.b.a. G & G TRUCKING CO., INC., 214 Escambia Dr., Winter Haven, FL 33880. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 S. Orange Ave., Orlando, FL 32801, (305) 425–2213. Transporting *food and related products*, between points in FL, on the one hand, and, on the other, points in Milwaukee and Waukesha Counties, WI.

MC 155015 (Sub-1), filed March 31, 1981. Applicant: TRB COMPANY, P.O. Box 25, Wheelersburg, OH 45694. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *ores and minerals*, between points in the U.S., under continuing contract(s) with Belville Mining Company, Inc., of Wheelersburg, OH.

MC 155024, filed March 31, 1981. Applicant: L & G TRUCKING & EQUIPMENT CO., INC., 7438 Frostview Lane, Missouri City, TX 77459. Representative: James R. Boyd, 1000 Perry Brooks Bldg., Austin, TX 78701, (512) 476–8066. Transporting *concrete and metal products, building materials*, and *machinery*, between points in LA and TX.

MC 155035, filed March 31, 1981. Applicant: MED-X-PRESS, INC., 1 Erika Plaza, Rockleigh, NJ 07647. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Erika, Inc., of Rockleigh, NJ.

MC 155044, filed March 31, 1981. Applicant: WILKIE CO., INC., 843 W. College Ave., Waukesha, WI 53186. Representative: Joseph E. Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601, (608) 788–2000. Transporting *general commodities* (except classes A and B explosives), between points in Sterns County, MI, on the one hand, and, on the other, point in GA, FL, and TX.

MC 155115 (correction), filed February 18, 1981, published in the **Federal Register**, issue of March 11, 1981, and republished, as corrected, this issue. Applicant: ANDERSON ARMORED CAR SERVICE, INC., P.O. Box 244, Anderson, SC 29622. Representative: Richard C. Otter, P.O. Box 273, Anderson, SC 29622, (803) 225–2571. Transporting *coin, currency, negotiable instruments, platinum, jewelry, precious stones and metals* between points in Mecklenburg County, NC, on the one hand, and, on the other, points in SC. The purpose of this republication is to correct the commodity description. The

correct docket number will be reflected as MC–155115 which was inadvertently published on March 11, 1981 as MC–133203 Sub 4.

Volume No. OPY–4–75

Decided: April 13, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher and Williams.

MC 144756 (Sub-10), filed March 31, 1981. Applicant: DEDICATED TRUCKING CORP., Hamilton and Rush Rds., P.O. Box 1383, Chehalis, WA 98532. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235–4730. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), for the United States Government, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11598 Filed 4–16–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 61]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 14, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 10761 (Sub-286)X, March 31, 1981. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 2843 East Paris Rd. SE., P.O. Box 2388, Grand Rapids, MI 49501. Representative: William A. Chesnutt, 1333 New Hampshire Ave. NW., Washington, DC 20036. Applicant seeks to remove restrictions in Certificate No. MC–10761 and Sub Nos 1, 3, 5, 6, 17, 18, 23, 24, 26, 42, 45, 47, 51, 54, 57, 60, 62, 63, 70, 72, 73, 76, 90, 91, 94, 95, 99, 100, 101, 105, 107, 108, 114, 116, 117, 119, 127, 135, 142, 143, 144, 148, 149, 150, 151, 152, 159, 160, 166, 167, 168, 171, 177, 178, 181, 183, 185, 186, 187, 189, 190, 191, 192, 194, 195, 207, 210, 212, 213, 216, 218, 223, 225, 229, 230, 238, 239, 240, 247, 249, 250, 253, 254, 256, 258, 259, 260, 261, 262, 266, 268, 271, 274, and 282, to: (1) make "classes A and B explosives" the only exception from grants of general commodity authority in MC–10761 and Sub Nos. 1, 3, 5, 6, 17, 18, 23, 24, 26, 42, 45, 47, 51, 54, 57, 62, 63, 70, 72, 73, 76, 90, 91, 94, 95, 100, 105, 116, 119, 127, 144, 149, 166, 167, 185, 207, 213, 218, 229, 230, 259, 268, and 282; (2) expand commodity descriptions to: (a) "glass and glass products" from plate glass in Sub 51; (b) "clay, concrete, glass or stone products" from granite in Subs 101 and 117; from refractories in Sub 192 and refractory products in Sub 253; (c) "food and related products" from various types of frozen foods, fruits and vegetables in Subs 107, 143, 150, 171, 189, 239, 247 and 260; candy, confectionery and confectionery products, advertising matter premiums, prices and display materials in Sub 181; nonfrozen foodstuffs in Sub 186; foodstuffs and advertising matter, display racks and premiums in Sub 190; unfrozen prepared foodstuffs in Sub 212; from dairy products in Sub 225 frozen prepared vegetables and potato products, not frozen in Sub 238; foods, food preparations and foodstuffs in Sub 256 and 261 and foodstuffs, candy, cough drops and chewing gum in Sub 258; (d) "meat, meat products, meat by-products and articles distributed by meat packing houses" from frozen meat in Sub 247; (e) "commodities in bulk" from scrap aluminum borings in bulk in Sub 99; aluminum scrap borings in bulk in Sub 108; (f) "rubber and plastic products" from plastic pipe, and tubing and plastic pipe fittings; (g) "iron and steel articles" from gray iron castings in the rough and steel inserts in Sub 210; (h) "machinery" from electrical distribution transformers in Sub 266, and from elevators, conveyors, parts & supplies and materials used in the installation of conveyor systems in Sub 274 and (i) "such commodities as are dealt in or used by retail and wholesale hardware, and home improvement stores and sporting goods" from vacuum bottles, fillers for vacuum bottles, lunch kits, jugs, chests, cooling boxes, tents, insulating material, bowls and cups in Sub 271; (3) authorize service at all intermediate points in connection with its regular-route operations between: Cincinnati, OH and St. Louis, MO; Cincinnati and Chicago, IL, Cincinnati and Pittsburgh, PA; Cincinnati and Louisville, KY, Dayton, OH and Pittsburgh, PA; Chicago, IL and Indianapolis, IN; Chicago and Jackson, MI; Chicago and Kansas City, MO; St. Louis, MO and Kansas City, MO; St. Louis and Chicago, IL; St. Louis and Louisville, KY; Cleveland, OH and Detroit, MI; Cleveland and Pittsburgh, PA; Indianapolis, IN and Pittsburgh, PA; Toledo, OH and Pittsburgh, PA; Toledo and Flint, MI; Toledo and the junction of US Hwy 20 and US Hwy 127; Louisville, KY and Kansas City, MO; Sturgis, MI and LaGrange, IN; Coldwater, MI and Angola, IN; Chicago, IL and Milwaukee, WI; Bellefontaine, OH and Columbus, OH; Cincinnati, OH and Franklin, OH; Harrisburg, PA and Newark, NJ; Pittsburgh, PA and New York, NY in the lead; Detroit, MI and Cincinnati, OH; Columbus, OH and Cincinnati, OH; Columbus, OH and Dayton, OH; Cincinnati, OH and Findlay and Toledo, OH; Cleveland, OH and Kennedy, NY; Buffalo, NY and Syracuse, NY; Buffalo and Rochester, NY in Sub 1; Pittsburgh, PA and Harrisburg, PA in Sub 3; South Bend, IN and Indianapolis, IN in Sub 5; Detroit, MI and Chrysler Corp. Tank Arsenal; Chrysler Corp. Tank Arsenal and the junction of US Hwy 10 and 11 Mile Road near Berkley, MI in Sub 6; Camillus, NY and Auburn NY; Elbridge, NY and Skaneateles, NY in Sub 24; New York City and Hartford, CN; Hartford, CN and Bridgeport, CN; Derby, CN and New Haven, CN; New Haven and Naugatuck, CN in Sub 26; Chicago, IL and the junction of US Hwys 41 and 6 and Indiana Hwy 152 in Sub 42; Boston, MA and New Haven, CN; Boston and Hartford, CN; Hartford and Providence, RI; Hartford and junction of Conn Hwy 17 and US Hwy 5; Hartford and Holyoke, MA in Sub 57; Pontiac, MI and Federal, IL in Sub 99; Flint, MI and Aurora, IL in Sub 108; Hartford, CN and Atlanta, GA; points in Providence Co., RI and Boston, MA in Sub 185; (4) change city to county-wide authority; Boroughs of Mifflin and Mifflintown to Juniata County, PA; Williamsport to

Lycoming Co., PA; Harrisburg to Dauphin Co., PA in Sub 100; Westford to Middlesex Co., MA in Sub 101; Seabrook to Cumberland Co., NJ; Mt. Kisco to Westchester Co., NY; Nyack to Rockland Co., NY; Poughkeepsie to Dutchess Co., NY; Waterford to Schenectady Co., NY; Reading to Berks Co., PA; and Scranton to Lackawanna Co., PA in Sub 107; West Chelmsford and Westford to Middlesex Co., MA in Sub 117; Emporia to Lyon Co., KS; Sterling to Whiteside Co., IL; Lake City to Erie Co., PA;

Little Rock to Pulaski and Saline Cos., AR; Memphis to Shelby, Fayette and Tipton Cos., TN, Crittenden Co., AR and DeSoto, Co., MS; Lexington to Fayette and Jessamine Cos., KY; Owensboro to Daviess Co., KY and Spencer Co., IN in Sub 143; facilities near Worthington to Noble Co., MN in Sub 148 Dorien to Walworth Co., WI in Sub 150; facilities at or near Grand Island to Hall Co., NE in Sub 151; facilities at Monmouth to Warren Co., IL in Sub 152; facilities at or near Cherokee to Cherokee Co., IA in Sub 159; Franklin to Venango Co., PA in Sub 160; Mason City to Cerro Gardo, Co., IA in Sub 168; Buffalo to Erie and Niagara Cos., NY; Carbondale, Champaign, Donville, Milan, Moline Rockford, Rock Island and Streator to Boone, Champaign, Henry, Jackson, LaSalle, Livingston, Ogle, Rock Island, Vermillion, Williamson, and Winnebago Cos. IL; Evansville to Vanderburg, Posey and Warrick Cos., IN and Henderson Co., KY, Goshen to Elkhart Co., IN, Holland to Dubois Co., IN, Logansport to Cass Co., IN, Peru to Maimi Co., IN, Davenport to Muscatine and Scott Cos., IA and Lansing to Ingham and Shiawassee Cos., MI in Sub 171; Denison to Crawford Co., IA, Sioux City to Woodbury Co., IA in Sub 177; facilities at or near Phelps City to Atchison Co., MO in Sub 178; facilities at or near Duryea to Luzerne Co., PA in Sub 181; facilities at or near Mankato to Blue Earth Co., MN in Sub 183; facilities at Milton to Northumberland Co., PA in Sub 186; facilities at Schuyler to Colfax Co., NE In Sub 187; Cleveland to Cuyahoga, Lake, Lorain, Medina & Summit Cos., OH in Sub 189; facilities at La Porte to La Porte Co., IN in Sub 190; facilities at or near Bureau to Bureau Co., IL in Sub 191; Sinking Spring to Berks Co., PA; Fremont to Steuben Co., IN, Edgerton to Williams Co., OH, and Litchfield to Hillsdale Co., MI in Sub 210; Dover to Kent Co., DE in Sub 213; Louisiana to Pike Co., MO, Clarksville to Clinton Co., OH, Centralia, Irvington and Sparta to Clinton, Marion, Randolph and Washington Cos., IL in Sub 216; facilities at or near Logansport to Cass Co., IN; Pittsburgh to Allegheny, Westmoreland and Washington Cos., PA in Sub 225; facilities at Greenville to Montcalm, MI, Grand Rapids to Ottawa and Kent Cos., MI in Sub 238; facilities at Buffalo to Erie and Niagara Cos., NY, Gallipolis and Marietta to Gallia and Washington Cos., OH. Muskegon to Muskegon Co., MI in Sub 239; facilities at or near Liberal to Seward Co., KS in Sub 240; facilities at Lafayette to Tippecanoe Co., IN in Sub 247; facilities at Joslin to Rock Island Co., IL in Sub 249; facilities at or near Holton to Jackson Co., KS in Sub 250; facilities at Cedar Rapids to Linn Co., IA in Sub 254; Champaign to Champaign Co., IL, Allentown to Lehigh and Northampton Cos. PA in Sub 256; facilities at Canajoharie to Montgomery Co., NY, in Sub 258; Maltoon to Coles Co., IL in Sub 260; facilities at or near Fogelaville to Lehigh Co., PA in Sub 261; facilities at Marshall to Saline Co., MO in Sub 262; facilities at Waukesha to Waukesha Co., WI in Sub 266; facilities at or near Macomb to Tazewell Co., IL in Sub 271; and facilities at Grand Rapids to Ottawa and Kent Cos., MI in Sub 274; (5) replace one way service with radial authority between the above counties and States and combinations of States predominantly in the eastern half of the U.S. in Subs 101, 107, 117, 135, 142, 143, 148, 150, 152, 159, 160, 177, 178, 181, 183, 186, 187, 189, 190, 191, 195, 210, 212, 216, 223, 225, 238, 239, 240, 247, 249, 250, 253, 254, 256, 258, 260, 261, 262, 266, 271, and 274; (5) remove facilities restrictions in Subs 51, 54, 63, 72, 73, 76, 94, 95, 105, 114, 119, 166, 167, 194, 195, 207, 213, 229, 259, 268; (6) remove "originating at" and/or "destined to" restrictions in Subs 47, 62, 70, 100, 105, 114, 135, 148, 151, 152, 159, 168, 177, 178, 181, 183, 185, 186, 187, 189, 190, 191, 194, 212, 216, 223, 225, 238, 240, 247, 249, 250, 254, 256, 260, 261, 262, and 274; (6) remove a restriction against interlining in Sub 150; (7) remove a restriction against commodities in bulk in Subs 99, 108, 135, 190, 191, 194, 216, 223, 240, 249, and 254; against commodities in bulk, in tank vehicles in Subs 114, 135, 142, 148, 151, 152, 159, 168, 177, 178, 181, 183, 186, 187, 195, 212, 225, 250, 256, 261, and 262; against hides in Subs 142, 148, 151, 168, 177, 178, 183, 187, 191, 195, 223, 225, 240, 249, 250, and 254; and against pig iron in Sub 216; and (8) remove the following language from authority to transport meats, meat products, and meat by-products and articles distributed by meat packing houses: "as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766" in Subs 114, 135, 142, 148, 151, 152, 159, 168, 177, 178, 183, 187, 191, 195, 223, 225, 240, 249, 250, 254, and 262.

MC 30032 (Sub-9)X, filed April 3, 1981. Applicant: GRANE TRANSPORTATION LINES, LTD., 1011 South Laramie, Chicago, IL 60644. Representative: Michael J. Ogborn, P.O. Box 82028, Licoln NE 68501. Applicant seeks to remove restrictions from its Sub-No. 6 certificate by removing all exceptions from its authorized general commodities authority except classes A and B explosives; by removing the restrictions requiring prior or subsequent movement by rail; and by expanding its one-way to radial authority between Chicago, IL, and, St. Louis, MO and points in IN, IA, KY, MI, MN, OH, and WI.

MC 48441 (Sub-72)X, filed April 6, 1981. Applicant: R.M.E., INC., P.O. Box 418, Streator, IL 61364. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 47F certificates: to (1) remove the restriction against the transportation of "commodities in bulk;" (2) to replace authority to serve named facilities at or near Kalamazoo, MI, with authority to serve Kalamazoo County, MI; and (3) broaden the territorial description from one-way to radial authority between Kalamazoo County, MI and points in MO, IL, IA, IN, and WI.

MC 52680 (Sub-10)X, filed April 9, 1981. Applicant: D. A. EXPRESS, INC., 11937 S. Page Avenue, Calumet Park, IL 60643. Representative: Stephen H. Loeb, 33 N. LaSalle, Suite 2027, Chicago, IL 60602. Applicant seeks to reform its Sub-No. 7F certificate by deleting the restriction which limits the authority to traffic having a prior or subsequent movement by rail or water.

MC 82841 (Sub-307)X, filed March 23, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its Sub-Nos. 16, 41, 42, 48, 56, 58, 67, 71, 80, 81, 82, 87, 90, 93, 96, 102, 111, 115, 119, 123, 140, 141, 153, 174, 175, 176, 198, 204, 206, 211, 213, 215, 218, 221, 234F, 239F, 243F, 244F, 245F, 247F, 248F, 260F, 261F, 270F, 272F, 284F, 285F, 288F certificates to (1) broaden the commodity descriptions: from tractors, equipment, agricultural, industrial, and construction machinery, and equipment, trailers, attachments, internal combustion engines and parts, self-propelled trench excavating machines each weighing less than 15,000 pounds, irrigation systems, and parts thereof,

augers, bin unloading equipment, feed systems, bucket elevators, grain roller mills, and grain cleaners, hay handling machines, farm machinery and implements, snow plows, rock pickers, and cotton handling equipment, overhead electric cranes, and parts and accessories for overhead cranes to "machinery" in Sub-Nos. 16, 56, 58, 67, 80, 81, 82, 87, 93, 119, 140, 141, 176, 206, 211, 218, 221, 260F, and 288F; from hydraulic systems and power units and equipment, parts, and accessories to "machinery and equipment and parts thereof" in Sub-No. 42; from fertilizer spreaders, fertilizer applicators, hoist carriers, metal bins and tanks, agricultural stock heaters, and agricultural implement parts and wheels to "machinery, equipment, metal bins, tanks, and implements" in Sub-No. 90; from hydraulic systems, power units, and equipment, parts and accessories used in the installation and operation of hydraulic systems and power units for hydraulic systems to "machinery, equipment, and parts and accessories used in the installation thereof" in Sub-No. 96; from material handling equipment, winches, compaction and roadmaking equipment, rollers, mobile cranes and highway freight trailers and parts, attachments and accessories to "industrial and construction equipment, materials, and supplies" in Sub-Nos. 41, 115, 243F; from agricultural implements, farm machinery, and farm trailers (except those commodities which because of size or weight require the use of special equipment) to "machinery, equipment and implements" in Sub-No. 102; from farm implements not self-propelled to "farm implements" in Sub-No. 111; from feed mixers, roller mills, and feed storage bins to "machinery and fabricated metal products" in Sub-No. 123; from electrical switchgear, electrical control and relay switchboards, and electrical panels, components, parts and accessories to "electrical equipment, components, parts and accessories for said equipment" in Sub-Nos. 175, 239F, and 248F; from bulk material handling equipment, parts and components to "farm, industrial, or construction equipment" in Sub-Nos. 215 and 234F; from concrete pumps, conveyors, scaffolding and accessories and parts to "construction equipment, material and supplies" in Sub-No. 284F; from electric copper cable and empty reels and cores to "telephone equipment and empty reels and cores" in Sub-No. 285F; (2) to replace authority to serve named points with county-wide authority: Vermillion, Henry, and Peoria Counties, IL for Danville, Kewanee, and Peoria, IL in Sub-No. 41; Taylor County, IA for Lenox, IA, and Gage County, NE for Beatrice, NE in Sub-Nos. 48 and 90; Douglas County, NE for Valley NE in Sub-Nos. 58, 81, and 176; Holt County, NE for Atkinson, NE in Sub-No. 67; York County, NE for York, NE in Sub-No. 71; Chippawa and Eau Claire County, WI for Eau Claire, WI in Sub-No. 80; Wright County, IA for Clarion, IA in Sub-No. 87; Clay County, KS for Clay Center, KS in Sub-No. 93; Hamilton County, NE for Aurora, NE in in Sub-No. 102; Polk County, IA for Ankeny, IA in Sub-No. 111; Montgomery County, IN for Crawfordsville, IN in Sub-No. 115; Lane County, OR for Eugene, OR in in Sub-No. 119; Platte County, NE for Columbus, NE in Sub-Nos. 123, 234F, 272F; Lancaster County, NE for Lincoln, NE in Sub-Nos. 140 and 198; Des Moines County, IA for Burlington, IA in Sub-No. 141; Clay and Lincoln Counties, KS for Clay Center and Lincoln, KS in Sub-No. 204; Terry County, TX for Brownfield, TX, in Sub-No. 206; Rock Island and Fulton Counties, IL for East Moline and Moline, IL, and Canton and Rock Island, IL in Sub-No. 213; Buchanon County, MO for St. Joseph, MO in Sub-No. 215; Stearns County, MN for Brooten, MN in Sub-No. 218; Kaufman County, TX for Terrell, TX in Sub-No. 221; Vermillion County, IL for Danville, IL, Henry County, IL for Kewanee, IL, Montgomery County, IN for Crawfordsville, IN, and Madison County, KY for Berea, KY in Sub-No. 243F; Hall County, NE for Grand Island, NE, and Dawson County, NE for Lexington, NE in Sub-No. 244F, Monroe County, PA for East Stroudsburg, PA in Sub-No. 245F; Yankton County, SD for Yankton, SD in Sub-No. 284F; Potter and Randall Counties, TX for Amarillo, TX in Sub-No. 288F; (3) to replace existing one-way authority with radial authority between points in the indicated states and points throughout the United States or portions thereof: Sub-Nos. 16 (IA, IL), 48(IA, NE), 56 (NE), 58(NE), 67(NE), 71(NE), 80(WI), 81(NE), 82(IA, IL), 87(IA); 90 (IA, NE), 93 (KS), 102(NE), 111(IA), 115 (IN), 119 (OR), 123 (NE), 140(NE), 141(IA), 153 (IL, IA), 174 (NE), 175 (NE), 176 (NE), 198 (NE), 204 (KS), 206 (TX), 213 (IL), 215 (MO), 218 (MN), 221 (TX), 234F (NE), 239F (NE), 244F (NE), 245F (PA), 247F (CO), 248F (NE), 260F (IL), 270F (IA), 272F (NE), 285 (NE) and 288F (TX); (4) delete plantsite and facilities restrictions and restrictions limiting service to traffic originating at or destined to named points in in Sub-Nos. 16, 41, 42, 48, 56, 58, 67, 71, 80, 81, 82, 87, 90, 93, 96, 102, 111, 115, 123, 141, 153, 174, 175, 176, 198, 204, 206, 213, 218, 234F, 239F, 243F, 244F, 247F, 248F, 260F, 261F (except (3)), 270F, 272F, and 285F; (5) remove the restriction against the transportation of iron and steel articles from Putnam County, IL and Kansas City, KS–MO in Sub-No. 48; (6) delete the restriction against the transportation of commodities which because of size and weight, require use of special equipment in Sub-Nos. 80 and 93; (7) remove the mixed load restriction in Sub-No. 87; (8) remove the restriction against traffic destined to points in Cananda in Sub-No. 140; (9) remove the restriction against transporting self-propelled articles in Sub-No. 204; (10) remove the restriction against transporting commodities in bulk, and automobiles, trucks, buses, as described in the *Descriptions* Case in Sub-No. 272F.

MC 82841 (Sub-309)X, filed March 23, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 54, 55, 57, 62, 65, 66, 75, 83, 89, 91, 107, 117, 121, 126, 129, 136, 146, 148, 150, 151, 156, 158, 159, 166, 168, 169, 173, 177, 186, 191, 192, 195, 196, 199, 200, 203, 209, 210, 214, 219, 222F, 231F, 232F, 235F, 246F, 251F, 254F, 257F, 259F, 266F, 269F, and 281F, certificates to (A) broaden the commodity descriptions as follows: (a) in the lead para. 1, from general commodities, with exceptions, to "general commodities (except classes A and B explosives)"; (b) lead para. 8, from livestock, agricultural commodities, feed and lumber, to "agricultural commodities and lumber"; (c) lead para. 9, from livestock and agricultural products, to "agricultural products"; (d) lead paras. 10 and 24, from livestock and farm machinery and irrigation systems to "machinery"; (e) lead para. 12 from livestock, grain, feed, tankage, argicultural implements, household goods, petroleum products in packages, coal, and road machinery, to "agricultural implements, household goods, petroleum products, coal, machinery, and construction equipment and supplies;" (f) lead paras. 16, 18 and 19, and Sub-Nos. 54, 57, 75, 91, 107, 126, 148, 151, 158, 166, 169, 195, 199, 251F and 259F from lumber, lumber products, forest products, wood shavings, wood chips, sawdust millwork, posts and poles, bond deck and box shoes, composition board, plyboard, particleboard, fiberboard, flakeboard, hardboard, wallboard, tileboard, prefinished plywood, fire logs, prefinished and unfinished hardwood flooring, and stair parts to "lumber and

wood products and forest products"; (g) lead para. 17 from irrigation systems (except those commodities which, because of size or weight would require the use of special equipment to load, unload, or transport) to "machinery and machinery parts"; (h) lead para. 20, from (1) tractors (except truck-tractors), (2) agricultural implements and machinery and (3) attachments for and equipment designed for use with the articles described in (1) and (2) above when moving in mixed loads with the articles described in (1) and (2) above, to (1) "machinery and agricultural implements and (2) attachments for and equipment designed for use with the articles described in (1)"; (i) lead para. 21, from fertilizer spreaders, fertilizer applicators, hoist carriers, metal bins and tanks, agricultural stock tank heaters, and agricultural implement parts and wheels to "machinery, equipment, metal bins, tanks, and implements" (j) lead para. 22, from steel bar joists and accessories to "metal articles"; (k) lead para. 25 from pipe, tubing, light poles, mast arms brackets, bases and accessories to "fabricated metals and metal product"; (l) lead para. 26, from iron and steel articles, and pipe coating material when moving with shipments of pipe to "metal and metal articles and pipe coating material"; (m) lead para. 27, from corrugated steel pipe to "fabricated metal"; (n) lead para. 28 from cranes and parts and attachments therefor to "construction equipment and machinery"; (o) lead para. 31 from paper and paper articles, except paper bags and paper containers to "paper and paper articles"; (p) in in Sub-Nos. 55 and 46, from farm and stock trailers, set up, and parts and accessories thereof, and/or cattle guards, iron or steel and component parts thereof to "fabricated metal products and farm and stock trailers"; (q) in in Sub-No. 65 from concrete pumps, conveyors, scaffolding, and accessories and parts thereof to "construction equipment, materials and supplies"; (r) in Sub-No. 83, from charcoal briquettes, in bags, to "charcoal briquettes";(s) in Sub-No. 117 from trailers used to transport recreational vehicles to "trailers"; (t) in Sub-No. 150 from unassembled furniture, in cartons to "furniture"; (u) in Sub-No. 192 from building sections and building panels; in Sub-No. 196, from roofing materials and asphalt siding; and in Sub-No. 200 from metal roof decks and metal siding and accessories for metal roof decks to "building materials"; (v) in Sub-No. 203 from wooden fencing materials and wooden fencing accessories to "lumber and wood products"; (w) in Sub-No. 214 from flat glass to "glass"; (x) in Sub-No. 222F from wood burning heating appliances and solar energy heating and cooling systems to "appliances and solar energy heating and cooling system"; (y) in Sub-No. 254 from building board, wall-board, and insulating board, (except commodities in bulk) to "building materials"; and (z) in Sub-No. 266F from materials, equipment and supplies used in the manufacture of retail store fixtures (except commodities in bulk) to "materials, equipment and supplies used in the manufacture of store fixtures"; (B) broaden the territorial scope by (a) replacing one-way with radial authority in all of the authorities except Sub-No. 65; and (b) replacing city-wide and/or named facilities with county-wide authority as follows: in the lead, Moline and Rock Island with Rock Island County, IL; Omaha, Valley, Nickerson and Fremont with Omaha, Douglas and Dodge Counties, NE; Grass Creek with Hot Springs County, WY; Blair with Washington County, NE; Goodland with Sherman County, KS and Poncha Springs with Chaffe County, CO; Mead with Saunders County, NE; Rock Island and East Moline, with Rock Island County, IL; Lenox and Beatrice with Taylor and Gage Counties, NE; Norfolk with Madison and Stanton Counties, NE; Sioux City with Woodbury County, IA; Wahoo with Saunders County, NE; Topeka with Shawnee County, KS and Des Moines with Polk County, IA; Waverly with Lancaster County, NE; Nebraska City with Otoe County, NE; Sioux City with Woodbury County, IA; in Sub-No. 55, Lincoln with Lancaster County, NE; in Sub-No. 62, Vernal with Uintah County, UT; in Sub-No. 65, Yankton with Yankton County, SD; in Sub-No. 66, Herty and Sheldon, with Angelina and Harris Counties, TX; in Sub-No. 107, Martell with Amador County, CA; in Sub-No. 117, Lenox with Taylor County IA; in Sub-No. 121, Wausau with Marathon County, WI and Lincoln with Lancaster County, NE; in Sub-No. 126, Cicero with Cook County, IL; in Sub-No. 129, Lenox with Taylor County, IA; in Sub-No. 136, Newcastle with Weston County, WY; in Sub-No. 146, Falls City with Richardson County, NE and Wausau with Marathon County, WI; in Sub-No. 148, Flagstaff with Coconino County, AZ; in Sub-No. 150, Stockton with San Joaquin County, CA; in Sub-No. 151, Martell with Amador County, CA; in Sub-No. 156, Lincoln with Lancaster County, NE; in Sub-No. 158, Montrose with Montrose County, CO; in Sub-No. 159, Council Bluffs with Pattawattamie County, IA; in Sub-No. 166, Navajo with McKinley County, NM; in Sub-No. 168, Texarkana, with Bowie County, TX; in Sub-No. 169, Granada with Granada County, MS; in Sub-No. 177, Eagle, Craig, Kremmling, Walden and Pagosa Springs with Eagle, Moffat, Grand, Jackson and Archuleta Counties, CO; in Sub-No. 186, Greenville with Hunt County, TX; in Sub-No. 191, Borger with Hutchinson County, TX; in Sub-No. 192, Rinton with King County, WA; in Sub-No. 195, Grand Prairie, with Dallas County, TX; in Sub-No. 200, Norfolk with Madison and Stanton Counties, NE; in Sub-No. 203, Gladstone, Stephenson and Alpena with Delta, Menominee and Alpena Counties, MI; in Sub-No. 209, Montrose and Dolores with Montrose and Montezuma Counties, CO; in Sub-No. 210, Missoula, MT with Missoula County, MT; in Sub-No. 214, Wichita Falls with Wichita County, TX; in Sub-No. 219, Gardnerville with Douglas County NV; in Sub-No. 222, Valley with Douglas County, NE; in Sub-No. 231, Hulett with Crook County, WY; in Sub-No. 235, York with York County, NE; in Sub-No. 246, Killeen with Bell County, TX; in Sub-No. 251F, Blountstown with Calhoun County, FL; in Sub-No. 254F, Macon with Bibb County, GA; in Sub-No. 257F, Borger with Hutchinson County, TX; in Sub-No. 266, Scottsboro with Jackson County, AL; in Sub-No. 269F, Hampton with Henry County, GA; (C) remove the following restrictions: (a) in the lead, para. 2, restriction against the transportation of shipments from Moline and Rock Island, IL to points in IA; (b) in the lead, paras. 20, 21, 22, 23, 24, 25, 26, 27 and 28, and Sub-Nos. 54, 62, 65, 91, 126, 156, 159, 192, 222F, 235F and 281F, those restrictions limiting transportation to traffic (a) originating at and/or destined to named facilities; (c) in the lead, para. 26, restriction to the transportation of traffic having an immediately prior movement by water; (d) in the lead, paras. 23 and 25, restriction against the transportation of commodities which, because of size or weight, require the use of special equipment; in the lead, (e) paras. 24 and 25 restriction against the transportation of oilfield commodities as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; (f) in the lead, para. 29, restriction against transportation of shipments destined to points in MO; (g) in the lead, para. 30, restriction to transportation of shipments destined to St. Louis, and points in MO within the St. Louis Commercial Zone, as defined by the Commission; (h) in the lead, para. 31, restriction against the transportation of waste paper from Nebraska City, NE to Hutchinson, KS; (i) in Sub-No. 65, restriction against the transportation of self-propelled articles, each weighing

15,000 pounds or more, when moving between Yankton, SD and points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MI, MS, MO, NJ, NC, OH, PA, SC, TN, VA and WV; (j) in Sub-No. 66, restriction against the transportation of newsprint from Herty, TX to points in KS; (k) in Sub-Nos. 129 and 235, restriction against transportation of commodities in bulk; (l) in Sub-No. 173, restriction to the transportation of shipments moving on a bill of lading of Emmer Bros. Inc.; and (m) in Sub-Nos. 89, 196 and 259, remove facility limitations.

MC 114552 (Sub-259)X, filed April 2, 1981. Applicant: SENN TRUCKING COMPANY, P.O. Box 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions from its Sub-Nos. 36, 87, 115, 125, 133, 141, 142, 156F, 166F, 167F, 168F, 169F, 172F, 180F, 200F, 204F, 212F, 216F, 220F, 221F, 225F, 226F, 229F, 232F, 234F, 237F, 243F, 244F, 245F, 248F and 252F certificates to (1) broaden the commodity description to "metal products" from steel articles in Sub-No. 36; from iron or steel articles in Sub-Nos. 133, 166F, 167F, 168F, 169F, 180F, 212F, 220F, 229F, 234F, 245F and part (1) of 252F; from iron and steel articles and materials, equipment and supplies in Sub-No. 156; from metal and metal articles in Sub-Nos. 225F, 237F, and 244F; from iron castings in Sub-No. 142; from chain link fence and fencing materials in Sub-No. 226F; from iron and steel prefabricated buildings in part (1) of Sub-No. 221F; from iron, steel, zinc, lead and articles or products thereof, and springs and materials, supplies and equipment in Sub-No. 141; from pipe in Sub-No. 234; from nails and wire in Sub-No. 248F; from steel electrical conduit pipe in Sub-No. 87; from iron and steel strand, wire and spirals in Sub-No. 125; from aluminum and aluminum products in part (1) of Sub-No. 204F, part of 216F and part of 232F; from aluminum and steel tanks and smokestacks, and parts, and materials, equipment and supplies in Sub-No. 172F; to "machinery" from industrial or agricultural machinery in Sub-No. 243, (2) remove restriction against transportation of traffic to AK and HI in Sub-Nos. 125, 204F, 216F, 220F, 221F, 232F, 243F and 244F, (3) remove restriction limiting traffic to that "originating at and destined to" named points in Sub-Nos. 36, 115, 141, 172F, (4) remove a restriction against transportation of lumber in part (2) of Sub-No. 225F, (5) remove "except in bulk" restrictions in Sub-Nos. 141, 172F, 221F, 225F and 232F, (6) remove "in tank vehicle" restrictions in Sub-No. 221F and 232F, (7) remove facilities limitations (a) in Sub-No. 36 at Youngstown, OH (b) in Sub-No. 87 at New Kensington, PA and replace with Westmoreland County, PA, (c) in Sub-No. 115 at Carnegie, PA, and replace with Alleghany County, PA, (d) in Sub-No. 125 at Sanderson, FL and replace with Baker County, FL, (e) in Sub-No. 133 at Darlington, SC, and replace with Darlington County, SC, (f) in Sub-No. 141 at Blue Island and Joliet, IL, Cicero, Elkhart, Ft. Wayne, and Kokomo, IN, Centerville, IA, Grand Rapids, and Lansing, MI, Jackson, MS, Columbus and Toledo, OH and replace with Cook and Will Counties, IL, Hamilton, Elkhart, Allen, and Howard Counties, IN, Appanoose County, IA, Ingham and Kent Counties, MI, Hinds County, MS, and Columbus and Toledo, OH; (g) in Sub-No. 142 at Greenwood, SC, and replace with Greenwood County, SC; (h) in Sub-No. 156 at Georgetown and Andrews, SC and replace with Georgetown County and Andrews, SC; (i) in Sub-No. 166F at Cleveland, OH, Pittsburgh and Aliquippa PA, and replace with Cleveland, OH, Pittsburgh, PA and Beaver County, PA; (j) in Sub-No. 167 at Ashland, KY and replace with Ashland, KY; (k) in Sub-No. 168 at Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH, Benwood, Beechbottom, Wheeling and Follansbee, WV, and Allenport and Monessan, PA and replace with Mahoning and Jefferson Counties, OH, Martins Ferry, Mingo Junction, and Steubenville, OH, Brooke, Marshall, and Ohio Counties, WV and Follansbee, WV, Washington and Westmoreland Counties, PA; (l) in Sub-No. 169 at Steubenville, OH and Weirton WV, and replace WV with Jefferson and Hancock Counties, WV; (m) in Sub-No. 172 at Birmingham, AL and replace with Jefferson County, AL; (n) in Sub-No. 180 at Clairton, Duquesne, Fairless, Homestead, Dravosburgh, Johnstown, McKeesport, McKees Rocks, and Vandergrift, PA and Cleveland, Lorain and Youngstown, OH and replace with Alleghany, Bucks and Cambria Counties, PA, Vandergrift, PA, Lorain County, OH, and Cleveland and Youngstown, OH; (o) in Sub-No. 200 at Pittston, PA and replace with Luzerne County, PA; (p) in Sub-No. 204 at St. Johns County, FL; (q) in Sub-No. 212 at Harris and Jefferson Counties, TX; (r) in Sub-No. 220 at Columbia, SC and replace with Richland County, SC; (s) in Sub-No. 221 at Chester, SC and replace Chester County, SC; (t) in Sub-No. 226 at Atlanta, GA; (u) in Sub-No. 229 at Savannah, Atlanta and Marietta, GA and replace with Chatham and Cobb Counties, GA, and Atlanta, GA; (v) in Sub-No. 232 at Berkeley County, SC; (w) in Sub-No. 234 at Conroe, TX and replace with Montgomery County, TX; (x) in Sub-No. 245 at Columbia and Darlington, SC and replace with Columbia, SC and Darlington County, SC; (8) change city to county wide authority in Sub-No. 244; Aberdeen, NC to Moore County, NC; and (9) change one-way to radial authority between various points throughout the U.S. in Sub-Nos. 36, 87, 115, 125, 133, 141, 142, 156, 166, 167, 168, 169, 172, 180, 200, 212, 220, 221, 225, 226, 229 and 243.

MC 117344 (Sub-291)X, filed February 9, 1981, previously noted in the FR of February 26, 1981, republished as corrected this issue. Applicant: THE MAXWELL CO., 10300 Evendale Drive, Cincinnati, OH 45241. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. Applicant seeks to remove restrictions in its Sub-Nos. 58, 89, 97, 101, 106, 113, 115, 119, 123, 124, 133, 136, 137, 145, 147, 153, 166, 167, 173, 175, 180, 185, 188, 191, 197, 198, 202, 205, 206, 219, 227, 228, 234G, 246, and 259 certificates to broaden its various specified commodity descriptions such as core compound, aluminum sulphate, chemicals, liquid adhesives, vegetable oils, and fertilizer solutions, most of which are limited to movement in bulk, to "commodities in bulk", and to remove the equipment restriction "in tank vehicles" or "in hopper vehicles". In addition, it seeks to broaden specific points and plantsite facilities to city or county-wide authority as follows: In Sub-No. 145, Sheet No. 4, Michigan City, IN to La Porte County, IN, Sheet No. 7, 12, and 13, Nitro, WV to Kanawha County, WV and Sheet No. 7, St. Bernard, OH to Hamilton County, OH; in Sub-No. 153, Fulton, IN to Fulton County, IN; in Sub-No. 166, Kenton, OH to Hardin County, OH; in Sub-No. 175, Thorntown, Eaton, and Warsaw, IN to Boone, Delaware, and Kosciusko Counties, IN; in Sub-No. 219, Lawrenceburg, IN to Dearborn County, IN; in Sub-No. 228, Greenville, OH to Drake County, OH; in Sub-No. 234G, Sheet No. 2, Delaware to Delaware County, OH; in Sub-No. 246, remove the named facilities limitation Owensboro, KY; in Sub-No. 259, Middeletown, OH to Butler County, OH. It seeks to expand its one-way authority to radial authority and substitute county-wide authority as follows: (1) Between Green and Montgomery Counties, OH, (Dayton, OH) and points in IA, MO, and WI in Sub-No. 58; (2) between Butler County, OH, and, points, in KY and WV in Sub-No. 89; (3) between Delaware County, OH, and, points in IN and KY in Sub-No.

97; (4) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH (Columbus, OH), and, points in IL, IN, and KY in Sub-No. 101; (5) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH (Columbus, OH), and, points in a described portion of MO in Sub-No. 106; (6) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH (Columbus, OH) and, points in KY, MO, NC, SC, VA and WV in Sub-No. 113; (7) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union Counties, OH (Columbus, OH), and, points in WI in Sub-No. 115; (8) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH (Columbus, OH) and, points in GA in Sub-No. 119; (9) between Campbell County, KY (Wilder, KY), and points in IN, MI, OH, WV (except points in 10 named counties in WV), in Sub-No. 123; (10) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union Counties, OH (Columbus, OH), and points in IL in Sub-No. 124; (11) between points in Clark and Floyd Counties, IN, and Jefferson County, KY (Louisville, KY commercial zone) and, points in IL and IN, in Sub-No. 133; (12) (a) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union Counties, OH (Columbus, OH), and, points in KY, and (b) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union Counties, OH (Columbus, OH), and, points in TN, in Sub-No. 136; (13) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union Counties, OH, (Columbus, OH), and, points in a described portion of MN, in Sub-No. 137; (14) (a) between Boone, Campbell and Kenton Counties, KY, and Butler, Clermont, and Hamilton Counties, OH (Cincinnati, OH), and Jefferson County, KY, and Floyd and Clark Counties, IN, (Louisville, KY), and, points in IN and OH within 150 miles of Cincinnati, OH, and (b) between Cincinnati, OH, and, Covington, and Newport, KY, in Sheet No. 1, (c) between La Porte County, IN, and, points in IL, MI, KY, and OH, in Sheet No. 4, (d) between Kanawha County, WV, and, points in Hamilton County, OH, in Sheet No. 7, (e) between Mercer County, OH, and, points in MI, IL, IN, MO, GA, KY, and WI, in Sheet No. 10, (f) between Montgomery County, OH, and points in TN (except Hamilton County, TN), in Sheet No. 10, (g) between Hamilton, Butler, and Clermont Counties, OH, and Boone, Kenton, and Campbell Counties, KY (Cincinnati, OH), and, points in NH, VT, a described portion in ME, and AR, in Sheet No. 11, (h) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union Counties, OH (Columbus, OH), and, points in PA, NY, NJ, MA, and MI, in Sheet No. 11, (i), between Kanawha County, WV, and, points in IL and WI in Sheet No. 12, (j) between Hamilton, Butler, and Clermont Counties, OH, and Boone, Kenton, and Campbell Counties KY (Cincinnati, OH), and, points in OK, in Sheet No. 12, (k) between St. Bernard, and Hamilton, Butler, and Clermont Counties, OH and Boone, Campbell, and Kenton Counties, KY (Cincinnati, OH), and points in DE, KS, MD, MO, NJ, and VA, in Sheet No. 13, (l) between Hamilton, Butler, and Clermont Counties, OH and Boone, Kenton, and Campbell Counties, KY, (Cincinnati, OH), and, points in Kanawha County, WV, in Sheet No. 13; (15) between points in IN, KY, (except Daviess and Jefferson Counties), and OH, and, points in IN and OH, in Sub-No. 147; (16) between Fulton County, IN, and points in IL, IN, MI, OH, and WI, in Sub-No. 153; (17) between Hardin County, OH, and, points in AL, GA, IL, IN, IA, MI, NE, NC, PA, TN (except Kingsport and Elizabethton) and WI in Sub-No. 166; (18) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH (Columbus, OH), and, points in CT, MA, and RI, in Sub-No. 167; (19) between points in Hamilton County, OH, and, points in IA, KS, NE, OK, SD, and TX, in Sub-No. 173; (20) between points in Boone, Delaware, and Kasciusko Counties, IN, and, points in OH, in Sub-No. 175; (21) between Covington, KY, and, points in OH, in Sub-No. 180; (22) between points in Fayette County, OH, and, points in IN, KY, and MI, in Sub-No.185; (23) between St. Louis, MO, and Chicago, IL, and, Cincinnati and St. Bernard, OH, in Sub-No. 188; (24) between points in Delaware County, OH, and, points in MI, in Sub-No. 191; (25) between points in Delaware County, OH, and, points in AL, AR, IA, IL, MN, MO, TN, and WI, in Sub-No. 197; (26)(a) between points in Jackson County, IN, and points in IL (except the St. Louis, MO—East St. Louis, IL CZ), IN, KY, MI (except Kalamazoo and Grand Rapids and points in those CZ), OH, TN (except Kingsport and points in its CZ), and WI, and (b) between points in IN, KY, and TN (except Shelby County and Kingsport and its CZ), and, points in Jackson County, IN, in Sub-No. 198, (27) between Hamilton, Butler, and Clermont Counties, OH, and Boone, Kenton, and Campbell Counties, KY (Cincinnati, OH), and, points in WV, in Sub-No. 202; (28) between Ownesboro, KY, and, points in AL, AR, GA, IL (except points in the St. Louis, MO—East St. Louis, IL CZ), IN, IA, KS, LA, MN, MS, MO (except points in the St. Louis, MO—East St. Louis, IL CZ), NC, OH, OK, SC, TN (except Kingsport and Elizabethton), TX and WI, in Sub-No. 205; (29) between Greene and Montgomery Counties, OH (Dayton, OH), and points in KY, in Sub-No. 206; (30) between Dearborn County, IN, and, points in KY and OH, in Sub-No. 219; (31) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union Counties, OH, and, points in IN, KY, MI, PA, and WV, in Sub-No. 227; (32) between points in Darke County, OH, and, points in AL, FL, GA, IL, IN, IA, KY, MO, ME, MI, MN, MS, NY, NJ, NC, PA, TN, TX, and WI, in Sub-No. 228; (33) (a) between Hamilton, Butler, and Clermont Counties, OH, and Boone, Kenton, and Campbell Counties, KY (Cincinnati, OH), and, points in IL (except points in the St. Louis, MO—east St. Louis,

IL CZ), IN, IA, GA, MI, MN, MO (except points in the St. Louis, MO—East St. Louis, IL CZ), NC, SC, TN (except Kingsport), and WI, (b) between Delaware County, OH, and, points in GA, IL (except points in the St. Louis, MO—East St. Louis, IL CZ), NC, SC, TN (except Kingsport), and WI, and (c) between Delaware, Fairfield, Franklin, Licking, Madison, Pickaway and Union Counties, OH, (Columbus, OH), and, points in IN, IA, MN, MO (except points in the St. Louis, MO—East St. Louis, IL, CZ), NC, SC, and WI, in Sub-No. 234G; (34) between Owensboro, KY, and, points in IL, IN, KY, MO, TN, OH, VA, and WV, in Sub-No. 246; (35) between Butler County, OH, and, points in IN and KY in Sub-No. 259. It also seeks to remove the following restrictions: In Sub-No. 89, a restriction against the transportation of liquid aluminum sulphate from points in Butler County, OH, to points in Jefferson County, KY, Brooke, Hampshire, Hancock, Kanawha, Monongalia, and Ohio Counties, WV, and to Fairmont, WV; in Sub-No. 97, a restriction against the transportation of (1) lards, fats, greases, oils, and tallows to points in IN, and (2) petrochemicals to points in that part of KY on and east of US Hwy 31W; in Sub-No. 124, a restriction against the transportation of dry chemicals from Columbus, OH, to points in IL within the St. Louis, MO—East St. Louis, IL CZ; in Sub-No. 136, a restriction against the transportation of (a) petroleum products listed in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which are also listed as acids and chemicals in

Appendix XV to that report to points in KY on and east of US Hwy 31W, and (b) liquid hydrogen, liquid oxygen, and liquid nitrogen to missile storage or missile launching sites, missile test facilities, or manufacturing plants producing liquid hydrogen, liquid oxygen, and liquid nitrogen located in TN; in Sub-No. 147, a restriction to transportation of shipments having a prior or subsequent movement by water or rail; in Sub-No. 166, restrictions (a) limiting service to traffic originating at Kenton, OH, and destined to points in named states, (b) against the transportation of dry plastic materials destined to East St. Louis, IL, and (c) against the transportation of liquid plastic materials to points in NC; in Sub-No. 173, an originating at and destined to restriction; in Sub-No. 185, restrictions against the transportation of (a) dry fertilizer and dry fertilizer ingredients, in dump vehicles, to points in part of MI, and (b) liquid fertilizer and liquid fertilizer ingredients, to points in a part of KY; in Sub-No. 188, a restriction limiting the transportation of shipments to those destined to named plantsites; in Sub-No. 205, a restriction against the transportation of dry chemicals to points in 7 named counties in TX; and in Sub-No. 228, a restriction limiting the transportation of shipments to those originating at Greenville, OH. The purpose of this republication is to territorially expand Dayton, OH, Columbus, OH, Cincinnati, OH, Louisville, KY, and Wilder, KY, into county-wide authority in parts 1, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 18, 27, 29, 31, and 33.

MC 119789 (Sub-732)X, filed April 3, 1981. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbald, Jr. (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 424F and 717F certificates to (1) remove the restrictions "except in bulk" in Sub-No. 424F, "in containers" and "AK and HI" in Sub-No. 717F; and (2) expand one-way authority to radial authority between (a) points in IL, IN, OH and WI, and, points in 17 named States in Sub-No. 424F, and (b) points in LA and TX, and, points in the U.S. in Sub-No. 717F.

MC 125116 (Sub-2)X, filed March 25, 1981. Applicant: JEM TRANSPORT, INC., P.O. Box 345, Wilsonville, Oregon 97070. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW, Washington, DC 20036. Applicant seeks to remove restrictions from its lead certificate to (1) change the commodity description from heavy machinery to "machinery"; and (2) delete the requirement "contractors" from its materials and supplies authority and the limitation "when their transportation is incidental to the transportation by carrier of commodities which, by reason of size or weight, require special equipment".

MC 125780 (Sub-6)X, filed April 3, 1981. Applicant: DON TRIPP TRUCKING, a corporation, Missoula, MT. Representative: William E. Seliski, P.O. Box 8255, Missoula, MT 59807. Applicant seeks to remove restrictions in its lead permit (1) to broaden the commodity description from asphalt roofing to "building materials," and (2) to broaden its territorial scope to between points in the U.S. under continuing contract(s) with named shippers.

MC 128746 (Sub-73)X, filed April 8, 1981. Applicant: D'A GATE NATIONAL TRUCKING CO., 3240 South 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, Robert R. Harris, 1730 M St. NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 7 certificate to: (1) broaden the commodity description to (a) "such commodities as are dealt in or used by wholesale and retail grocery businesses" from malt beverages, groceries, canned goods, bag goods and scrap or waste paper (in bundles or bales) in paragraphs 1 and 2, malt beverages and canned (and bag goods) in paragraphs 3, 4 and 5, canned and bag goods in paragraph 6, malt beverages, groceries and canned and bag goods in paragraph 7, canned goods in paragraph 8, canned goods and dog foods (in bags or cans) in paragraph 9, and meats (in bags or cans) in paragraph 10, and (b) "food and related products" from canned goods and sugar (in bags or cans) in paragraph (11), malt beverages in paragraphs 12, 14, and 16, empty containers in paragraphs 13 and 15, malt beverages and empty malt-beverage containers in paragraph 17 and brewer's supplies in paragraph 18; (2) authorize service at all intermediate points in connection with its regular-route operations between Washington, DC and Baltimore, MD, in paragraph 1; (3) broaden city to county-wide authority in its irregular route portion: Silver Spring to Montgomery County, MD, Clarendon and Rossyln to Arlington County, VA, Ellicott City to Howard County, MD, Fort Howard to Baltimore County, MD and Fort Hoyle to Anne Arundel County, MD in paragraph 1; Frederick to Frederick County, MD, Orange to Orange County, VA, and Hagerstown to Washington County, MD in paragraph 6; Mt. Airy to Carroll County, MD in paragraph 8; Norristown to Montgomery County, PA in paragraph 12, 13 and 14; Waukesha to Waukesha County, WI, Bethesda to Montgomery County, MD Claiborne to Talbot County, MD, Cambridge to Dorchester County, MD, Salisbury to Wicomico County, MD, Atlantic City and Hammonton to Atlantic County, NJ, Camden to Camden County, NJ, Paulsboro to Gloucester County, NJ, Penns Grove to Salem County, NJ, Wildwood to Cape May County, NJ, and Beckley to Raleigh County, WV in paragraphs 14 and 15; (4) remove a facilities limitation in paragraph 16; (5) authorize radial operations in place of existing one-way service between various combination of the above counties and points and counties in CT, DE, DC, MD, MI, NY, NJ, OH, PA, VA, WI and WV in paragraphs 4–16, and 18.

MC 129903 (Sub-18)X, filed April 3, 1981. Applicant: EMPORIA MOTOR FREIGHT, INC., Box 1103, RR5, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 6, 9, 12F, 13F, 15F, and 16F certificates to (1) broaden the commodity descriptions from (a) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in the lead (page 2) and Sub-No. 6; (b) automobile batteries, and tires, refrigerators, carbon dioxide gas, in containers, empty sugar barrels, egg case materials and supplies therefor, poultry boxes, fiber boxes, tin cans, glasses, paper, bags, napkins, cups and dishes, wrapping paper, canned goods, beverages in containers, extract, mustard, candy, peanuts, and feed to "transportation equipment, metal products, pulp, paper and related products, clay, concrete, glass or stone products, food and related products, farm products, rubber and plastic products, and chemicals and related products" in the lead (page 2); (c) egg case materials and supplies and feed to "pulp, paper and related products and farm products" in the lead (page 2); (d) livestock, feed, building material, hardware, pipe, automobile supplies, and oil and grease, in containers to "farm products, lumber and wood products, pulp, paper and related products, clay, concrete, glass or stone products, metal products, petroleum, natural gas and their products, coal and coal products, transportation equipment," in the lead (page 3); (e) livestock, seed, feed, wood, roofing, nails, galvanized iron, building material, petroleum products in containers, batteries, tires, farm machinery and

parts therefor, binder twine, wire, and agricultural implements and parts to "farm products, textile mill products, lumber and wood products, pulp, paper and related products, clay, concrete, glass or stone products, metal products, petroleum, natural gas and their products, coal and coal products, transportation equipment, rubber and plastic products, and machinery" in the lead (page 3); (f) livestock, grain, and seed to "farm products" in the lead (page 4); (g) livestock, feed, building materials, furniture, and agricultural implements and parts to "lumber and wood products, pulp, paper and related products, clay, concrete, glass or stone products, metal products, furniture and fixtures, and machinery" in the lead (page 4); (h) meats, meat products, and meat by-products, and articles distributed by meat packinghouses, non-alcoholic beverages, malt beverages, and alcoholic beverages to "food and related products" in the lead (page 4) and Sub-Nos. 5, 12F, 13F, 15F, and 16F; (2) remove the restrictions "pickup only" in the lead (pages 1 and 2), "except hides and commodities in bulk" in Sub-Nos. 5 and 15F, and "in containers" in Sub-Nos. 12F and 13F; (3) eliminate the facilities limitations in the lead (page 4) and Sub-Nos. 5, 9, 13F and 15F; (4) authorize service to all intermediate points between (a) Strong City, KS and Kansas City, MO; Kansas City, MO and Emporia, KS; and Kansas City, MO and Cottonwood Falls, KS in the lead; and (b) Williamsburgh, KS and Kansas City, MO; and Kansas City, MO and Ottawa, KS in Sub-No. 6; (5) expand city-wide to county-wide authority from (a) Americus and Emporia to Lyon County, KS, in the irregular route portion of the lead and Sub-Nos. 5, 9, 12F and 13F; (b) Holcomb to Finney County, KS in Sub-No. 15F; (c) Wichita and Hutchinson to Sedgewick and Reno Counties, KS, respectively, in Sub-No. 16F; (6) change one-way authority to radial authority between specified points located throughout the U.S.; and (7) remove the restrictions "originating at and destined to" in Sub-No. 5, and "AK and HI" in Sub-No. 9.

MC 133966 (Sub-59)X, filed April 8, 1981. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Applicant seeks to remove restrictions in its permit No. MC-139962 (Sub-No. 3)F to (1) broaden the commodity description from plastic bags and plastic film to "rubber and plastic products"; and (2) broaden the territorial description to authorize service "between points in the U.S." under continuing contract(s) with a named shipper.

MC 134229 (Sub-13)X, filed March 26, 1981. Applicant: RICHMOND TRANSFER, INC., Route 4, Box 1000, Richmond, MO 64084. Representative: Tom B. Kretsinger, P.O. Box 258, 20 East Franklin, Liberty, MO 64068. Applicant seeks to remove restrictions in its lead and Sub-No. 6 certificates to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) remove the territorial restriction which limits service to precise intermediate points, to authorize service at all intermediate points on its regular routes between (a) Lawson, MO, and Kansas City, MO and Kansas City, KS; Kansas City, KS, and Excelsior Springs, MO; Kansas City, Richmond and Higginsville, MO; and Kansas City, MO, and Lexington, MO, in the lead certificate, and (b) St. Louis and Harrisonville, MO; and Kansas City and Green Ridge, MO, in Sub-No. 6; (3) remove the restriction prohibiting service between Kansas City and St. Louis, MO; (4) broaden the territorial description from city-wide authority to county-wide authority: (a) Ray and Lafayette Counties, MO, for Lexington, MO and points within 10 miles thereof, and (b) Ray, Clinton, Caldwell and Clay Counties, MO, for Lawson, MO, and points within 25 miles thereof, in the irregular route portion of the authority, in its lead certificate; and (5) authorize two-way authority to replace one-way authority between Kansas City, KS, and Excelsior Springs, MO, in the regular route portion of the authority, in its lead certificate.

MC 136828 (Sub-40)X, filed April 1, 1981. Applicant: COCK TRANSPORTS, INC., P.O. Box 6362-A, Birmingham, AL 35217. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-No. 34F certificate, acquired in MC-F-14374F, to (A) broaden the commodity description to "metal products" from iron and steel articles (except cast iron pipe), and (b) remove the exception excluding service in AK and HI, and thereby authorize service between points in 13 States, and points in the U.S.

MC 140614 (Sub-2)X, filed March 27, 1981. Applicant: C & C TRANSPORT, INC., P.O. Box 400, Bryson City, NC. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street, NW., Washington DC 20004. Applicant seeks to remove restrictions in its lead and Sub-No. IF certificate to (1) broaden the commodity description from new furniture, crated, in the lead and from furniture in Sub 1 to "furniture and fixtures"; (2) authorize radial operations in place of existing one way service in the lead between Boyle, Fayette and Green Cos. KY and points in IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NY, OH, PA, TN, VA, WV, WI, and DC; in the lead and (3) expand city to county-wide authority in Sub IF: Whittier to Jackson and Swain Cos, NC and Black MT, to Buncombe Co, NC.

MC 141804 (Sub-538)X, filed March 31, 1981. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., 4015 Guasti Road, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 382F certificate to (A) broaden the commodity description by removing all restrictions in its general commodities authority "except classes A and B explosives," and (B) remove the restriction limiting transportation of traffic to that moving on bills of lading of freight forwarders, and remove the exception against service in AK and HI, to thereby authorize service between points in the U.S. (except FL and TX).

MC 141878 (Sub-13)X, filed April 2, 1981. Applicant: DIRECT COURIER, INC., 800 North Taylor Street, Arlington, VA 22003. Representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5F, 6F, and 8F certificates to (1) broaden the commodity description from (a) sera, cell and tissue cultures, biological research products and equipment, laboratory equipment and apparatus, medical reagents and plasma in the lead certificate and in Sub-Nos. 4 and 5, to "chemicals and related products, machinery, metal products, clay, concrete, glass, or stone products, rubber and plastic products, instruments and photographic goods", (b) live laboratory animals in the lead and Sub-Nos. 6 and 8 to "farm products", (2) provide radial authority in lieu of existing one-way authority between various combinations of points in MI, IL, PA, OH, MA, and NY in Sub-Nos. 5 and 6; (3) remove restrictions in the lead certificate which (a) prohibit the transportation of radio pharmaceuticals, radioactive drugs, and medical isotopes, and (b) prohibit the transportation of whole human blood derivatives and blood derivatives radially between DC and named points in VA, WV, and MD; (4) broaden the territorial description in

Sub-Nos. 5 and 6, by authorizing county-wide authority for city-wide authority: Kalamazoo County for Kalamazoo, MI, and Middlesex County, for Wilmington, MA.

Note.—The carrier's authority to tack will be governed by 49 CFR 1042.

MC 141914 (Sub-98)X, filed April 6, 1981. Applicant: FRANKS & SON, INC., Rt. 1, Box 108A, Big Cabin, OK 74332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-Nos. 44F, 47F, 55F, 64F, 73F, 82F, 80F, and 86F certificates to (1) broaden the commodity descriptions to (a) "food and related products" from: (a) frozen vegetables in Sub-No. 44F; nutritional food supplements and raw materials used in their manufacture in Sub-No. 47F; fruit juice concentrates and fruit juices, frozen or chilled in Sub-No. 55F; confectionery in Sub-No. 73F; alcoholic liquors and materials, equipment and supplies used in their manufacture and distribution in Sub-No. 80F; animal feed, animal feed ingredients, animal feed supplements, and additives in part (1) of Sub-No. 82F; foodstuffs in Sub-No. 86F; and (b) "food and related products, and chemicals and related products" from foodstuffs, paint and paint products, adhesives and caulking compounds in Sub-No. 64F; (2) replace authority to serve specified cities or plantsites with city-wide or county-wide authority: Bellingham with Whatcom County, WA in Sub-No. 44F; Norman with Cleveland County, OK in Sub-No. 47F; Ontario with San Bernadino County, CA in Sub-No. 55F; Boston, MA and Woburn with Middlesex County, MA in Sub-No. 73F; Ft. Smith, AR, Louisville, KY, New Orleans, LA, Bardstown with Nelson County, KY, and Plainfield with Will County, IL in Sub-No. 80F; Columbus, OH and Mattoon with Coles County, IL in Sub-No. 82F; Shiremanstown and Parksburg with Cumberland and Chester Counties, PA, Carrolton with Dallas County, TX, Huron and Sharonville with Erie and Hamilton Counties, OH, and Louisville, KY in Sub-No. 64F. Applicant also seeks to (1) change its one-way authorities to radial authorities between points throughout the U.S. in Sub-Nos. 44F, 47F, 55F, 73F, and 64F; (2) eliminate the "except in bulk" restrictions in Sub-Nos. 44F, 47F, 55F, 82F, and 64F; (3) remove the "in tank vehicles" restriction in Sub-No. 80F and "in vehicles equipped with mechanical refrigeration" restriction in Sub-No. 55F; and (4) eliminate the restrictions against service to AK and HI in Sub-Nos. 47F, 73F, 80F, 82F, and 64F.

MC 143059 (Sub-173)X, filed April 2, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address). Applicant seeks to remove restrictions in its Sub-No. 24F certificate to broaden the territorial description by replacing one-way with radial authority to authorize service in part (1) between CA, ID, MT, OR, and WA, and points in AZ, AR, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, NM, ND, OK, SD, TX, WI, and WY, and in part (2) between AZ, CO, and NM, and points in AR, IL, IN, IA, KS, LA, MI, MN, MO, NE, NV, ND, OK, SD, TX, UT, WI, and WY.

MC 143209 (Sub-13)X, filed March 26, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 10010 Clinton Drive, Galena Park, Texas. Representative: C. W. Ferebee, 720 N. Post Oak Rd., Suite 230, Houston, Texas 77024. Applicant seeks to remove restrictions in its MC–63792 Sub-No. 28 certificate (acquired in MC–F–14320) to (a) broaden the commodity description from air pollution control equipment, heating and cooling equipment, pressure vessels, solid waste compacters and bailers, and parts and accessories, and materials, supplies and equipment used in the manufacture of the above mentioned commodities to "commodities which because of their size and weight require the use of special equipment and related articles and supplies when their transportation is incidental to the transportation of commodities which, by reason of size or weight require special equipment," and (b) authorize radial authority to replace existing one-way service between Houston, TX, and points in AL, AZ, AR, CO, FL, GA, ID, IL, IA, IN, KS, KY, LA, MT, MI, MN, MS, MO, NE, NV, NM, NC, ND, OH, OK, SC, SD, TN, VA, WV, WI, WY, and UT.

MC 144740 (Sub-35)X, filed March 27, 1981. Applicant: L. G. DeWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daugherty (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 2F, 7F, 11F, 16F, 19F, 23F, 24F, 25F, and 26F permits to (A) broaden the commodity descriptions: to "food and related products" from frozen foods in the lead permit, foodstuffs in Sub-Nos. 7 and 11, meats in Sub-No. 16, confectionery and bakery products in Sub-No. 19, candy and confectionery products, chewing gum, beverage preparations, and bakery products in Sub-No. 24, cocktail mix and dry beverage preparations in Sub-No. 24, and food and foodstuffs in Sub-No. 25; to "textile mill products" from curtains and drapes in Sub-No. 26; and also remove the "in vehicles equipped with mechanical refrigeration" restrictions in Sub-Nos. 2, 11, 19, and 23, and (B) broaden the territorial descriptions in all permits to authorize service "between points in the U.S.," under continuing contract(s) with a named shipper.

MC 145804 (Sub-1)X, filed April 6, 1981. Applicant: WILLIAMS T. SMEESTER, d.b.a. UPPER PENINSULA SPECIAL DELIVERY SERVICE, Box 207, Iron Mountain, MI 49801. Representative: William T. Smeester (same as applicant). Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity descriptions from (a) materials, equipment, and supplies used in the manufacture and distribution of paper and paper products to "pulp, paper and related products", and (b) machinery parts and machinery supplies to "machinery"; (2) remove the in bulk and size and weight restrictions; and (3) eliminate the facilities limitation at Niagara, WI, and Iron Mountain, MI, and authorize county-wide authority of Marinette County, WI, and Dickinson County, MI.

MC 147553 (Sub-12)X, filed April 7, 1981. Applicant: DENNIS MOSS AND GARY MOSS, d.b.a. MOTOR WEST, P.O. Box 1405, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 5F, 6F, 9 certificates to (1) broaden the commodity descriptions from insulation and insulating materials to "building materials" in Sub-No. 6; (2) delete the exception of service to AK and HI in Sub-No. 9; and (3) authorize radial authority in lieu of existing one-way authority between points in OK, CA, and points in ID in Sub-Nos. 5 and 6.

MC 147957 (Sub-4)X, filed April 1, 1981. Applicant: ROGERS MOTOR EXPRESS, 2928 Yosemite, Modesto, CA 95352. Representative: Robert Fuller, P.O. Box 3971, Modest, CA 95351. Applicant seeks to remove restrictions in its Sub-No. 3F certificate to (1) remove all restrictions in its general commodities authority "except classes A and B explosive," and (2) remove the restriction on service limiting transportation of traffic to that moving on bills of lading of freight forwarders.

MC 149378 (Sub-3)X, filed April 6, 1981. Applicant: KIRBY TRANSPORT, INC., P.O. Box 17, Gilberts, IL 60136. Representative: Miles L. Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. Applicant seeks to remove restrictions in MC–143909 Sub-Nos. 1, 3F, 5F, 6F, 9Fand 10F permits to

(1) broaden the commodity descriptions from (a) in Sub-Nos. 1 and 9F, equipment and supplies used by clinical, industrial, educational and research laboratories, in trailers equipped with mechanical refrigeration, and equipment and supplies used by laboratories, respectively, to "chemicals and related products and laboratory equipment, material and supplies", (b) in its Sub-No. 3 soybean products, food ingredients, animal and poultry feed and ingredients, fruit juices and concentrates, fabric finishers and softeners, water softening compounds, cleaning compounds, syrups, dextrine and starch, to "food and related products, chemicals and related products", (c) Sub-No. 5 iron and steel blanks, steel laminations, iron and steel plates, iron and steel sheet, strip steel and metal alloys, to "metal products", (d) Sub-No. 6 paint materials, paint ingredients, putty, caulking compounds, glazing compounds, adhesive cement and glaze, to "chemicals and related products, paint and related products, rubber and plastic products", (e) Sub-No. 10 paper, paper products, printed matter and material, equipment and supplies used in the manufacture and distribution of paper, paper products, and printed matter, to "pulp, paper, printed matter and related products"; (2) delete commodity restrictions such as in bulk, in trailers equipped with mechanical refrigeration, in tank vehicles, in Sub-Nos. 1, 3, 6, 9 and 10; (3) authorize service between points in the U.S., under continuing contract(s) with named shippers in all referenced Sub-Nos.

[FR Doc. 81-11593 Filed 4-16-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 347 (Sub-1)]

Coal Rate Guidelines, Nationwide; Postponement of Filing Date

AGENCY: Interstate Commerce Commission.

ACTION: Notice of postponement of filing date.

SUMMARY: The present due date for filing comments on the proposed rate guidelines is April 17, 1981. (See Federal Register of January 8, 1981, 46 FR 2204) Five railroads (Consolidated Rail Corporation, Chessie System Railroads, Family Lines Rail System, Norfolk & Western Railway Company, and the Southern Railway System) request reconsideration of our decision of March 27, 1981 denying their petition for an extension of time. They now request an extension of one month to May 18, 1981. The Western Railroads and certain shippers and receivers of western coal support this petition. The Edison Electric Institute requests an extension to May 7, 1981. Petitioners are granted an extension to May 11, 1981. They have shown that they need this extension in order to complete on-going qualitative studies concerning the proposed guidelines. Any further extension is not warranted since parties have had almost six months to prepare their comments.

DATE: Comments are now due May 11, 1981.

ADDRESS: Office of proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard Felder or Jane Mackall, (202) 275-7693.

Decided: April 13, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11601 Filed 4-16-81; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-218F]

The Livonia, Avon & Lakeville Railroad Corp.; Abandonment in Livingston County, NY; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided April 9, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Livonia, Avon & Lakeville Railroad Corporation of a line of railroad extending from railroad milepost No. 354.44 in the Village of Livonia to milepost No. 358.08 near Bronson Hill Road, a distance of 3.64 miles in Livingston County, NY. A certificate of public convenience and necessity permitting abandonment was issued to the Livonia, Avon & Lakeville Railroad Corporation. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on LA&L, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11520 Filed 4-16-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 62-81]

Privacy Act of 1974; Notice of Modified System of Records

Pursuant to the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), the Department of Justice, Federal Bureau of Investigation (FBI) is republishing the following system of records, which most recently was published in the **Federal Register** on January 10, 1980:

National Crime Information Center (JUSTICE/FBI-001)

Public Law 92-544, Executive Order 10450, and Public Law 94-29 have been cited as additional authority for maintenance of the system.

The "Routine use" section is modified to more fully describe a previously published routine use. The revised language more clearly explains that dissemination of criminal history data is made to non-criminal justice agencies where authorized by Federal or state statutes and approved by the Attorney General of the United States.

A typographical error under the caption "Systems exempted from certain provisions of the act" has been corrected. In addition, subsection "(m)" has been deleted from the Privacy Act provisions listed. A separate order on rulemaking is published in today's **Federal Register** to accomplish revocation of the exemption.

All of the clarifications incorporated into the existing notice have been italicized for the convenience of the public. Since the modification to the system notice constitutes an

amplification, rather than alteration or expansion of the system, the reporting criteria of Office of management and Budget Circular A–108 do not require the filing of a report with the Office of Management and Budget and the Congress.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a, and delegated to me by Attorney General Order 793–78, the changes italicized below are hereby adopted.

Dated: February 6, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/FBI–001

SYSTEM NAME:

National Crime Information Center (NCIC).

SYSTEM LOCATION:

Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons: 1. Individuals for whom Federal warrants are outstanding. 2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdictions originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria. 3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictionary boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons: 1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger. 2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary. 3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger. 4. A person who is missing and declared unemanicipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File: 1. Stolen vehicles. 2. Vehicles wanted in conjunction with felonies or serious misdemeanors. 3 Stolen vehicle parts, including certifictes of origin or title.

B. Stolen License Plate File: 1. Stolen or missing license plate.

C. Stolen/Missing Gun File: 1. Stolen or missing guns. 2. Recovered gun, ownership of which has not been established.

D. Stolen Article File.

E. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons".

F. Securities File: 1. Serially numbered stolen, embezzled, counterfeited, missing securities. 2. "Securities" for present purposes of this file are currency (e.g. bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g. bonds, debentures, notes) or ownership of property (e.g. common stock, preferred stock), and documents which represent subscription rights, warrants) and which are of those types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Boat file.

H. Computerized Criminal History File: A cooperative federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons".

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with Title 28, United States Code, Section 534 and Title 28—Judicial Administration, Chapter I—Department of Justice (Order No. 601–75) Part 20—Criminal Justice Information Systems. *Public Law 92–544 (86 Stat. 115), Executive Order 10450, Public Law 94–29 (89 Stat. 97), Security Acts Amendments of 1975.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions. The data is exchanged through NCIC lines to Federal criminal justice agencies, criminal justice agencies in the 50 States, the District of Columbia, Puerto Rico, U.S. Possessions and U.S. Territories. Additionally, data contained in the various "want files," i.e., the stolen vehicle file, stolen license plate file, stolen/missing gun file, stolen article file, wanted person file, sucurities file, and boat file may be accessed by the Royal Canadian Mounted Police. *Criminal history data is disseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by Federal or state statutes and approved by the Attorney General of the United States.*

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On-line access to data in NCIC is achieved by using the following search descriptors. 1. Vehicle file: (a) Vehicle identification number; (b) License plate number; (c) NCIC number (unique number assigned by the NCIC computer to each NCIC record). 2. License Plate file: (a) License plate number; (b) NCIC number. 3. Gun File: (a) Serial number of gun; (b) NCIC number. 4. Article File: (a) Serial number of article; (b) NCIC number. 5. Wanted Person File: (a) Name and one of the following numerical identifiers, date of birth, FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record), Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system), Operator's license number (driver's license number), Miscellaneous identifying number (military number or number assigned by Federal, state, or local authorities to an individual's record), Originating agency case number, (b) Vehicle or license plate known to be in the possession of the wanted person; (c) NCIC number (unique number assigned to each NCIC record). 6. Securities File. (a) Type, serial number, denomination of security; (b) Type of security and name of owner of security; (c) Social Security number of owner of security, (d) NCIC number. 7. Boat File: (a) Registration document number; (b) Hull serial number, (c) NCIC number. 8. Computerized Criminal History File; (a) Name, sex, race, and date of birth; (b) FBI number, (c) State identification number; (d) Social Security number; (e) Miscellaneous number. 9. Missing Person file—Same as "Wanted Person" File.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Centers: a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. b. Since personnel at these computer centers can access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel. c. All visitors to these computer centers must be accompanied by staff personnel at all times. d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals. e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data. f. Each state control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications: a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice use, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels. b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

3. Terminal Devices Having Access to NCIC: a. All agencies having terminals on the system must be required to physically place these terminals in secure locations within the authorized agency. b. The agencies having terminals with access to criminals history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees. c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data. d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File: a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus 4. b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered. c. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicle engines or transmissions will remain in file for the year of entry plus 4.

2. License Plate File: Unrecovered stolen license plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.

3. Gun File: a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record. b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2.

4. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year.

5. Wanted Person File: Persons not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from file after 48 hours).

6. Securities File: Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2.

7. Boat File: Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.

8. Missing Person File: Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.

9. Computerized Criminal History File: When an individual reaches age of 80.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation; J. Edgar Hoover F.B.I. Building, 9th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of approrpiate identification, and in accordance with applicable State and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are in file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C., by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or possibly, in the State's central identification agency.

CONTESTING RECORD PROCEDURES:

The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, State, Federal and international criminal justice agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e)(8) (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register.**

[FR Doc. 81-11544 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-02-M

Drug Enforcement Administration

Manufacturer of Controlled Substances, Burroughs Wellcome Co.; Application

On July 26, 1979, notice was published in the **Federal Register** that Burroughs Wellcome Company, U.S. 11–13 North, P.O. Box 1887, Greenville, North Carolina 27834, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed in Schedule II (44 FR 145). The basic class Opium (drug code 9600) was inadvertently omitted from said notice. This was the initial submission regarding a continuing application procedure which has resulted in minor changes regarding the applicant's proposed scope of operations. This notice serves to reflect these changes.

On December 18, 1979, Burroughs Wellcome Company made application to register with the Drug Enforcement Administration as a manufacturer of the basic class Thebaine (drug code 9333).

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this notice is that Burroughs Wellcome Company, U.S. 11–13 North, P.O. Box 1887, Greenville, North Carolina 27834, made application to the Drug Enforcement Administraton (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Opium (9600)	II.
Thebaine (9333)	II.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 25, 1981.

Dated: April 13, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-11631 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances, Eli Lilly and Co.; Registration

By Notice dated September 23, 1980, and published in the **Federal Register** on September 30, 1980; (45 FR 64762), Eli Lilly and Co., Tippecanoe Lab., Box 685 Lilly Road, Lafayette, Ind. 47902, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Methadone	II.
Methadone-Intermediate	II.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: April 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-11632 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-09-M

Importer of Controlled Substances; Philadelphia Seed Co.; Registration

By Notice dated November 24, 1980, and published in the Federal Register on November 28, 1980, (45 FR 79201), Philadelphia Seed Company, Division of Standford Seed Company, Muddy Creek Road, Lancaster County, Denver, Pa. 17517, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana, a basic class of controlled substances listed in schedule I.

No comments or objections have been received. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21 Code of Federal Regulations § 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: April 13, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-11633 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-09-M

Proposed Inclusion of Pentazocine in Schedule I of the Single Convention on Narcotic Drugs, 1961 and of That Convention as Amended by the 1972 Protocol

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice.

SUMMARY: The Secretary-General of the United Nations notified all Parties to the Single Convention on Narcotic Drugs that the Government of Austria had submitted information and a notification recommending the inclusion of pentazocine in Schedule I of the Single Convention. The Government of the United States is preparing a response to the notification. Comments may be made to the Drug Enforcement Administration.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: The Government of Austria notified the Secretary-General of the United Nations on June 23, 1980, that, pursuant to Article 3, paragraph 1 of the Single Convention on Narcotic Drugs, 1961, and of that Convention as amended, it was of the opinion that pentazocine should be included in Schedule I of those Conventions. The Secretary-General, in accordance with Article 3, paragraph 2, transmitted on August 20, 1980 the notification of the Government of Austria to the Parties to the Convention, the Commission on Narcotic Drugs and the World Health Organization (NAR/CL.19/1980).

When a notification relates to a substance not already in Schedule I or in Schedule II, Article 3, paragraph 3 provides that:

(i) The Parties shall examine the possibility of the provisional application to the substance of all measures of control applicable to drugs in Schedule I.

(ii) Pending its decision as provided in subparagraph (iii) the Commission on Narcotic Drugs may decide that the Parties apply provisionally to that substance all measures of control applicable to drugs in Schedule I. The Parties shall apply such measures provisionally to the substance in question.

(iii) If the World Health Organization finds that the substance is liable to similar abuse and productive of similar ill effects as the drugs in Schedule I or Schedule II, or is convertible into a drug, it shall communicate that finding to the Commission which may, in accordance with the recommendation of the World Health Organization, decide that the substance shall be added to Schedule I or Schedule II.

The World Health Organization had not announced its position on pentazocine by the time the Commission on Narcotic Drugs commenced its 29th session in Vienna, Austria on February 2, 1981. During that session, the Commission, in accordance with Article 3, subparagraph 3ii, voted that the Parties to the Convention apply provisionally to pentazocine all measure of control applicable to drugs in Schedule I. Later in the same session, the issue of provisional control was again raised. The status at the close of the session was that provisional control need not be applied at this time, that if a WHO evaluation of the information on hand indicated that immediate control in Schedule I was warranted, the Parties to the Commission would be notified and they would submit their votes by mail ballot to the Secretary-General.

While the course of future events is not known, several possibilities exist. The WHO might review the information on hand and submit a recommendation to the CND, to be voted on by mail ballot prior to the next session of the CND or the WHO might formulate a recommendation which will be considered by the CND at its next scheduled meeting in February 1982. A March 1981 communication (NAR/CL. 5/1981) from the Secretary-General informed the Secretary of State of the request of the Director-General of the WHO for information on a number of drugs including pentazocine. A WHO expert group will review these substances this fall to determine whether any of them should be brought under the control of either the Single Convention on Narcotic Drugs or the Convention on Psychotropic Substances. The United States Government, being a Party to the Conventions, will respond to the request for information and as a member of the CND, will participate in the resulting CND deliberations.

The Single Convention on Narcotic Drugs sets out requirements concerning the amounts of drug manufactured and the system of distribution. Therefore, should the CND recommend that pentazocine be brought under the control of the Single Convention, pursuant to the authority vested in the Attorney General by section 201(d) of the Act (21 U.S.C. 811(d)) and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR 0.100), the Administrator would issue an order controlling pentazocine under the schedule he deems appropriate to carry out the obligations of the Convention. In that pentazocine has a currently accepted medical use in treatment in the United States, the obligations associated with Schedule I of the Single Convention could be met if pentazocine were declared a narcotic and placed in Schedule II of the Controlled Substances Act.

The Convention allows for the handling of preparations (finished dosage forms) of Schedule I drugs in a less restrictive manner than the substance itself. If a formulation is declared a narcotic, the regulations attendant to Schedule II, III and IV of the Controlled Substances Act are such that compliance with the provisions of the Single Convention, as they relate to preparations of Schedule I drugs, can be met. Therefore, should the CND determine that pentazocine is a Schedule I substance under the Single Convention, the schedule of the finished dosage forms under the Controlled Substances Act would be determined in accordance with the findings prescribed by section 202(b) of the Act (21 U.S.C. 812(b)).

Interested persons are invited to submit their comments in writing regarding these issues in quintuplicate to the Administrator, Drug, Enforcement Administration, United States Department of Justice, 1405 Eye Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative on or before June 16, 1981.

Dated: April 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-11493 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Informal Social Control Processes and Citizen Crime Prevention at the Neighborhood Level; Solicitation

The National Institute of Justice announces a competitive research solicitation aimed at examining Informal Social Control Processes and Citizen Crime Prevention at the Neighborhood Level.

The solicitation asks for proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than June 12, 1981. A grant or cooperative agreement for a 21 month research project is planned, with funding support not to exceed $150,000. To maximize competition for this award both profit-making and non-profit organizations are eligible.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, Informal Social Control Processes, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

For questions pertaining to this request for solicitations, contact Dr. Richard M. Titus in the Community Crime Prevention Division, Office of Research Programs, National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (301) 492-9122. Do not call requesting copies of the solicitation.

Dated: March 23, 1981.

Approved:

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 81-11711 Filed 4-16-81; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Business Research Advisory Council Committees; Meetings and Agenda

The spring meetings of committees of the Business Research Advisory Council will be held on May 5, 1981.

The meetings of the Committees on Price Indexes and Wages and Industrial Relations will be held in room 4453, General Accounting Office Building, 441 G Street, NW., Washington, D.C. The Committee on Occupational Safety and Health will hold its meeting in room S4215 of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry.

The schedule and agenda of the meetings are as follows:

Tuesday, May 5

9:30 a.m.—Committee on Price Indexes
1. Election of Officers
2. Discussion of the Consumer Price Index Program
(a) Owner-occupied housing
(b) Discussion of prospects for the next CPI Revision
3. Discussion of the Family Budget Program
4. Other Business

Tuesday, May 5

1:30 p.m.—Committee on Wages and Industrial Relations
1. Election of Officers
2. Review of WIR work in progress
3. Update of WIR budget situation
4. Committee views on WIR program priorities
5. Role of BLS Office of Research and Evaluation
6. Other Business

Tuesday, May 5

1:30 p.m.—Committee on Occupational Safety and Health
1. Election of Officers
2. Proposed budgetary constraints on the OSHS program
3. Future of the Supplementary Data System program
4. Discussion of survey of injuries relating to servicing equipment
5. Discussion of the use of BLS data for evaluating injury experience of establishments
6. Recommendations for conducting the study of the recordkeeping burden
7. Other Business

The meetings are open to the public. It is suggested that persons planning to attend these meetings as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559.

Signed at Washington, D.C. this 13th day of April 1981.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 81-11705 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-24-M

Business Research Advisory Council; Meeting

The regular spring meeting of the Business Research Advisory Council will be held at 9:30 a.m., May 6, 1981, in room N-5437 of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW, Washington, D.C.

The Business Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry. The agenda for the meeting is as follows:

1. Chairman's Opening Remarks—Noel A. McBride
2. Election of Officers
3. Commissioner's Remarks—Janet L. Norwood
4. Committee Reports:
(a) Productivity-Foreign Labor
(b) Economic Growth
(c) Price Indexes
(d) Wages and Industrial Relations
(e) Occupational Safety and Health
5. Other Business
6. Chairman's Closing Remarks

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 523-1559.

Signed at Washington, D.C. this 13th day of April 1981.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 81-11704 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

Certifications Regarding New Hampshire Under the Federal Unemployment Tax Act

The Secretary of Labor has certified to the Secretary of the Treasury the State of New Hampshire and the New Hampshire unemployment compensation law, under Sections 3304

and 3303 of the Federal Unemployment Tax Act, for the taxable year 1979. The certifications were made in a letter of April 6, 1981, to the Secretary of the Treasury, which is printed below.

Albert Angrisani

Assistant Secretary for Employment and Training.

April 6, 1981

Honorable Donald T. Regan,
Secretary of the Treasury, Washington, D.C.

Dear Mr. Secretary: Former Secretary of Labor Ray Marshall transmitted to former Secretary of the Treasury G. William Miller on October 31, 1979, the certifications on that date of certain States in accordance with the provisions of Section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)) and the certifications of certain State unemployment compensation laws in accordance with the provisions of Section 3303(b)(1) of the Code (26 U.S.C. 3303(b)(1)).

The State of New Hampshire and its law were omitted from the two certifications because of former Secretary Marshall's findings that the State's law did not contain each of the provisions required for State unemployment compensation laws by Section 3304(a) of the Code (26 U.S.C. 3304(a)), and that the State had failed to comply substantially with such provisions. There was an explanation that the omissions did not, however, constitute a withholding of the certifications, at that time, because of the stay on such action pursuant to Section 3310(d) of the Code (26 U.S.C. 3310(d)). There was to be a further notification to the Secretary of the Treasury when a final decision was made with respect to the 1979 certifications.

The State of New Hampshire filed a petition for review of former Secretary Marshall's findings, pursuant to Section 3310(a) of the Code (26 U.S.C. 3310(a)), with the U.S. Court of Appeals for the First Circuit. In the latter part of 1980, during the pendency of the petition, the State and the Department of Labor negotiated a settlement in the form of a consent judgment which was entered by the Court on January 26, 1981. The consent judgment provides for the State to take certain remedial action to bring the State law into conformity with the provisions of Section 3304(a) of the Code and to comply substantially with such provisions. The consent judgment also provides for the Secretary of Labor to certify the State and its law within the meaning of Sections 3304(c) and 3303(b) of the Code for 1979, and that such certifications are to be deemed to be effective as of October 31, 1979.

In accordance with the consent judgment entered by the Court of Appeals, I hereby certify to the Secretary of the Treasury the State of New Hampshire for the 12-month period ending on October 31, 1979, in accordance with the provisions of Section 3304(c) of the Code and the State's unemployment compensation law for the 12-month period ending on October 31, 1979, in accordance with the provisions of Section 3303(b)(1) of the Code. The certifications shall be deemed to be effective as of October 31, 1979.

Sincerely,

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-11706 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

[TA-W-9419]

C. M. Products Co., Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally and partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contribued importantly to the separations, or threat thereof, and to the absolute decline, in sales or production.

The investigation was initiated on July 28, 1980 in response to a petition which was filed on behalf of workers at C.M. Products Company, Incorportated, Dayton, Ohio. Workers at C.M. Products Company, Incorporated primarily produce bolster, attachment, brace and border wire inserts for automobile and truck seats and wire shafts for automobile air conditioner and heater vent systems.

The investigation revealed that criterion (3) has not been met.

The Department surveyed customers of C.M. Products Company, Incorporated concerning their purchases of wire inserts for automobile and truck seats and of wire shafts for automobile air conditioner and heater vent systems. The survey revealed that customers either did not purchase imports or decreased purchases of imported wire seat inserts and of imported wire vent control shafts for air conditioners and heaters during the period under investigation. Customers responding to the Department's survey accounted for most the decline in sales at C.M. Products Company, Incorporated during the 1979–1980 period.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at C.M. Products Company, Incorporated, Dayton, Ohio. Although imported automobiles incorporate bolster, attachment, brace and border wire inserts for autombile and truck seats and wire shafts for automobile air conditioner and heater vent systems, imports of the whole product are not like or directly competitive with their component parts. Imports of bolster, attachment, brace and border wire inserts for automobile and truck seats and wire shafts for automobile air conditioner and heater vent systems must be considered in determining import injury to workers producing these products at C.M. Products Company, Incorporated, Dayton, Ohio.

Workers at C.M. Products Company, Incorporated, Dayton, Ohio are not separately indentifiable by product line. Specialized bolts for automotive and non-automotive applications account for a relatively small percentage of total production. Any import influence in this product line could not have contributed importantly to overall employment declines at the firm.

Conclusion

After careful review, I determine that all workers of C.M. Products Company, Incorporated, Dayton, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1981.

James F. Taylor

Director, Office of Management, Administration and Planning.

[FR Doc. 81-11998 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,349]

Colorado City Manufacturing; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility

requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on October 9, 1980 in response to a petition which was filed on behalf of workers at Colorado City Manufacturing, Colorado City, Texas. The workers produce dresses.

The investigation revealed that criterion (3) has not been met.

Evidence developed during the course of the investigation revealed that Colorado City Manufacturing was closed due to a corporate management decision.

Colorado City Manufacturing was one of nearly 20 production facilities operated by Jerell Incorporated for the production of dresses and sportswear. Jerell's sales remained virtually unchanged from 1978 to 1979 and increased from 1979 to 1980.

Colorado City Manufacturing was one of Jerell's smaller plants and mangement made a decision to close it in November 1980 and transfer operations to one of its other plants.

Conclusion

After careful review, I determine that all workers of Colorado City Manufacturing, Colorado City, Texas are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-11694 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9090-9092 and 11,126]

M. W. Kellogg Co.; Pullman Standard Division, Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally and partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

An investigation was initiated on June 30, 1980 in regard to TA-W-9090-9092 and on September 29, 1980 in regard to TA-W-11,126 in response to a petition which was filed by the United Steelworkers of America on behalf of workers and former workers at Pullman Standard Car Works-Engineering, Chicago, Illinois (TA-W-9090); Pullman Standard Car Works I, Chicago, Illinois (TA-W-9091); Pullman Standard Car Works II, Hammond, Indiana (TA-W-9092); and Pullman Standard Hammond Works, Hammond, Indiana (TA-W-11,126) of the Pullman Standard Division of Pullman, Incorporated (now known as the M. W. Kellogg Company). Workers at Pullman Standard Car Works-Engineering provide engineering services related to the production of rail passenger and commuter cars; workers at Pullman Standard Car Works I produce rail commuter cars; workers at Pullman Standard Car Works II produce rail passenger car; and workers at the Pullman Standard Hammond Works produce freight car parts, primarily hitches and hopper car kits, and repair freight cars.

The Pullman Standard Car Works I, Chicago, Illinois produces commuter rail cars. The plant is scheduled to be permanently closed by the end of July 1981 when outstanding contracts will be fulfilled. The Pullman Standard Car Works II, Hammond, Indiana produces rail passenger cars. The plant is scheduled to be permanently closed during the first half of 1981 when outstanding contracts will be fulfilled. The Pullman Standard Car Works Engineering, Chicago, Illinois provides engineering services related to the production of rail passenger and commuter cars.

With regard to rail commuter and passenger cars, the investigation revealed that criterion (3) has not been met.

The Department conducted a survey of customers which received bids on contracts for rail passenger and commuter cars for Pullman Standard from 1975 to 1980. The survey revealed that customers of Pullman Standard did not purchase imported cars in 1978, 1979 or 1980. In March 1979, Pullman announced that it would no longer accept orders for commuter and passenger cars and that it was withdrawing from the commuter and passenger car business. There is no evidence that Pullman Standard lost any rail passenger and commuter car work to foreign manufacturers.

In February 1980, the U.S. International Trade Commission found that there was "no reasonable indication of material injury" to the U.S. industry as a result of any alleged dumping of rail passenger cars into the U.S.

The Pullman Standard Hammond Works, Hammond, Indiana produces freight car parts for use by Pullman in freight cars, and hitches and hopper car kits for outside customers, and until July 1980 repaired used freight cars for outside customers. The plant had been scheduled to be permanently shut down on March 31, 1980.

With regard to hitches and hopper car kits, the investigation revealed that criterion (3) has not been met.

Car parts for outside customers were primarily hitches and hopper car kits. The Hammond Works was the firm's sole source for hitches and hopper car kits and for freight car repair service.

A Department survey revealed that customers purchasing hitches and hopper car kits from Pullman Standard did not purchase imported hitches or hopper cars in 1978, 1979 or 1980.

With regard to freight car parts for intracorporate use, the investigation revealed that criterion (3) has not been met.

Concerning freight car parts for use by Pullman in freight cars the Pullman Standard Division does not purchase any imported products "like or directly" competitive with those produced at the Hammond Works.

Pullman Standard's freight car operation is being consolidated at the Butler, Pennsylvania plant. Sales of freight cars by Pullman Standard increased from 1979 to 1980.

U.S. imports of freight cars decreased from 1979 to 1980.

With regard to the repair of freight cars, the investigation revealed that the

workers of the subject firm did not produce an article within the meaning of Section 222(3) of the Act. The Department of Labor has consistently determined that the performance of services does not constitute production of an article, as required by Section 222; and this determination has been upheld in the U.S. Court of Appeals. Therefore workers of the subject firm may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership, or a firm related by control. In any case the reduction in demand for services must originate at a production facility whose workers independently meet the statutory criteria for certification and the reduction must directly relate to the product impacted by imports. These conditions have not been met for workers of the subject firm in this case.

Conclusion

After careful review, I determine that all workers of Pullman Standard Car Works-Engineering, Chicago, Illinois; Pullman Standard Car Works I, Chicago, Illinois; Pullman Standard Car Works II, Hammond, Indiana; and Pullman Standard Hammond Works, Hammond, Indiana of the Pullman Standard Division of the M.W. Kellogg Company (previously known as Pullman, Incorporated) are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 13th day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-11696 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,317]

Kennecott Corp.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 22 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on October 14, 1980 in response to a petition which was filed on behalf of workers at the McGill, Nevada plant of the Kennecott Corporation. The workers at the McGill plant produce copper products.

The investigation revealed that criterion (3) has not been met.

The petitioning workers were all salaried personnel at the McGill plant. These workers were separated when Kennecott reduced the size of its office staff at the McGill plant. All of the separated workers were offered transfers to other Kennecott plants.

A previous certification of eligibility to apply for adjustment assistance applicable to all workers at the McGill plant expired on June 27, 1978 (see TA-W-3032). Average employment of production workers at the McGill plant increased in the January to November 1980 period compared to the same period in 1979. Production workers have experienced no layoffs or significant reductions in hours worked since the previous certification expired, except during the period from July 1, 1980 to September 9, 1980, when they were on strike. When the strike ended, employment was restored to its pre-strike level.

Conclusion

After careful review, I determine that all workers of the McGill, Nevada plant of the Kennecott Corporation are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 8th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc 81-11697 Filed 4-16-81; 8:45am]

BILLING CODE 4510-28-M

[TA-W-9416]

U.S. Steel Corp.; Clairton Works; Clairton, Pennsylvania; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group of eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on July 21, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the Clairton Works of the U.S. Steel Corporation, Clairton, Pennsylvania. Workers at the Clairton Works produce carbon steel structural shapes, bars, plate, coke, and coal chemical by products.

The investigation revealed that criterion (3) has not been met.

A. Carbon Steel Products

Average employment of production workers, and, sales and production of carbon steel structural shapes, bars and plate increased at the Clairton Works in 1979 compared to 1978.

Aggregate import statistics on a regional point of entry basis indicate that imports of structural shapes declined absolutely in each year from 1977 through 1980 in the market area serviced by the Clairton Works. U.S. imports of carbon steel bars and bar-size light shapes declined absolutely in each year from 1977 through 1980.

A Department of Labor survey of the Clairton Works' customers revealed that the preponderance of surveyed customers did not purchase imported carbon steel structural shapes, bars or plate. None of the surveyed customers reduced purchases of these products

from the Clairton Works and increased purchases of imports in the 1980 reporting periods compared to the same periods in 1979.

B. Coke and Coal Chemical By-Products

All of the coal chemical by-products produced at the Clairton Works (sulfur, aromatics such as coke gas, pitch, and distillates such as ammonia tar) result from the coke making operations. Thus coal chemical by-product production at the Clairton Works depend on the amount of coke produced.

All of the coke produced at the Clairton Works is shipped to other U.S. Steel facilities for use in the production of steel. None of these facilities purchased imported coke in 1980.

Since all of the coke produced at the Clairton Works is used by U.S. steel in the production of steel, workers producing coke and coal chemical by-products at the Clairton Works may be certified if their separation was caused importantly by a reduced demand for coke originating at a steel making facility whose workers independently meet the statutory criteria for certification and if that reduction can be directly related to the product impacted by imports.

None of the workers engaged in basic steelmaking operations at any U.S. Steel facility receiving significant shipments of coke from the Clairton Works are currently certified as eligible to apply for adjustment assistance benefits and thus the separations of the workers engaged in the production of coke and coal chemical by-products at the Clairton Works cannot be related to a facility whose workers independently meet the statutory criteria for certification at this time. However, petitions filed on behalf of workers engaged in steelmaking operations at some of the facilities are currently under investigation by the Department and should a certification of eligibility result from the investigations the workers may repetition for adjustment assistance.

Conclusion

After careful review, I determine that all workers of the Clairton Works of the U.S. Steel Corporation, Clairton, Pennsylvania are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-11099 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period April 6–10, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA–W–10,513; AM Varityper, East Hanover, NJ

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of word processing equipment are negligible.

TA–W–9080; Metal Specialties, Inc., Warren, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,663; Davis Heliarc Co., Inc., Columbus, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of metal tanks and vessels are negligible.

TA–W–8838; Presto Lock, Division of Walter Kiddie & Co., Inc., Garfield, NJ

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9263; Hoover Universal, Inc., Malvern, AR

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,683; Alpine H&S, Inc., Bellingham, WA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of softwood logs are negligible.

TA–W–9375; Dico Co., Inc., Dresden, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8435 & 8436; Sumo Harrison Metal Products, Inc., Hazel Park, MI and Mancelona, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9012; Plasta-Fiber Industries, Division of Smith Jones, Inc., Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–9194; Raybestos-Manhattan, Inc., Stratford, CT

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–8777; Earle M. Jorgenson Co., Forge Division, Seattle, WA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,868; Aston Precision Products, Inc., Aston, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–11,029; Herley Shoe Corp., Haverhill, MA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of hose slippers did not increase as required for certification.

TA–W–11,506; Concord Coal Corp., Charleston, WV and Ethel, WV

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of bituminous and coke did not increase as required for certification.

TA–W–11,588; Cadillac Cable Corporation, Machine Division, Frackville, PA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of material handling equipment are negligible.

TA-W-10,428; Little Manufacturing Co., Troy, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9261; Peter's Manufacturing Co., Kawkawlin, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9291 & 10,906; Automatic Die Casting Specialty, Inc., Detroit, MI and St. Clair Shores, MI and Patmai Corporation, Fraser, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

Affirmative Determinations

TA-W-11,610; Henry Richards Co., Inc., Hamden, CT

A certification was issued covering all workers of the subject firm separated on or after June 30, 1980.

TA-W-9368 & 9368A; Energex Lighting, Inc., West Orange, NJ and Trenton, NJ

A certification was issued covering all workers of the subject firm separated on or after June 23, 1979.

TA-W-10,891; Farwest Garments, Inc., Seattle, WA

A certification was issued covering all workers of the subject firm separated on or after November 3, 1979.

I hereby certify that the aforementioned determinations were issued during the period April 6–10, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: April 13, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-11995 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-34]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Aerodynamics.

DATE AND TIME: May 5, 1981, 9:30 a.m. to 5 p.m.; May 6, 1981, 8:30 a.m. to 4 p.m.

ADDRESS: NASA Headquarters, 600 Independence Avenue, S.W., Room 647, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Clinton E. Brown, National Aeronautics and Space Administration, Code RTF–6, Washington, DC 20546 (202/755–3280).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Aerodynamics was established to provide advice and coordination of NASA Aerodynamics research programs with efforts in other agencies, universities, and industry. The Subcommittee, chaired by Dr. Joseph Cornish, is comprised of five members. The meeting will be open to the public up to the seating capacity of the room (approximately 20 persons including the Subcommittee members and participants).

Type of meeting: Open

Agenda

May 5, 1981

9:30 a.m.—Presentation and discussion of the Office of Aeronautics and Space Technology Long Range Plan.
1 p.m.—Presentation of NASA Aeronautics Facilities Update Plan.
3 p.m.—Presentation of the NASA Aerodynamic Program Long Range Plan.
5 p.m.—Adjourn.

May 6, 1981

8:30 a.m.—Discussion of NASA Systems Programs.
10:30 a.m.—Selected Topics in Aerodynamic Research.
3 p.m.—Recommendations on NASA Aerodynamics Program.
4 p.m.—Adjourn.

Frank J. Simokaitis,

Acting Associate Administrator for External Relations.

April 14, 1981.

[FR Doc. 81-11740 Filed 4-16-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Council Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meetings:

Name: NSF Advisory Council.
Place: Rm. 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Date: Thursday, May 7 and Friday, May 8, 1981.
Time: 9:00 a.m. till 5:00 p.m. both days.
Type of meeting: Open.
Contact person: Ms. Jeanne E. Hudson, Executive Secretary, NSF Advisory Council, National Science Foundation, Rm. 518, 1800 G Street, NW., Washington, D.C. 20550 Telephone: 202/357–9433.

Purpose of advisory council: The purpose of the NSF Advisory Council is to provide advice and counsel to the NSF Director and principal members of his staff on Foundation-wide issues which require the expertise of the many and varied disciplines and program interests represented in the Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: To review progress by the four task groups of the NSF Advisory Council and to meet with the Director and Deputy Director and NSF staff.

M. Rebecca Winkler,

Committee Management Coordinator.

April 13, 1981.

[FR Doc. 81-11565 Filed 4-16-81; 8:45 am]

BILLING CODE 7555-01-M

Behavorial and Neural Sciences Advisory Committee; Subcommittee for Psychobiology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Psychobiology of the Advisory Committee for Behavioral and Neural Sciences.
Date and time: May 7–9, 1981, 8:30 a.m.–5:00 p.m. 5/7–8; 8:30–11:45 5/9.
Place: National Science Foundation, 1800 G Street, NW., Room 1224, Washington, D.C.
Type of meeting: Open—May 7, 8:30–11:45 a.m. Closed—May 7, 12:30–5:00 p.m., May 8, 8:30 a.m.–5:00 p.m., May 9, 8:30 a.m.–11:45 a.m.
Contact person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, D.C., 20550, Telephone (202) 357–7949.

Summary minutes: May be obtained from the Contact Person, Dr. Fred Stollnitz, at the above stated address.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in psychobiology.

Agenda:

Open Session:

1. Program budget
2. Optimal use of limited resources
3. Long-range plans
4. Dissemination of information
5. Subcommittee membership
6. Other business

Closed Session: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552B(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 13, 1981.

[FR Doc. 81-11567 Filed 4-16-81; 8:45 am]

BILLING CODE 7555-01-M

Task Group No. 15, Advisory Council; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Task Group No. 15 of the NSF Advisory Council.
Place: Room 523, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Date: Wednesday, May 6, 1981.
Time: 8:00 p.m. till 10:00 p.m.
Type of meeting: Open.
Contact person: Ms. Jeanne Hudson, Executive Secretary of the NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street NW., Washington, D.C. 20550. Telephone: 202/357–9433.

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the contact person at above stated address.

Agenda: The Task Group is asked to determine the role of NSF in the science education of the general public. The Task Group will focus on mechanisms to encourage greater interagency cooperation and will suggest mechanisms to foster increased and/or expanded in-school as well as out-of-school programs for education in the sciences and technology.

M. Rebecca Winkler,

Committee Management Coordinator.

April 13, 1981.

[FR Doc. 81-11566 Filed 4-16-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Site Evaluation; Meeting Date Change

The ACRS Subcommittee on Site Evaluation will now hold a two-day meeting at 8:30 a.m. on April 30, and May 1, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Wednesday, April 15.

Further information may be obtained by a prepaid telephone call to the cognizant Federal Employee for this meeting, Mr. Garry Young (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 13, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-11546 Filed 4-16-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Three Mile Island Unit 1; Meeting Postponement

The ACRS Subcommittee on Three Mile Island Unit 1 scheduled for April 23 and 24, 1981 has been postponed until June 25 and 26, 1981. Notice of this meeting was published on Tuesday, April 7, 1981 (46 FR 20810).

Dated: April 13, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-11547 Filed 4-16-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket 50–389–OL]

Florida Power & Light Co.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register** (37 FR 38710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered:

Florida Power & Light Co.

St. Lucie Plant, Unit 2
Construction Permit CPPR–144

This Board is being constituted pursuant to a notice published by the Commission on March 9, 1981, in the **Federal Register** (46 FR 15831) entitled, "Florida Power & Light Co.; Receipt of Application for Facility Operating License; Availability of Applicant's Environmental Report; and Consideration of Issuance of Facility Operating License Opportunity of Hearing".

This Board is comprised of the following Administrative Judges:

Elizabeth S. Bowers, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Oscar H. Paris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland, this 9th day of April, 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-11548 Filed 4-16-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–17707]

Advisory Committee on Shareholder Communications; Establishment and Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Notice of establishment of the Securities and Exchange Commission Advisory Committee on Shareholder Communications.

SUMMARY: The Acting Chairman of the Commission, with the concurrence of the other members of the Commission, has established the Securities and Exchange Commission Advisory Committee on Shareholder Communications, which is to advise the Director of the Division of Corporation Finance on various difficult, complex and technical questions relating to development of a better means for issuers to communicate with the beneficial owners of securities registered in the name of a broker-dealer, bank or other nominee.

DATE: April 10, 1981.

FOR FURTHER INFORMATION CONTACT: Gregory H. Mathews, Securities and Exchange Commission, 500 North

Capitol Street, Washington, D.C. 20549 (202) 272-2589.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. I, and the regulations thereunder, the Commission has ordered publication of this notice that Acting Chairman Philip A. Loomis, Jr., with the concurrence of the other members of the Commission, has established an advisory committee, under the Federal Advisory Committee Act, which is designated the Securities and Exchange Commission Advisory Committee on Shareholder Communications. Acting Chairman Loomis certifies that he has considered carefully the establishment of this Committee and, with the concurrence of the other members of the Commission, has found the creation of this Committee to be in the public interest in that it will assist the Commission in the performance of its responsibilities under the Federal securities laws.

The Advisory Committee's objectives are to advise the Director of the Division of Corporation Finance on various difficult, complex and technical questions relating to development of a better means for issuers to communicate with the beneficial owners of securities registered in the name of a broker-dealer, bank or other nominee. Issues to be considered by the Advisory Committee include: (1) the feasibility of providing a means for issuers to identify the beneficial owners of street or other nominee name securities; (2) delays in proxy distribution and voting with respect to securities held by a participant in a depository on behalf of non-participants; (3) delays in proxy distribution and voting with respect to securities held in the "street" name of broker-dealers, or in the name of a bank nominee; (4) and inconsistent practices relating to the dissemination of non-proxy corporate communications to the beneficial owners of nominee held securities. The Committee may consider other related matters coming to the attention of the Director of the Division of Corporation Finance.

The Advisory Committee shall conduct its operations in accordance with the provisions of the Federal Advisory Committee Act.

The duties of the Committee shall be solely advisory and shall extend only to submitting reports and recommendations to the Director of the Division of Corporation Finance who has sole responsibility for determining appropriate actions to be recommended to the Commission.

The Securities and Exchange Commission shall provide any necessary support services required by the Advisory Committee.

The estimated annual operating costs in dollars and staff years of the Advisory Committee are as follows:

Dollar costs: $30,000 for travel, per diem, and miscellaneous expenses for committee members and Commission personnel.

Staff Years: 1 staff-year, per year, for Commission personnel on a continuing basis.

The Advisory Committee shall meet at such intervals as are necessary to carry out its functions. It is estimated that the meetings of the full committee generally will occur no more frequently than monthly.

The Advisory Committee shall terminate at the end of eighteen months from the date of its establishment unless, prior to such time, its charter is renewed in accordance with the Federal Advisory Committee Act, or unless the Chairman, with the concurrence of the other members of the Commission, determines that continuance of the Advisory committee no longer is in the public interest.

Fifteen days after this notice has been published in the **Federal Register**, (May 4, 1981), notice of the establishment of the Committee will be filed with the Chairman of the Commission, the Senate Committee on Banking, Housing, and Urban Affairs, and the House of Representatives Committee on Interstate and Foreign Commerce. A copy of the Notice and the Charter also will be furnished to the Library of Congress and to the Office of Public Information of the Commission and will be available for public inspection.

The members of the Advisory Committee are:

1. Mr. Paul D. Weiser, Chairman, Senior Vice-President, Secretary & Corporate Counsel, Dataproducts Corporation.
2. Mr. Kenneth Akeson, President, Independent Election Corporation of America.
3. Mr. W. Kenneth Bonds, Chairman, Trust Committee and Executive Vice President, the Liberty National Bank and Trust Company.
4. Mr. Steven E. Fry, Corporate Secretary, Valero Energy Corporation.
5. Mr. William L. Glosser, Secretary, Glosser Brothers.
6. Mr. Earle J. Grimm, Jr., Secretary, Esmark Corporation.
7. Mr. John Hetherington, Secretary, Westvaco Corporation.
8. Mr. Donald Heterich, Senior Vice President, Manufacturers Hanover Trust Company.
9. Mr. James H. Lynch, Jr., Executive Vice President and Secretary, Spears, Leeds & Kellogg.
10. Mr. Michael Nelson, President, Continental Stock Transfer and Trust Co.
11. Mr. J. William Robinson, Principal, Georgeson & Co.
12. Mr. William Smith, Manager, Proxy Operations, Merrill Lynch & Co. Inc.
13. Mr. John R. Worthington, Senior Vice President and General Counsel, MCI Communications Corporation.
14. Mr. J. Paul Wyciskala, Managing Director, Corporate Services Department, New York Stock Exchange.

By the Commission.

George A. Fitzsimmons,

Secretary.

April 10, 1981.

[FR Doc. 81-11526 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11726; 812-4825]

Bankers Security Variable Annuity Fund A, et al.; Application

April 8, 1981.

In the matter of Bankers Security Variable Annuity Fund A, Bankers Security Variable Annuity Fund B, Bankers Security Variable Annuity Fund C, Bankers Security Variable Annuity Fund D, Bankers Security Variable Annuity Fund E, Bankers Security Variable Annuity Fund F, Bankers Security Variable Annuity Fund G, Bankers Security Variable Annuity Fund H, Bankers Security Variable Annuity Fund I; and Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Income Fund of Boston, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Special Fund, Inc., Oppenheimer Option Income Fund, Inc., Oppenheimer High Yield Fund, Inc., Oppenheimer Tax-Free Bond Fund, Inc., Oppenheimer Money Market Fund, Inc., Oppenheimer Systematic Capital Accumulation Program, Oppenheimer Time Fund Capital Accumulation Program, Oppenheimer Capital Accumulation Program of Shares of A.I.M. Fund, Inc., Oppenheimer Management Corporation, 2 Broadway, New York, New York 10004; and Bankers Security Life Insurance Society, 1701 Pennsylvania Avenue, NW., Washington, D.C. 20006.

Notice of filing of application for an amended order pursuant to section 11 of the Investment Company Act of 1940 for approval of offers of exchange, and pursuant to section 6(c) of the act for an amended order of exemption from section 27(a)(3) and rule 27a-2 thereunder, sections 27(d), 27(e), 27(f) and rules 27e-1 and 27f-1 thereunder, section 26(a), and section 27(c)(2).

Notice is hereby given that Bankers Security Life Insurance Society ("Bankers Security"), a New York stock

life insurance company, and Bankers Security Variable Annuity Fund A ("Separate Account A"), Bankers Security Variable Annuity Fund B ("Separate Account B") and Bankers Security Variable Annuity Fund C ("Separate Account C"), a unit investment trust registered under the Investment Company Act of 1940 (the "Act"); Bankers Security Variable Annuity Fund D ("Separate Account D"), Bankers Security Variable Annuity Fund E ("Separate Account E"), Bankers Security Variable Annuity Fund F ("Separate Account F"), Bankers Security Variable Annuity Fund G ("Separate Account G"), Bankers Security Variable Annuity Fund H ("Separate Account H"), Bankers Security Variable Annuity Fund I ("Separate Account I") a unit investment trust registered under the Act, Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Income Fund of Boston, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Special Fund, Inc., Oppenheimer Option Income Fund, Inc., Oppenheimer High Yield Fund, Inc., Oppenheimer Tax-Free Bond Fund, Inc. and Oppenheimer Money Market Fund, Inc., diversified open-end investment companies registered under the Act, and Oppenheimer Systematic Capital Accumulation Program ("OSCAP"), Oppenheimer Time Fund Capital Accumulation Program ("TIMECAP"), and Oppenheimer Capital Accumulation Program of Shares of A.I.M. Fund, Inc. ("AIMCAP"), unit investment trusts registered under the Act, (hereinafter collectively referred to as "Applicants") filed an application on February 18, 1981, pursuant to Section 11 of the Act for an amended order approving certain offers of exchange, and pursuant to Section 6(c) of the Act for an amended order of exemption from Section 27(a)(3) and Rule 27a–2 thereunder, Sections 27(d), 27(e), 27(f), and Rules 27e–1 and 27f–1 thereunder, Section 26(a) and Section 27(c)(2).

Previously, by application dated October 3, 1975 and amendments thereto, the Applicants, with the exception of Separate Accounts G, H and I, the Oppenheimer Option Income Fund, Inc., the Oppenheimer Tax-Free Bond Fund, Inc., and the Oppenheimer High Yield Fund, Inc., applied for an order approving the certain offers of exchange described in the application and for exemptions from the above named Sections and Rules. On February 17, 1976, a notice was issued of the filing of said application (Investment Company Act Release No. 9160) and an order was issued on March 19, 1976, granting the relief requested in the application (Investment Company Act Release No. 9212).

By application dated August 22, 1977 and an amendment thereto, Separate Account G, the Oppenheimer Option Income Fund, Inc. and the Oppenheimer Tax-Free Bond Fund, Inc. applied to be added as participants in the offers of exchange in order that those Applicants could receive the benefits of exemptions previously granted to the other described Applicants. No additional relief was requested. On September 28, 1977, a notice was issued of the filing (Investment Company Act Release No. 9949) and an amended order was issued on October 31, 1977, granting the relief requested in the application (Investment Company Act Release No. 9979).

By application dated July 14, 1978 and an amendment thereto, Separate Account H and the Oppenheimer High Yield Fund, Inc. applied to be added as participants in the offers of exchange in order that those Applicants could receive the benefits of exemptions previously granted to the other described Applicants. No substantive additional relief was requested. On August 10, 1978, a notice was issued of the filing (Investment Company Act Release No. 10356) and an amended order was issued on September 8, 1978, granting the relief requested in the application (Investment Company Act Release No. 10394).

The purpose of this application is to amend the aforementioned orders solely to add Separate Account I as a participant in the offers of exchange in order that this Applicant may receive the benefits of exemptions previously granted to the order described Applicants. There is no additional relief requested.

The Oppenheimer Group of mutual funds (the "Group") consists of the following funds:

Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Income Fund of Boston, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Special Fund, Inc., Oppenheimer Option Income Fund, Inc., Oppenheimer High Yield Fund, Inc., Oppenheimer Tax-Free Bond Fund, Inc. and Oppenheimer Money Market Fund, Inc.

Shareholders of the first six Oppenheimer funds (Fund, A.I.M., Boston, Special, Option, Time) may exchange their shares on the basis of the relative net asset value per share at the time of exchange without a sales charge for shares of any other fund in the Group. Shareholders of High Yield may make exchanges on the same basis for Money Market and Tax-Free shares and can exchange High Yield shares held for not less than six months for any other fund in the Group. Shares of Money Market and Tax-Free may be exchanged for each other on the same basis and if the Money Market or Tax-Free shares were acquired by switching from the first six funds or by switching from High Yield shares which were issued for not less than six months, such shares may be exchanged for any fund in the Group. A fee of $5.00 is charged for handling each exchange.

Section 11

Section 11(a) makes it unlawful for any registered open-end investment company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants propose to amend the orders set forth in Investment Company Act Releases 9212, 9979 and 10394 by offering certain additional exchange privileges as follows:

(1) *First Exchange Right.* Bankers Security and Separate Account I propose to offer participations in Separate Account I through nonqualified, immediate or deferred individual single payment variable annuity contracts to (i) all shareholders of Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Income Fund of Boston, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Option Income Fund and Oppenheimer High Yield, Inc., (hereinafter collectively referred to as the "Funds" and individually as a "Fund") and (ii) planholders of OSCAP, TIMECAP and AIMCAP, registered unit investment trusts (collectively referred to as "Oppenheimer Unit Trusts") in exchange for shares of the Funds held directly, and indirectly in the case of the Oppenheimer Unit Trusts. Such exchange would take place on the following basis:

Regarding a shareholder of a Fund, the exchange would be accomplished by the redemption of the Fund shares at net asset value next determined after

receipt of the request for exchange and the reinvestment of the proceeds, without a sales charge, in accumulation units of Separate Account I at a value next determined after receipt of the assets for purchase of an individual variable annuity contract. If a deferred variable annuity is purchased a deduction of 0.25% would be made as a premium for the minimum death benefit. Except for this minimum death premium no fee is charged for this exchange. Any other prior charge which was specified in the original application has been waived on all exchanges.

Any holder of (A) a single payment plan issued by any of the Oppenheimer Unit Trusts, or (B) a systematic plan of TIMECAP, or (C) a systematic plan issued by any of the other Oppenheimer Unit Trusts who had held his plan for at least 18 months, may exchange his plan for an individual variable annuity certificate. Applicants have indicated that the distinction as to the holding period of a plan before the planholder is eligible to exchange his plan is based upon the election made by TIMECAP, pursuant to Section 27(g) of the Act, to be governed by the provisions of Section 27(h) which imposes different refund requirements upon TIMECAP. The exchange would be accomplished by terminating the plan, redeeming the Fund shares held under that plan at the net asset value next determined after receipt of the request for exchange and reinvesting the proceeds without a sales charge in accumulation units of Separate Account I at a value next determined after receipt of the assets for purchase. For a deferred variable annuity, there would be a deduction of 0.25% of such proceeds as a premium for the minimum death benefit. For the reason noted above, the reference to the 90 day holding period for (A) and (B) are deleted. The $5.00 exchange fee has also been waived.

Applicants assert that the purpose of the first Exchange Right is to permit a shareholder or planholder who desires to carry on his investment in an investment medium managed by Oppenheimer pursuant to a variable annuity contract rather than directly or through his plan to do so without paying a sales charge.

Applicants assert that no charges should be imposed on the exchange of securities issued by Oppenheimer Fund, Inc., Oppenheimer A.I.M. Fund, Inc., Oppenheimer Income Fund of Boston, Inc., Oppenheimer Time Fund, Inc., Oppenheimer Option Income Fund, Inc. or Oppenheimer High Yield Fund, Inc. or an Oppenheimer Unit Trust for variable annuity contracts issued by the Separate Account I because full sales charges have already been assessed. In addition, shareholders and certificate holders of the Funds and the Oppenheimer Unit Trusts already are familiar with the managers of the investment companies which seve as the underlying investment media of Separate Account I. As a result, any selling effort in connection with the transfer will be reduced.

(2) *Second Exchange Right.* It is proposed to permit, without imposition of a sales load, exchange of deferred variable annuity contracts issued by Separate Accounts D, E, F, G, H and I and sold by Bankers Security, on the basis of the accumulated values thereof, for other deferred variable annuity contracts sold by Bankers Security of the same type and class.

Non-tax qualified contracts will be issued by Separate Accounts D, E, F, G, H and I. Thus, a contract owner holding a contract under Separate Account D would have the option of exchanging his contract, without additional load, for a contract issued by Separte Accounts E, F, G, H or I on the basis of the net asset values of each Separate Account. Separate Accounts A, B, and C are tax qualified accounts. Because of this, transfers from one of these accounts can only be made to another of these Separate Accounts. Similarly, because Separate Accounts D, E, F, G, H or I are non-qualified, transfers from one of these accounts can only be made to another of these Separate Accounts.

With respect to the Second Exchange Right, Applicants contend that such exchange right is consistent with the protection of variable annuity contract owners or participants and the purpose clearly intended by the policy and provisions of the Act. The only purpose of exercising this exchange provision is to provide such contract owners and participants the right to obtain a contract which invests in shares of an investment company which operates under investment objectives more closely aligned with such contract owner's or participant's financial needs. This provides such contract owner or participant with greater flexibility in planning for his financial future.

Section 27(a)(3) and Rule 27a–2

Section 27(a)(3) of the Act provides that no registered investment company issuing periodic payment plan certificates and no depositor of or underwriter for such company may sell any such certificate if the amount of sales load deducted from any one of the first twelve monthly payments exceeds proportionately the amount deducted from any other such payment, or if the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment. Rule 27a–2 under the Act exempts a registered separate account, and any depositor of or underwriter for such account, from Section 27(a)(3) if the proportionate amount of sales load deducted from any payment during the contract period does not exceed the proportionate amount deducted from any prior payment during the contract period.

Applicants state that where a no-load transfer from one Separate Account to another Separate Account takes effect, there will be a subsequent continuation of periodic payments subject to the sales load deductions. Accordingly, Applicants request an exemption from Section 27(a)(3) and Rule 27a–2 thereunder to the extent necessary to permit such practice.

Since the deductions for sales expenses under the Contracts do not involve the kind of front-end load arrangements at which Section 27(a)(3) is directed, Applicants submit that the deductions cannot lead to the abuses intended to be curbed by Section 27(a)(3). Applicants state further that the circumstances in which charges for sales and administrative expenses are applicable will be fully disclosed so that it is unlikely that any person will be misled or confused.

Sections 27(d), 27(e), 27(f) and Rules 27e–1 and 27f–1

Under Sections 27(d), 27(e) and 27(f) of the Act, as here relevant, the holder of certain periodic payment certificates is given, respectively (1) the right to surrender the certificate at any time within the first 18 months after its issuance and to receive, in cash, the value of his account and an amount equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder; (2) the right to be informed, in writing, in the event that he has missed a certain number of payments required to be made pursuant to the plan, that he may surrender his certificate and receive the aforementioned payments; and (3) the right, within forty-five days after the mailing of notice of the charges to be deducted from the projected payments on the certificate of his right of withdrawal, to exercise such right of withdrawal by surrendering his certificate and receive the value of his account and the difference between the gross payments made and the net amount invested.

Applicants represent that under the terms of the First Exchange Right,

exchanges would not be permitted until after the expiration of the time in which a planholder could withdraw and receive a refund under his old plan. Applicants contend that while an exchange would, in form, involve the issuance of a new plan, in substance the exchange would result in a continuation of the original plan with a new underlying investment medium. Applicants submit that the protection of investors and the purposes of Section 27 do not require that an exchanging planholder, who no longer has any refund or withdrawal rights under his old plan, have such rights with respect to his new plan.

Applicants further request that exemptions be granted from the provisions of Rules 27e–1 and 27f–1. Rule 27e–1 sets forth requirements for notices to be mailed to certain purchasers of periodic payment plan certificates sold subject to Section 27(d) and Rule 27f–1 sets forth requirements for the notice of the right of withdrawal required to be mailed to periodic payment plan certificate holders and exempts from Section 27(f) certain periodic payment plan certificates. If exemptions from the provisions of Sections 27(d), 27(e), and 27(f) are granted, Applicants assert that exemptions from the provisions of Rules 27e–1 and 27f–1, would be appropriate since these Rules are designed only to implement provisions of these Sections.

Sections 26(a) and 27(c)(2)

Sections 26(a) and 27(c)(2), as here pertinent, provide in substance that a registered unit investment trust and any depositor of and underwriter for such trust are prohibited from selling periodic payment plan certificates unless the proceeds of all payments, other than amounts deducted for sales load, are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, in part, that (i) the custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (ii) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income, and if necessary, from the corpus of the trust for services performed and for reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian.

Applicants request an exemption pursuant to Section 6(c) of the Act from Sections 26(a) and 27(c)(2) of the Act to allow Bankers Security to be the custodian of the assets for Separate Account I; such assets will be held in the safekeeping of the Bank of Commerce of New York. The portion of the purchase payments under the Contracts allocated to Separate Account I will be invested in shares of the Fund, which is available as the underlying investment media for the Separate Account. These shares will be issued under an open account arrangement without the use of stock certificates. Their ownership will be shown on the books and records of the underlying Fund and Separate Account I.

As to the exemptions requested, the Applicants request that the Commission enter an order of exemption from the pertinent provisions of Section 26(a) in order that "book shares" evidencing the investment of purchase payments may be accepted. Section 26(a) of the Act also requires that the securities and other property in which the funds of the unit investment trust are invested shall be segregated and held in trust until distribution. Applicants state that while the assets of the Separate Account will be segregated, the Company, as a life insurance company, may not properly place the assets of the Separate Account in trust because the insurance laws of the State of New York require the Company to retain ownership and control of the disposition of its property. If the Company is permitted to be the custodian of the assets and have such assets held by the Bank of Commerce for safekeeping, an exemption from the foregoing Section of the Act will be necessary in order that the Company shall not be required to hold such assets in trust. Further, the Company, under an arrangement for recordkeeping, will maintain either itself or through an agent a record of all purchases and redemptions of Fund shares with respect to the Separate Account. Consequently, the Applicants submit that a custodianship is unnecessary under the circumstances.

Bankers Security is subject to extensive supervision and control by the New York Insurance Department. Such control and supervision, Applicants contend, provide assurance against misfeasance and afford the essential protection of trusteeship. Under New York law, Bankers Security may not abrogate its obligations under the Contracts.

Under the foregoing circumstances, the Applicants contend that the dangers against which Sections 26(a) and 27(c)(2) are directed are not present in this situation and an exemption therefrom is requested.

Applicants consent to the exemptions requested herein from Sections 26(a) and 27(c)(2) being made subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission may prescribe, jurisdiction being reserved for such purpose; and (2) that the payments of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payments of such other sums or charges.

Section 6(c) of the Act provides, in part, that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary, or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than April 30, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her interest, the reason for such request and the issues of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of service (by

affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 30, 1981, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11529 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21997; 70-6585]

Columbus and Southern Ohio Electric Co.; Proposed Issuance and Sale of Bonds and Preferred Stock

April 8, 1981.

Columbus and Southern Ohio Electric Company ("CSOE"), 215 North Front Street, Columbus, Ohio 43215, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b) and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 thereunder. Arkansas proposes to issue and sell up to $110,000,000 aggregate principal amount of its first mortgage bonds, of a new series, having a maturity of not less than 5 years and not more than 30 years. The bonds will be issued under CSOE's Indenture of Mortgage and Deed of Trust dated September 1, 1940, as supplemented and as to be further supplemented. CSOE also proposes to issue and sell up to 600,000 shares of a new series of its cumulative preferred stock with a par value of $25 per share. The terms of the bonds and the preferred stock will be determined by competitive bidding. If market conditions should not be acceptable for the sale of either the bonds or preferred stock on a competitive bidding basis, CSOE intends to amend the application-declaration so as to provide for their sale on another basis. The proceeds of the sale of the bonds and preferred stock, together with other available cash, will be used by CSOE to finance its business, including the repayment of bank loans and other short-term debt.

The application-declaration and any amendments thereto are available for inspection through the Commission's Office of Public Reference. Any interested person wishing to comment or request a hearing should submit views in writing by May 1, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall specify the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11532 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22001; 70-6583]

Eastern Utilities Associates; Application

April 10, 1981.

Notice of proposed issuance and sale of common stock pursuant to dividend reinvestment and common stock purchase plan; exception from competitive bidding

Eastern Utilities Associates ("EUA"), P.O. Box 2333 Boston, Massachusetts 02107, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6, 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 thereunder.

Pursuant to a Commission order dated December 6, 1979 (HCAR No. 21329), EUA was authorized to issue and sell from time to time through March 31, 1982, up to 200,000 shares of its authorized but unissued common stock pursuant to its Dividend Reinvestment and Common Stock Purchase Plan ("Plan"). As of March 17, 1981, EUA had issued and sold 182,577 such shares. EUA proposes to issue, or purchase, and sell from time to time through June 1, 1983, the 17,243 common shares remaining from the 200,000 shares previously authorized, plus a maximum of 400,000 additional common shares under the Plan subject to the same terms as previously authorized. The sale of 400,000 shares of common stock, $5 per value, at approximately $11.00 per share would generate proceeds of $4,400,000. If purchase are made with reinvested dividends, the purchase price will be 95% of the average of the closing sales price of EUA's common shares as reported by The Wall Street Journal as composite transactions during the last five trading with optional cash payments will be made at 100% of such average closing prices. The Investment Date is the dividend payment date for months in which a dividend is payable, and the fifteenth day of the month for other months. Although EUA expects that shares purchased under the Plan will be original issue shares, EUA may have some dividends and optional cash applied to the purchase of common shares in the open market. The shares are voted in accordance with the written instructions of the holders and any shares for which proper voting authorization is not received are not voted. The proceeds will be used by EUA for investments in its subsidiaries, for the payment of indebtedness, and for other corporate purposes.

EUA requests an exception from the competitive bidding requirements of Rule 50 for the proposed common stock issuance and sale pursuant to Rule 50(a)(5) because of the nature of the Plan.

The application-declaration and any amendments thereto are available for public inspection through the Office of Public Reference. Any interested person wishing to comment or request a hearing should submit views in writing by May 4, 1981 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issue of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notices or orders issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11533 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21999; 70-6502]

Eastern Utilities Associates; Blackstone Valley Electirc Co.; and Eastern Edison Co.; Application

April 9, 1981.

Notice of proposed issue and sale of common stock through a negotiated underwriting by parent; acquisition of common stock of or capital contribution to subsidiaries; exception from competitive bidding.

Eastern Utilities Associates ("EUA"), P.O. Box 2333, Boston, Massachusetts 02107, a registered holding company, and Blackstone Valley Electric Company ("Blackstone"), Washington Highway, P.O. Box 1111, Lincoln, Rhode Island 02865, and Eastern Edison Company ("Eastern Edison"), 36 Main Street Brockton, Massachusetts 02403, subsidiaries of EUA, have filed an application-declaration, and amendments thereto, with this Commission under Sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 43, 45, 50(a)(3) and 50(a)(5) thereunder. EUA proposes to issue and sell through an underwritten public offering on or before September 30, 1981, up to 900,000 shares of $5 par value common stock at a price and terms to be determined by negotiation. Proceeds of the stock sale are estimated to total between $9,500,000 and $10,000,000. The net proceeds will be used to acquire common stock of or to make capital contributions to Eastern Edison and/or Blackstone. Common stock would be purchased at the par value, which is $25 per share and $50 per share, for Eastern Edison and Blackstone. The amount of such purchases will depend upon various factors, including the proceeds received by EUA, but will not exceed $11,700,000 for Eastern Edison and $1,500,000 for Blackstone. Eastern Edison and Blackstone will use the funds received, together with other available cash, to finance its business including the repayment of short-term bank borrowings.

EUA requests an exception from the competitive bidding requirements of Rule 50 pursuant to rule 50(a)(5) in connection with the proposed issuance and sale of stock to underwriters for sale to the public. EUA proposes, and is hereby authorized, forthwith, (a) to negotiate with and select one or more investment banking firms to act as underwriters for the shares and (b) to negotiate the price and other terms upon which the shares will be issued to the public. EUA states that the exception is justified because the company has had unsatisfactory experiences with recent common stock offerings at competitive bidding, substantial sales effort by underwriters is necessary to successfully market EUA's stock, and the small size of the offering deters competitive bids.

The applicant-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested person wishing to comment or request a hearing should submit views in writing by May 4, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above and proof of service (by affadavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted or permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11534 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11729; 811-1335]

Independence Fund, Inc.; Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

April 10, 1981.

Notice is hereby given that Independence Fund, Inc., 99 High Street, Boston, Massachusetts 02110, ("Applicant"), formerly a Massachusetts corporation, which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 13, 1981, for an order of the Commission pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, pursuant to an Agreement and Plan of Reorganization between Applicant and Keystone Custodian Funds, Inc., as Trustee of Keystone Custodian Fund, Series K-2 ("K-2"), all of the assets of Applicant were transferred to K-2 on December 23, 1980, in exchange for the assumption by K-2 of all of the liabilities of Applicant and the issuance of a number of shares of beneficial interest of K-2 equal to the net asset value of the assets of Applicant (after deducting its liabilities). Applicant caused these shares to be distributed to its stockholders of record as of December 23, 1980, in complete liquidation of Applicant. Applicant states that on January 22, 1981, it filed Articles of Dissolution with the Secretary of State of the Commonwealth of Massachusetts and has subsequently dissolved.

Applicant represents that on March 20, 1980, the board of directors of Applicant unanimously approved the proposed reorganization of Applicant with K-2 and recommend its approval to the stockholders of Applicant. Applicant states that the reorganization was approved by the stockholders of Applicant on November 19, 1980. Applicant also states that Applicant and K-2 filed an application with the Commission on March 11, 1980, and an amendment thereto on June 2, 1980, requesting an exemption from Section 17(a) of the Act pursuant to Section 17(b) thereof to the extent necessary to permit K-2 to acquire all of the assets of Applicant. An order granting the exemption was issued on July 3, 1980 (Investment Company Act Release No. 11245).

Applicant represents that it currently has no assets and that all of its liabilities have been assumed by K-2. Applicant also represents that it is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. Applicant states that it is not a party to any litigation or administrative proceeding, that it has no existing stockholders and that it has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are stockholders of Applicant.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so

declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 5, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communciation should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–11535 Filed 4–16–81; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22–11033]

Ito-Yokado Co., Ltd.; (Kabushiki Kaisha Ito-Yokado); Application and Opportunity for Hearing

April 13, 1981.

Notice is hereby given that Ito-Yokado Co., Ltd. (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of The Bank of Tokyo Trust Company under three existing indentures of the Applicant which are qualified under the Act, and under an existing English Trust Deed of the Applicant which is not so qualified but for which the Commission has issued an exemption order under Section 310(b)(1)(ii) (the "First English Trust Deed"), and the proposed trusteeship of The Bank of Tokyo Trust Company under an English trust deed not so qualified (the "Second English Trust Deed") is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify The Bank of Tokyo Trust Company from acting as trustee under the Applicant's Second English Trust Deed.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of Subsection (1), there shall be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing, that the trusteeship under such qualified indenture and such other indenture is not so likely to involve material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. The Applicant had outstanding, as of March 1, 1981:

(a) $31,097,000 of its 6% Convertible Debentures Due August 31, 1992 (the "6% Debentures"), issued in the aggregate principal amount of $50,000,000 under an indenture, dated as of June 15, 1977, between the Applicant and The Bank of Tokyo Trust Company; the 6% Debentures were registered under the Securities Act of 1933 (the "Securities Act");

(b) $47,972,000 of its 5¾% Convertible Debentures Due August 31, 1993 (the "5¾% Debentures"), issued in the aggregate principal amount of $50,000,000 under an indenture, dated as of July 1, 1978, between the Applicant and The Bank of Tokyo Trust Company; the 5¾% Debentures were registered under the Securities Act;

(c) $20,000,000 of its 9⅛% Notes Due August 31, 1983 (the "9⅛% Notes"), issued in such aggregate principal amount under an indenture, dated as of July 1, 1978, between the Applicant and The Bank of Tokyo Trust Company; the 9⅛% Notes were registered under the Securities Act;

(d) Y5,000,000,000 of its 7.3% Convertible Bonds Due 1990 (the "7.3% Bonds"), issued in the aggregate principal amount of Y5,000,000,000 under an English Trust Deed, dated as of July 24, 1980, between the Applicant and The Bank of Tokyo Trust Company; the 7.3% Bonds were not registered under the Securities Act; but the Commission issued an exemption order under Section 310(b)(1)(ii) with respect to The Bank of Tokyo Trust Company's trusteeship thereof.

2. The Applicant will issue in the United Kingdom of Great Britain 6⅞% Currency Linked/U.S. Dollar Payable Convertible Bonds Due 1991 (the "6⅞% Bonds"), in the aggregate principal amount of $25,000,000, under an English Trust Deed dated as of March 26, 1981, between the Applicant and The Bank of Tokyo Trust Company; the 6⅞% Bonds will not be registered under the Securities Act.

3. The Applicant is not in default under any of the indentures or the First English Trust Deed.

4. The Applicant's obligations under the indentures and the First English Trust Deed, and the debentures, bonds and notes issued thereunder are wholly unsecured and rank *pari passu inter se.* There are no material differences among the Qualified Indentures, the First English Trust Deed and the Second English Trust Deed except for variations as to aggregate principal amounts, dates of issue, maturity and interest payment dates, interest rates, redemption prices and sinking fund provisions.

5. In the opinion of the Applicant, the provisions of the aforementioned indentures and deeds are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any holder of any of the debentures, notes or bonds issued under such indentures or deeds to disqualify The Bank of Tokyo Trust Company from acting as trustee under the Second English Trust Deed.

The Applicant has waived notice of hearing, any right to a hearing on the issues raised by the application, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given That any interested person may, not later than May 4, 1981, submit to the Commission his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11537 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11728; 811-2425]

Massachusetts Fund for Income; Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

April 10, 1981

Notice is hereby given that the Massachusetts Fund for Income, 99 High Street, Boston, Massachusetts 02110 ("Applicant"), a Massachusetts business trust which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on March 9, 1981, for a Commission order pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company. All interested persons are referred to the applicant on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that pursuant to an Agreement and Plan of Reorganization between Applicant and Keystone Custodian Funds, Inc., as Trustee of Keystone Custodian Fund, Series B-2 ("B-2"), all of the assets of Applicant were transferred to B-2 on October 24, 1980, in exchange for the assumption by B-2 of all of the liabilities of Applicant and the issuance of a number of shares of beneficial interest of B-2 equal to the net asset value of the assets of Applicant (after deducting its liabilities). Applicant states that it caused these shares to be distributed to its shareholders of record as of October 24, 1980, and undertakes to dissolve as promptly as practicable.

Applicant represents that on March 20, 1980, the trustees of Applicant unanimously approved the proposed reorganization of Applicant with B-2 and recommended its approval to the shareholders of Applicant. Applicant states that the reorganization was approved by the shareholders of Applicant on October 1, 1980. Applicant also states that Applicant and B-2 filed an application with the Commission on March 11, 1980, and an amendment thereto on June 2, 1980, requesting an exemption from Section 17(a) of the Act pursuant to Section 17(b) thereof to the extent necessary to permit B-2 to acquire all of the assets of Applicant. An order granting the exemption was issued on July 3, 1980 (Investment Company Act Release No. 11247).

Applicant represents that it currently has no assets and that all of its liabilities have been assumed by B-2. Applicant also represents that it is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. Applicant states that it is not a party to any litigation or administrative proceeding, that it has no existing shareholders and that it has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are shareholders of Applicant.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 5, 1981, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11530 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

Release No. 11730 811-1199

New World Fund, Inc., Application for an Order Declaring That Applicant Has Ceased To Be an Investment Company

April 19, 1981.

Notice is hereby given that New World Fund, Inc., 4680 Wilshire Blvd., Los Angeles, CA 90010, ("Applicant"), a California corporation which is registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, filed an application on March 4, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on February 21, 1963, it registered under the Act and filed a registration statement pursuant to the Securities Act of 1933. Applicant further states that the initial public offering of its shares commenced on December 24, 1963, after the registration statement was delcared effective.

According to the application, pursuant to an Agreement and Plan of Reorganization and Liquidation dated September 22, 1980, ("Agreement") by and between Applicant and The Investment Company of America ("ICA"), Applicant agreed to exchange substantially all of its assets for ICA stock. Under the Agreement, portfolio securities and other assets of Applicant

were transferred on January 23, 1981, to ICA in exchange for 1,056,755.551 shares of ICA stock which, in the aggregate had a net asset value equal to the net value of the assets transferred. No brokerage commissions were paid in connection with this transfer. Applicant states that on January 23, 1981, it caused the shares of the ICA stock received by Applicant to be transferred pro rata to shareholder accounts for Applicant's shareholders.

The application states that the sale of Applicant's assets and the transactions contemplated by the Agreement, including the liquidation of Applicant, were approved by the board of directors of Applicant on September 22, 1980, and December 30, 1980, and that a majority of the outstanding shares of Applicant were voted in favor of the proposal to approve the transaction with ICA and the liquidation and dissolution of Applicant as contemplated by the Agreement, at the annual meeting of shareholders on December 30, 1980.

Applicant states that at the close of the transaction with ICA, Applicant retained approximately $69,009.41 in cash for the purposes of satisfying certain obligations of Applicant, including a declared but unpaid dividend and certain outstanding debts of Applicant, and that as of the date of the application, all of that amount had been disbursed. Applicant also states that it is not now engaged and does not propose to engage in any business activities other than those necessary for the winding-up of its affairs, that it has no securityholders, that it is not a party to any litigation of administrative proceeding, and that it has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are its securityholders. Finally, Applicant states that it will file a Certificate of Election to Wind-up and Dissolve as required by the laws of California and will send the requried notice of such election to its shareholders, creditors and claimants. A majority of the directors of Applicant will then file a Certificate of Wind-Up and Dissolution with the State of California stating that Applicant is dissolved.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person may, not later than May 5, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–11539 Filed 4–16–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–17711 File No. SR–AMEX–78–23]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.

Relating to the broadening of the scope of the exemptions under Exchange Rule 111, by adding proprietary risk arbitrage and bona fide hedging transactions subject to certain prohibitions.

Comments requested on or before May 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1981, the American Stock Exchange filed with the Securities and Exchange Commission amendments to a previously filed 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, as Amended

The American Stock Exchange proposes to amend Section 1 (General Floor Rules) of its Rules Principally Applicable to Floor Transactions as set forth below. Brackets [ ] indicate material to be deleted and *italics* indicate material to be added.

Rule 103. General Floor Prohibitions

* * * * *

. . . Commentary

.01 The clause "any put, call, straddle or option", as used in paragraph (a) of Rule 103, includes any of such instruments whether or not within the scope of the term "option contract" as defined in Rule 900(b).

* * * * *

Rule 111. Restrictions on Registered Traders

* * * * *

(i) *The provisions of paragraphs (b), (d) and (e) of this Rule shall not apply to any bona fide hedge transaction involving a long or short position in an equity security and a long or short position in a security entitling the holder to acquire or sell such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender offer, or similar transaction involving a recapitalization.*

* * * * *

. . . Commentary

* * * * *

.04 Orders given out by Registered Traders to commission brokers—An on-Floor order given by a Registered Trader to a commission broker, for an account in which the Registered Trader has an interest, is subject to all the rules restricting Registered Traders. When a Registered Trader gives out such an order on the Floor to another member:

(1) To buy "long" stock,

(2) To sell "short" stock,

(3) To sell "long" stock, or

(4) To buy to cover a "short" position,

the order must be so marked and indicated as being for an account in which the Registered Trader has an interest, unless it is exempt under the provisions of Rule 111(f) *or (i)*, in order that the other member may know whether it may be entitled to priority or parity.

* * * * *

.07 Priority-Parity.—*Unless his order is exempt under the provisions of Rule 111 (f) or (i),* a Registered Trader, in establishing or increasing a position,

may not retain priority over or have parity with an off-Floor order. This provision shall not apply to a Registered Trader's off-Floor activities prior to his initial entry on the Floor during any trading session.

* * * * *

.11 Application to Rule 103.—The exemptions to Rule 111 contained in paragraphs (f) and (i) thereof shall not modify, condition or otherwise limit the prohibitions contained in Rule 103(a).

* * * * *

Rule 114. Registered Equity Market Markers

* * * * *

. . . Commentary

* * * * *

.03 Rule 111(c) and (e) shall apply to a Registered Equity Market Maker when acting in his capacity as such, *notwithstanding that a transaction would be exempt from Rule 111 under paragraph (f) thereof, or from certain provisions of Rule 111 under paragraph (i) thereof, if effected other than in such capacity.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Amendment of the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements relating to the amendments now proposed.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Amendment of the Proposed Rule Change.*

(a) *Purpose.* Registered Traders are required to comply with various restrictions and obligations, set forth in Paragraphs (a) through (e) of Exchange Rule 111 (the "Rule"), when engaging in proprietary transactions initiated on the Floor which are not specifically exempted under the Rule. On October 30, 1978, the Exchange filed with the Commission a proposed amendment to Rule 111 which would have broadened the arbitrage exemption (Paragraph (f)(4)) under the Rule by including risk arbitrage and bona fide hedge transactions within the exemption. Thus, Registered Traders would have been permitted to engage in those transactions free of the requirements of Paragraphs (a) through (e) of the Rule. The reasons for this proposal were set forth in the Exchange's original submission (SR–Amex–78–23).

After discussions with members of the Commission staff, the Exchange submitted on February 21, 1979, Amendment No. 1, which contained additional proposed rule changes to clarify the application and scope of the new proposed exemptions covered by the initial submission. On March 5, 1980, the Exchange submitted Amendment No. 2, containing explanatory material in response to questions raised by members of the Commission staff concerning the basis and purpose of the proposed rule change.

The Commission staff has now asked the Exchange to amend the proposed rule change in additional substantive respects. This Amendment No. 3 sets forth those requested changes to the proposed rule change. Under the amendments made by this submission, Registered Traders' risk arbitrage and bona fide hedging transactions would be exempt from the provisions of Rule 111 restricting purchases above the previous day's close and requiring Registered Traders to meet specified stabilization requirements and to yield priority to off-Floor orders (Paragraphs (b), (d) and (e) under the Rule). However, these transactions would remain subject to the prohibitions against trading in a disorderly manner or congregating in, or dominating, the market for a particular stock, or effecting a transaction for a proprietary account and executing as broker an off-Floor order in the same stock during the same trading session (Paragraphs (a) and (c) under the Rule).

(b) *Basis.* The proposed rule change is consistent with Section 6(b) of the Exchange Act in general and furthers the objectives of Sections 6(b)(5) and (8) of the Act in particular. As explained in Amendment No. 2 of SR–Amex–78–23, allowing on-Floor risk arbitrage and bona fide hedging to occur free of the stabilization and yielding requirements of Rule 111 would remove impediments to a free and open market and would eliminate burdens on competition not necessary or appropriate in furtherance of the purposes of the Act.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Exchange has determined that the proposed rule change, rather than imposing any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, will promote competition by allowing Registered Traders to better compete with upstairs traders.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

No written comments were solicited or received, or are to be solicited in the future, with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., 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 May 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.I34April 13, 1981.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 81–11734 Filed 4–16–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34-17710; File No. SR-Amex-81-5]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.

In the matter of Implementation of OARS.

Comments requested on or before May 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1981, the Amercian Stock Exchange 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

In its filing with the Commission, the self-regulatory organization included the text of the proposed rule change and 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.

II. (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) *Purpose.* The proposed rule changes will be provided for the implementation and operation of the Opening Automated Report Service, an electronic system to store and automatically report executions of market orders for equities received before the opening of trading, and special trade comparison and clearance procedures to be utilized in conjunction with the system. Also proposed are technical amendments to Exchange rules which are necessary in connection with the implementation of OARS.

Proposes New Rule

The purpose of OARS is to facilitate more efficient and accurate processing and reporting of orders directed to the Floor prior to the opening. The system is an enhancement of the existing Amex Post Execution Reporting ("PER") system, which has been effective in the transmittal of small lost equity orders to the post and has reduced the burdens on member firms associated with the handling of orders during high volume periods. OARS is designed to reduce further the paperwork produced by these orders and consequent reports. OARS is also designed to substantially aid specialists in arranging opening transactions, a sensitive and complex process, and relieve the clerical workload at the opening, which has been exacerbated by high trading volume levels. The system will also greatly reduce the number of uncompared trades at the opening.

OARS will be utilized and function in the same manner for reopenings following a trading halt.

Technical Amendments

Under Exchange Rule 180, a specialist must maintain a record of all orders placed with him and of all executions, modifications and cancellations of such orders. New Rule 116 makes clear that records which are maintained as part of the OARS log but not provided to the specialist will satisfy the specialist's recordkeeping responsibility under Rule 180.

Under Exchange Rule 727, an original party to a transaction may give up to the other original party the names of other members or member organizations. New Rule 116 provides that the use of the universal contras, "OPN" and "OARS", in connection with the OARS system, will not be deemed inconsistent with Rule 727.

Additionally, Commentary .05 to Exchange Rule 155 is proposed to be amended to exempt orders stored in OARS from the requirement that a member must confirm or reject a transaction whenever a specialist takes or supplies for his own account the securities named in an order entrusted to him. Exchange Rule 723 is proposed to be amended to provide that differences and omissions with respect to transactions involving orders stored in OARS will be resolved pursuant to the new procedures specified in new Rule 116 and not in accordance with the usual comparison procedures set forth in Rule 723.

(b) *Basis.* The proposed rule changes are generally consistent with the Securities Exchange Act of 1934 (the "Act") and rules and regulations thereunder. In particular, they further the objectives of Section 6(b)(5) of the Act in that they will foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities. The introduction of new data processing and communications techniques will also result in more efficient and effective market operations, consistent with Section 11A(a)(1)(B) of the Act. Furthermore, they advance the objective of Section 17A(a) of the Act by facilitating the prompt and accurate clearance and settlement of securities transactions and by introducing more efficient procedures for the clearance and settlement operation.

(b) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Exchange has determined that the proposed rule change will not have an impact on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

No written comments were solicited or received, or are to be solicited in the future, with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., 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 May 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

April 13, 1981.

[FR Doc. 81-11735 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17715; SR-BSE-81-1]

Order Approving Proposed Rule Change; Boston Stock Exchange, Inc.

April 13, 1981.

On February 18, 1981, the Boston Stock Exchange, Incorporated, One Boston Place, Boston, MA 02108, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which would increase its listing fees as follows: (1) the original listing fee for each class of stock or bonds would be raised from $2,000 to $3,500 and (2) the annual listing maintenance fee for each class of the stock or bonds would be raised from $250 to $500.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17585, February 27, 1981) and by publication in the Federal Register (46 FR 15836, March 9, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(1) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11607 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17704; File Nos. SR-MSE-81-1, etc.]

Order Approving Proposed Rule Changes; Midwest Stock Exchange, Inc., et al.

April 9, 1981.

In the matter of Midwest Stock Exchange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60603; Pacific Stock Exchange, Incorporated, 301 Pine Street, San Francisco, California 94104; Boston Stock Exchange, Inc., 53 State Street, Boston, Massachusetts 02109; New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005; Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103; Cincinnati Stock Exchange, 209 Dixie Terminal Building, Cincinnati, Ohio 45202; American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006. File Nos. SR-MSE-81-1; SR-PSE-81-2, 3; SR-BSE-81-2; SR-NYSE-81-8; SR-Phlx-81-5; SR-CSE-81-2; SR-Amex-81-2.

The self-regulatory organizations ("SROs") listed above have each filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of proposed rule changes to adopt Intermarket Trading System ("ITS") "trade-through" and "locked markets" rules.[1]

The provisions of the proposed rules specify that, subject to certain exceptions described in the Rule, a member shall avoid initiating a trade-through for any ITS Eligible Listed Security. In the event that a trade-through occurs and the aggrieved party makes a timely complaint, the proposed rules place the responsibility on the party who initiated the trade-through to respond as promptly as practical to the aggrieved party's complaint. The member is to notify the aggrieved party that either the member was relieved of his obligation under an applicable condition described in the rule or that the complaint is valid and corrective action is being taken pursuant to the rule.

The procedures for corrective action vary depending upon whether the broker-dealer initiating the trade-through ("initiating broker-dealer") and the broker-dealer representing the *contra* side ("*contra* broker-dealer") are executing orders which originated from off the floor. In the event that both the initiating and *contra* broker-dealers were acting for their own account, the trade-through would be cancelled and removed from the consolidated transaction reporting system ("consolidated system"). If, on the other hand, either the initiating or *contra* broker-dealer was executing (in whole or in part) an order which originated from off the floor, one of the following two alternative procedures would be required:

(i) The initiating broker shall "satisfy, or cause to be satisfied, the bid or offer traded through in its entirety at the price of such bid or offer" or [2]

(ii) The initiating and *contra* side broker-dealers shall correct the price of their transaction to a price at which the trade-through would not have occurred ("adjusted price"), and the price correction shall be reported in the consolidated system.

Regardless of which corrective procedure is followed, the initiating broker-dealer also would be required to assure that the off-floor orders that were executed in the transaction which constituted the trade-through receive the price which caused the trade-through; the price at which the bid or offer traded through was satisfied, if it was satisfied; or the adjusted price, if there was an adjustment; whichever of those prices is most beneficial to that order.[3]

The proposed rule also provides that if a member makes a bid for an ITS Security on the Exchange and causes a locked market with another ITS participating market center, the member

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[1] The proposed rule changes were filed on the following dates: (1) Midwest Stock Exchange, Incorporated ("MSE"), February 20, 1981; (2) Pacific Stock Exchange Incorporated ("PSE"), February 26 and 27, 1981; (3) Boston Stock Exchange, Inc. ("BSE"), March 2, 1981; (4) New York Stock Exchange, Inc. ("NYSE"), March 4, 1981; (5) Philadelphia Stock Exchange, Inc. ("Phlx"), March 5, 1981; (6) Cincinnati Stock Exchange ("CSE"), March 20, 1981; and American Stock Exchange, Inc. ("Amex"), March 20, 1981.

[2] The NYSE, in its proposed rule filing, sought clarification of the applicability of Rule 10a-1 under the Act to short sales effected pursuant to this provision of the proposed rules. The Commission expects that, since short sales effected pursuant to this provision would not reflect the then current market at the time such sales were reported, they would be reported otherwise than on a "regular way" basis. As a result, such trades would not be subject to the requirements of Rule 10a-1.

[3] It should be noted, however, that the price of the public order is only corrected if the aggrieved party complains of the trade-through. The Commission is concerned that this dependence on the aggrieved party's complaint may not sufficiently eliminate trade-throughs in certain instances. In particular, a specialist can obtain an arbitrage profit by first purchasing or selling at a price inferior to a quote displayed on another exchange, and then satisfying the quote on the second exchange at the superior quote price. If the full interest of the quote is satisfied at the quoted price the party initially traded through has no incentive to complain, although a public customer involved in the first trade is denied the best execution possible. The Commission strongly urges the ITS participants to address this problem.

shall send a commitment to trade to such other market center seeking the offer he has equalled or exceeded which commitment shall be for either the number of shares he has bid or for the number of shares offered on the other market center, whichever is less. The same principle shall apply to a member who makes an offer for an ITS Security on the Exchange and causes a locked market with another ITS participating market center. This provision is subject to exceptions listed in the proposed rule.[4]

Notice of each proposed rule change together with the terms of substance of each proposed rule change was given by publication of a Commission release and by publication in the **Federal Register.**[5] No written comments with respect to the proposed rule changes have been received by the Commission.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and a national market system for securities, and in particular, the requirements of Sections 6(b)(5), 11A(a)(1)(C) and 11A(a)(1)(D) and the rules and regulations thereunder in that they are designed to remove impediments to and perfect the mechanism of a free and open market and a national market system; encourage brokers to seek out and obtain execution of customers' orders in the best market; facilitate the offsetting of investors' orders and contribute to best execution of such orders; and, in general, protect investors and the public interest.

The Commission finds good cause for approving the PSE, BSE, NYSE, Phlx, CSE and Amex rule proposals prior to the thirtieth day after the date of their publication since the filings all are substantially identical to the MSE proposed rule change [6] noted above public comment for the requisite period of time. In addition, the Commission believes that simultaneous approval of all the SRO's proposals is desirable in order to achieve system-wide implementation of the trade-through rule as soon as possible.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved effective April 20, 1981.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[7]

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11608 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

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[4] Each of the rule filings provide that they will be effective immediately upon Commission approval with the exception of the "locked market" provisions of the CSE's proposed rule change which will become effective on August 1, 1981.

[5] Notice of each proposed rule change was given by publication of a Commission release and by publication in the **Federal Register** as follows: [1] MSE, Securities Exchange Act Release No. 17579 (February 28, 1981), 46 FR 14870; (2) PSE, BSE, NYSE and Phlx, Securities Exchange Act Release No. 17612 (March 9, 1981), 46 FR 16770; and [3] CSE and Amex, Securities Exchange Act Release No. 17671 (March 30, 1981), 46 FR 20345 (April 3, 1981).

[6] The concepts embodied in the proposed rule changes were developed jointly by representatives of each of the ITS participating market centers, with the exception of the CSE which joined the ITS System after the other participants had reached agreement on the proposed trade-through rules as an appropriate regulatory response to the trade-through problem.

[7] *See* Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1); 17 CFR 200.30-3(a)(29).

[Release No. 34-17717; File No. SR-MSE-81-4]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Stock Exchange, Inc.

In the matter of establishment of a fee charged for guaranteeing bank loans to specialists and market makers.

Comments requested on or before May 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 1, 1981 the Midwest Stock Exchange, Incorporated, filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The fee for MSE to guarantee bank loans to specialists and market makers to finance transactions as an MSE specialist or market maker shall be 1½% of the outstanding daily balance of such loans. The fee shall be calculated daily on a 360 day-year basis and shall be charged against the specialist's or market maker's account monthly.

The Midwest Stock Exchange, Incorporated believes that the fee established in Item 1(a) will not have any direct effect, or significant indirect effect, on the application of any rule of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The Midwest Stock Exchange, Incorporated has established a fee for assisting specialists and market makers to obtain needed financing.

MSE's guarantee of bank loans is designed to bring new participants onto the Midwest Floor. The fees collected will be used to offset the costs of administering the guarantees and to set up a reserve for potential losses due to defaults.

The statutory basis for the adoption of this fee is found in Sections 6(b)(4) and 6(b)(5) of the Act. The Midwest Stock Exchange believes the fee is reasonably and equitably allocated among members and the services for which it is rendered will contribute to the maintenance of free, open, fair and orderly markets.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change. Rather it believes competition will be encouraged by the entry of additional qualified specialists and market makers.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears

to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 8, 1981.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

April 13, 1981.

[FR Doc. 81-11736 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17712; File No. SR-NSCC-80-15]

Self-Regulatory Organizations; Proposed Rule Change by National Securities Clearing Corp.; Amendment No. 2

In the matter of Letters of Credit.

Comments requested on or before May 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 2, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission Amendment No. 2 to a proposed rule change (SR-NSCC-80-15) as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization.[1] 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 amendments to Section 2 of Rule 4 authorize NSCC to assign or transfer Letters of Credit (or the proceeds thereof) which a Member causes to be issued in favor of NSCC to collateralize a Member's open account indebtness. The amendment to the Clearing Fund Formula alters the amount of cash required of a Member if he secures all or part of his open account indebtness to the Clearing Fund with Letters of Credit. The complete text of the proposed rule change, as amended, the interpretations of the Board of Directors of NSCC, and the required forms are attached as Exhibit 2 to NSCC's filing on Form 19b-4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The amendments to Section 2 of Rule 4 authorize NSCC to assign or transfer Letters of Credit (or the proceeds thereof) which a Member causes to be issued in favor of NSCC to collateralize a Member's open account indebtedness. The purpose of these changes is to clarify the rights of the Corporation with respect to the use of Letters of Credit deposited with the Corporation conformng their usage with other forms of collateral. The amendment to the Clearing Fund Formula alters the amount of cash required of a Member if he secures all or part of his open account indebtedness to the Clearing Fund with Letters of Credit. The increase in the cash requirement is to ensure continued liquidity of a significant portion of the Fund given potential timing differences between impairment and realization on a Letter of Credit. The changes to Sections 1 and 11 of Rule 4 and to the interpretation are to clarify that a Letter of Credit does not satisfy but secures an open account indebtedness to the Clearing Fund. These changes are strictly editorial in nature and are being made to clarify the effect that a Letter of Credit has with respect to a Member's open account indebtedness. Section 17A(b)(3)(F) of the Securities Exchange Act of 1934 (the "Act"), as amended, provides, in part, that the rules of a clearing agency should be designed " * * * to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible * * * and * * * to protect investors and the public interest * * * ". One of the means of satisfying this requirement is the establishment of a Clearing Fund as provided for in NSCC Rule 4. The acceptance of approved Letters of Credit will provide Participants with what appears to be a more cost effective means of complying with their Clearing Fund obligations. The use of Letters of Credit is consistent with Sections 17A(a)(1)(B) of the Act in that, without threatening the liquidity of the Clearing Fund, it reduces the Participant's cost of complying with the requirements of the Clearing Fund and 17A(a)(1)(D) of the Act in that the reduction of the cost of becoming a Participant encourages participation in NSCC by non-users of clearing agency facilities.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

NSCC does not perceive any burden on competition as the amendments to the proposed rule change merely conforms the authority of the Corporation respecting the use of a Letter of Credit with other forms of collateral and ensures the liquidity of the Clearing Fund where Members choose to secure their Clearing Fund indebtedness with Letters of Credit and accordingly should have no effect on competition.

Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.

Comments on the amendments to the proposed rule change have been requested by Important Notice dated March 31, 1981, sent to all NSCC

[1] Amendment No. 1 was filed with the Commission on May 19, 1980, prior to the publication of the proposed rule change. Amendment No. 1 was incorporated in the publication of the proposed rule change, which was announced in Securities Exchange Act Release No. 16878 (June 6, 1980), 45 FR 40270 (June 13, 1980).

Participants. Any comments received will be forwarded to the Commission.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register**, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the 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.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11737 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17716; File No. SR-NYSE-81-9]

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc.

In the matter of permitting the Board of Directors to impose charges on members' transactions on the Exchange, such charges to be related to the volume of transactions and charges on net commissions with a fee limitation of 2% of net commissions and raising the ceiling charge on odd lot transactions to one-quarter of one cent per share.

Comments are requested on or before May 8, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 31, 1981, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is amending Article X, Section 2 of its Constitution to provide the Board of Directors with the authority to fix and impose a charge upon members, member firms and member corporations measured by (a) the number of, (b) the value of, (c) the number of shares, warrants, rights or bonds associated with, or (d) the commission or net commissions on, transactions effected on the Exchange. The amount of such charge each month is limited to 2% of total net commissions charged that month. Additionally, the amendment will raise the limitation on charges fixed on members, member firms and member corporations on their odd lot transactions on the Exchange from one-eighth to one-quarter of one cent per share.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commision, 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 set forth 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 this proposed rule change is to provide the Exchange's Board of Directors with the flexibility to impose on its members who use the facilities of the Exchange to effect transactions, charges which are closely related to the expenses of maintaining the trading facility. These expenses include manpower, automation, utilities and other costs which vary according to transaction volume.

The basis under the Act for the proposed rule change is Section 6(b)(4) requiring the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

B. *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed amendments are not designed to favor any particular member category. The impacts will depend on commission policy, business mix and order size. Also, a ceiling of 2% of net commissions is set to limit the total assessments on any member. The amendments, therefore, are not expected to create a burden on competition.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

The Exchange has not solicited or received any comments on this proposed change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such action if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed

rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, 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 May 8, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

April 13, 1981.

[FR Doc. 81-11738 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17714; SR-PSE-81-4]

Order Approving Proposed Rule Change; Pacific Stock Exchange, Inc.

April 13, 1981.

On February 27, 1981, the Pacific Stock Exchange, Inc., 301 Pine Street, San Francisco, CA 94104, ("PSE") filed with the Commission, pursuant to Section 19](b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change relating to eligibility for PSE membership.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17607, March 6, 1981 and by publication in the **Federal Register** (46 FR 16772, March 13, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11609 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges in Certain Securities

April 9, 1981.

Notice of applications for unlisted trading privileges and of opportunity for hearing.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

AZL Resources, Inc., $.48 Cumulative Convertible Preferred A—No Par Value (File No. 7-5891).

Bell Industries, Inc., Common Stock, $.25 Par Value (File No. 7-5892).

Management Assistance Inc., Common Stock, $.40 Par Value (File No. 7-5893).

PNB Mortgage & Realty Investors, Shares of Beneficial Interest, $1 Par Value (File No. 7-5894).

Planning Research Corp., Common Stock, $1 Par Value (File No. 7-5895).

Potlach Corp., Common Stock, $1 Par Value (File No. 7-5896).

Southmark Properties, Shares of Beneficial Interest, $1 Par Value (File No. 7-5897).

A. E. Staley Mfg. Co., Common Stock, $10 Par Value (File No. 7-5898).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 30, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11530 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges in Certain Securities

April 9, 1981.

Notice of application for unlisted trading privileges and of opportunity for hearing.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

Warner Communications, Common Stock, $1 Par Value (File No. 7-5890)

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before April 30, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11531 Filed 4-16-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 08/08-0034]

First Dakota Capital Corp.; Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the Regulations

governing small business investment companies (13 CFR 107.701 (1980)) for transfer of control of First Dakota Capital Corporation (Licensee), 2800 7th Avenue, North, Fargo, North Dakota 58102, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). The proposed transfer of control of First Dakota Capital Corporation, which was licensed November 9, 1973, is subject to the prior written approval of SBA.

Pursuant to an agreement dated October 1, 1980, between the Licensee and Dakota Bankshares, Inc. (DBI), DBI would immediately purchase twenty percent of the Licensee's issued and outstanding shares of common stock from existing shareholders. DBI would also have the sole right and option to, between January 1, 1981 and January 31, 1982 (also between January 31, 1982 and January 31, 1983, for an additional cost), acquire or purchase additional shares from the shareholders and newly issued shares from the Licensee so that DBI would own not less than eighty percent of the Licensee's issued and outstanding shares of common stock.

In the event that DBI exercises its option, the individual shareholders will have the right to, within 90 days from such date, "put" all their remaining shares of the Licensee's stock to DBI.

DBI is a bank holding company which has its principal place of business at 52 Broadway, Fargo, North Dakota 58102.

Assuming consummation of the proposed transfer of control, the management and shareholders of the Licensee will be:

	Percent of ownership
Eugene Dahl, Suite 501, Fargo National Bank Bldg., Fargo, ND 58102, Chairman of the Board	4.3384
James Lindsay, 317 S. University Dr., Fargo, ND 58103, President, Director	
Howard Dahl, 1330 N. 12th St., Fargo, ND 58102, Executive Vice President	
David L. Johnson, 322 21st Ave., North, Fargo, ND 58102, Vice President, Secretary	
Raymond A. Lamb, 15 Briarwood Place, Fargo, ND 58103, Vice President, Director	
H. F. Rott, Sr., 1620 1st Ave., North, Box 390, Fargo, ND 58102, Vice President, Director	1.6392
Bernie Lindrud, 2210 S. 14th St., Moorhead, MN 56560, Vice President, Director	2.4748
Mike Ebner, Wadena, MN 56482, Vice President, Director	1.6392
John C. Schultz, 3408 Longfellow Rd., Fargo, ND 58102, 1st Vice President, Director	4.3384
Dakota Bankshares, Inc., 52 Broadway, Fargo, ND 58102, Stockholder	80
Dor-J's, a partnership, 317 S. University Dr., Fargo, ND 58103, Stockholder	5.5700

The Licensee will retain its corporate name, but relocate its office at 52 Broadway, Fargo, North Dakota 58102.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposd new owner and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed transfer of control to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Fargo, North Dakota.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 14, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-11717 Filed 4-16-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-0288]

Great West Ventures; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 611 *et se.*), has been filed by Great West Ventures (Applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The formation and licensing of a limited partnership SBIC is subject to the provisions of § 107.4 of the Regulations. The regulations and the application provide for a corporate general partner organized under state law solely for the purpose of managing the functions and activities of the limited partnership SBIC. There may be any number of limited partners.

The Applicant with its principal place of business at 180 Newport Center Drive, Newport Beach, California 92660, proposes to commence operations with partnership capital of $506,000. The Applicant plans to invest in a variety of investments in accordance with the regulations governing small business investment companies.

Great West Ventures, Inc., the corporate general partner, will consist of the following officers, directors and shareholders:

Timothy P. Haidinger, 1328 Mariners Drive, Newport Beach, Ca 92660, President, Director—100 Percent

Juditte Haidinger, 1326 Mariners Drive, Newport Beach, Ca 92660, Secretary, Director

Barry K. Williams, 4631 Teller, Suite 130, Newport Beach, Ca 92660, Director

The initial private capital of the corporate general partners will be $75,000. The only limited partner owning ten or more percent of the limited partnership will be Mr. Haidinger.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed officers, directors, and shareholders of the corporate general partner, as well as the limited partners of the Applicant in accordance with the Act and regulations.

Notice is further given that any person may not later than May 4, 1981, submit to SBA, in writing, comments on the proposed licensing of this company.

Any such communication should be addressed to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N. W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Newport Beach, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 6, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-11718 Filed 4-16-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 02/02-5429]

Yang Capital Corp.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Yang Capital Corporation (Applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1980).

The officers, directors and stockholders of the Applicant are as follows:

Maysing Yang, 54 Old Field Lane, Lake Success, NY 11020, President & Director—6%

Tzu-Shong Yang, 54 Old Field Lane, Lake Success, NY 11020, Secretary & Director—20%

Li-Li Chou Yang, 54 Old Field Lane, Lake Success, NY 11020, 13 Cheng-Yi St., Tainan, Taiwan, Treasurer, Vice President & Director—60%

The Applicant, a New York corporation, with its principal place of business at 41-40 Kissena Boulevard, Flushing, New York 11355, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 5,000 shares of common stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA Rules and Regulations.

Any person may, on or before May 4, 1981, submit to SBA written comments on the proposed Applicant. Any such communications should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Flushing, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 10, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-11710 Filed 4-16-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 74
Friday, April 17, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Federal Home Loan Bank Board	1
National Transportation Safety Board	2
Nuclear Regulatory Commission	3
Securities and Exchange Commission	4

1

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, April 23, 1981.

PLACE: 1100 G Street NW., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled for Thursday, April 23, 1981.

Service Corporation Activity
Adjustable Rate Mortgage Instrument Amendments
Futures Transactions
Amendment to Remote Service Unit Regulations

April 15, 1981.

[S-608-81 Filed 4-15-81; 3:48 pm]
BILLING CODE 6720-01-M

2

[NM-81-13]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 11:45 a.m., Tuesday, April 14, 1981.

PLACE: NTSB board room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Closed pursuant to Exemption 2 of the Government in the Sunshine Act (5 U.S.C. 552B(c)(2)).

MATTER TO BE CONSIDERED: The Board voted to both close the meeting and to hold the meeting on less-than-normal notice.

Discussion of the manner in which documents within the Board are processed in order to obtain Board approval

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-472-6022.

April 15, 1981.

[S-606-81 Filed 4-15-81; 3:39 pm]
BILLING CODE 4910-58-M

3

NUCLEAR REGULATORY COMMISSION

DATE: Week of April 20, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Tuesday, April 21:

2:30 p.m.: 1. Discussion of Policy, Planning and Program Guidance for fiscal year 1983-87

Wednesday, April 22:

10 a.m.: 1. Briefing on Long-Range Research Plan

Thursday, April 23:

10 a.m.: 1. Briefing on Effective Interim Amendments to 10 CFR 50 on Hydrogen Control and Certain Degraded Core Considerations

2:30 p.m.:
1. Discussion of Revised Licensing Procedures (approximately 1½ hours)
2. Affirmation/Discussion Session: Affirmation and/or Discussion and Vote:
a. Proposed Amendment to Part 71 to Restrict Air Transport of Plutonium

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

April 14, 1981.

Walter Magee,

Office of the Secretary.

[S-607-81 Filed 4-15-81; 11:53 am]
BILLING CODE 7590-01-M

4

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 21136, April 8, 1981.

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 6, 1981.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at a closed meeting scheduled for Thursday, April 16, 1981, following the 10:00 a.m. open meeting:

Formal order of investigation.
Institution of injunctive action.
Institution and settlement of administrative proceedings of an enforcement nature.
Consideration of *amci* participation.
Regulatory matter bearing enforcement implications.

Acting Chairman Loomis and Commissioners Evans and Friedman determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brandon Becker at (220) 272-2467.

April 14, 1981.

[S-606-81 Filed 4-15-81; 11:01 am]
BILLING CODE 8010-01-M

federal register

Friday
April 17, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modification to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the Federal Register are listed with each State.

Arizona: AZ81-5101	Jan. 31, 1981.
Illinois: IL81-2005	Mar. 27, 1981.
Louisiana:	
LA80-4084	Nov. 7, 1980.
LA80-4089	Nov. 7, 1980.
Montana:	
MT80-5142	Nov. 21, 1980.
MT80-5143	Nov. 21, 1980.
New York: NY81-3016	Mar. 6, 1981.
Oregon: OR80-5145	Nov. 21, 1980.
Tennessee:	
TN79-1146	Nov. 16, 1979.
TN80-1063	Mar. 21, 1980.
Texas:	
TX80-4085	Nov. 7, 1980.
TX80-4086	Nov. 7, 1980.
TX81-4005	Jan. 6, 1981.
Washington: WA81-5107	Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Georgia: GA78-1075 (GA81-1206)	Sept. 8, 1978.
Iowa: IA78-4110 (IA81-4025)	Nov. 24, 1978.
Kentucky:	
KY79-1075 (KY81-1199)	Apr. 20, 1979.
KY79-1163 (KY81-1206)	Dec. 14, 1979.
KY79-1168 (KY81-1207)	Dec. 14, 1979.
Mississippi: MS81-1157 (MS81-1205)	Jan. 6, 1981.
Nebraska: NE79-4028 (NE81-4028)	Feb. 16, 1979.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C. this 10th day of April 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 1

DECISION NUMBER AZ81-5101 Mod #4
(46 FR 10078 - January 31, 1981

STATEWIDE, ARIZONA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Boilermakers	$17.31	1.30	1.25	1.00	.04
DECISION NO. IL81-2005 - MOD #1					
(46 FR 19166 - March 27, 1981)					
Madison & St. Clair Counties, Illinois					
Change:					
Carpenters:					
Madison County:					
Carpenters; Lathers; Millwrights; Piledrivermen; & Soft Floor Layers:					
Commercial Building	$13.385	.80	1.00		

MODIFICAITON PAGE 2

DECISION NO. LA80-4084 -	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MOD. #9					
(45 FR 74347 - November 7, 1980)					
Statewide Louisiana					
CHANGE:					
Plasterers - Zone 5	$11.08	.60	.45		.03
Zone 7	12.10			1.00	
Truck drivers:					
Zone 2 - Group 1	7.50	.50			
Group 2	7.95	.50			
Group 3	8.50	.50			
Group 4	8.35	.50			
Group 5	8.80	.50			
Group 6	8.90	.50			
Group 7	9.20	.50			
Group 8	9.35	.50			
DECISION NO. LA80-4089 -					
MOD. #5					
(45 FR 74361 - November 7, 1980)					
Bossier, Caddo & Calcasieu Parishes, Louisiana					
CHANGE:					
Glaziers - Calcasieu Par.	12.85			c+d	.02
Plasterers:					
Bossier & Caddo Parishes	12.10			1.00	

DECISION NUMBER MT80-5142 Mod. #4
(45 FR 77295 - November 21, 1980

STATEWIDE, MONTANA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Elevator Constructors					
Probationary Helper	$6.82				

DECISION NO. MT80-5143 - Mod. #4
(45 FR 77311 - Nov. 21,1980)

Cascade, Deer Lodge, Hill, Gallatin, Glacier, Missoula, Silver Bow and Valley Counties, Montana

CHANGE					
Elevator Constructors					
Probationary Helpers	$6.82				

DECISION NO. NY81-3016 - Mod. #1
(46 FR 15657, March 6, 1981)
Dutchess County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
CARPENTERS					
Wappinger Falls, New Hackensack, Pawling and Beacon					
Building, Heavy & Highway	11.61	1.04	.81	1.15	.10
Remainder of County					
Building, Heavy & Highway	13.02	1.05	.95	1.00	.10
POWER EQUIPMENT OPERATORS					
(Heavy & Highway)					
Remainder of County					
GROUP I	13.04	1.30	1.45	a	.15
GROUP II	12.60	1.30	1.45	a	.15
GROUP III	11.36	1.30	1.45	a	.15
GROUP IV	10.26	1.30	1.45	a	.15
LABORERS					
(Heavy & Highway)					

FOOTNOTE:

a. Paid Holidays: A through F, Lincoln's Birthday, Columbus Day, Good Friday, Washington's Birthday, Veteran's Day and November Election Day.
Whenever an employee works one (1) day within the calendar week in which a holiday falls, he shall be paid the holiday.
Whenever an employee physically works at least ten (10) days, excluding holiday pay, during the months of November, December, January or February, he shall be paid for all holidays in that month.

MODIFICATION PAGE 5

DECISION NO OR80-5145 - Mod #6
(45 FR 77321 - Nov 21, 1980)
Statewide Oregon

CHANGE:

LINE CONSTRUCTION

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer, Leadman Pole Sprayer	$17.71	19.46	20.21	20.96	22.21
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	16.00	17.75	18.50	19.25	20.50
Group 3: Tree Trimmer	14.44	-----	-----	-----	-----
Group 4: Line Equipment Man	13.78	15.53	16.28	17.03	18.28
Group 5: Head Groundman, Powderman, Jackhammer Man	12.05	13.80	14.55	15.30	16.55
Group 6: Head Groundman (Chipper)	12.05	-----	-----	-----	-----
Group 7: Groundman	11.32	13.07	13.82	14.57	15.82

FRINGE BENEFITS PAYMENTS:	GROUPS 1 to 3	GROUPS 4 to 6
Health & Welfare	.45	.45
Pension	3%+1.70	3%+1.10
Vacation	.10	.10
Apprenticeship Training	1/2%	1/2%

MODIFICATION PAGE 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #TN79-1146 - Mod # 4 (44 FR 66147 November 16, 1979) Davidson County, Tennessee					
CHANGE:					
Piledrivermen	$11.60		.30		.11
ADD:					
Elevator Constructors: Probationary Helpers	5.405	1.195	.82	a + b	.035
DECISION #TN80-1063 - Mod # 3 (45 FR 18655 March 21, 1980) Carter, Greene, Hawkins, Johnson, Sullivan, Unicoi & Washington Counties, Tennessee					
ADD:					
Elevator Constructors: Probationary Helpers	5.28	1.195	.82	a + b	.035

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. TX80-4085 - MOD. #8 (45 FR 74365 - November 7, 1980) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas					
CHANGE: Plasterers	$13.65				.01
DECISION NO. TX80-4086 - MOD. #8 (45 FR 74368 - November 7, 1980) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas					
CHANGE: Cement masons - Zone 2	12.18	.65	.75		.02
Plasterers - Zone 2	12.21				.01
DECISION NO. TX81-4005 - MOD. #5 (46 FR 1545 - January 6, 1981) Bexar County, Texas					
CHANGE: Cement masons	11.72	.45		.65	.05

DECISION NO. WA81-5107 - Mod #1
(46 FR 20451 - April 3, 1981
Statewide Washington

CHANGE: LINE CONSTRUCTION

	BASE ZONE	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Group 1: Cable Splicer, Leadman Pole Sprayer	$17.71	19.46	20.21	20.96	22.21
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder	16.00	17.75	18.50	19.25	20.50
Group 3: Tree Trimmer	14.44	-----	-----	-----	-----
Group 4: Line Equipment Man	13.78	15.53	16.28	17.03	18.28
Group 5: Head Groundman, Powderman, Jackhammer Man	12.05	13.80	14.55	15.30	16.55
Group 6: Head Groundman (Chipper)	12.05	-----	-----	-----	-----
Group 7: Groundman	11.32	13.07	13.82	14.57	15.82

FRINGE BENEFITS PAYMENTS:	GROUPS 1 to 3	GROUPS 4 to 6
Health & Welfare	.45	.45
Pension	3%+1.70	3%+1.10
Vacation	.10	.10
Apprenticeship Training	1/2%	1/2%

SUPERSEDEAS DECISION

STATE: GEORGIA

COUNTIES: CLAYTON, COBB, DEKALB, FULTON, & GWINNETT

DECISION NUMBER: GA81-1208

DATE: DATE OF PUBLICATION

Supersedes Decision Number GA78-1075, dated September 8, 1978, in 43 FR 40173.

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 6.28				
BRICKLAYERS	7.70				
CARPENTERS	6.75				
CEMENT MASONS	7.50				
DRYWALL FINISHERS	7.24				
DRYWALL HANGERS	7.18				
ELECTRICIANS	6.35	9%	11%		½ of 1%
GLAZIERS	6.75				
IRONWORKERS	5.94				
INSULATION INSTALLERS (BATT & BLOWN)	5.67				
LABORERS:					
Unskilled	4.31				
Mason tenders	4.71				
Mortar mixers	5.00				
Pipe layers	5.59				
PAINTERS	6.27				
PLASTERERS	8.37				
PLUMBERS & PIPEFITTERS	6.97				
ROOFERS	5.85				
SHEET METAL WORKERS	7.03				
SOFT FLOOR & CARPET LAYERS	7.21				
TILE SETTERS	9.70				
TRUCK DRIVERS	4.31				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	5.24				
Backhoe	6.00				
Farm tractor	4.50				
Fork lift	6.00				
Front end loader	5.53				
Motor grader	6.00				
Roller	4.71				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: IOWA

COUNTY: Story

DECISION NO.: IA81-4025

DATE: Date of Publication

Supersedes Decision No.: IA78-4110, dated November 24, 1978 in 43 FR 55175

DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$13.75	1.04	1.125		.10
BOILERMAKERS	13.87	1.375	1.10		.05
BRICKLAYERS	12.27		1.20		
CARPENTERS:					
Carpenters & Piledrivermen	11.66		.88		
Millwrights	12.01		.88		
CEMENT MASONS	8.01				
DRYWALL HANGERS	9.54				
ELECTRICIANS	9.34				
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	12.33	1.045	.69	a	.03
Elevator Constructors' Helpers	70%JR	1.045	.69	a	.03
Elevator Constructors' Helpers (Prob.)	50%JR	1.045	.69	a	.03
GLAZIERS	12.24	.75	.55	4.35%+b	.01
INSULATORS	9.75				
IRONWORKERS	12.27	.87	1.12		.05
LABORERS:					
General	5.43				
Mason Tenders	5.85				
LATHERS	13.33				
PAINTERS:					
Painters	7.34				
Drywall Finishers	9.78				
PLASTERERS	9.975				
PLUMBERS & PIPEFITTERS	13.60	1.00	1.35		.15
ROOFERS	7.22				
SHEET METAL WORKERS	8.93				
SOFT FLOOR LAYERS	11.50	.80	.88		.13
TILE SETTERS	14.20				
TRUCK DRIVERS	8.48	.84	1.03		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
BACKHOE OPERATOR	$12.085	.90	.90		.10
ENDLOADER	12.085	.90	.90		.10
CRANE OPERATOR	12.32	.90	.90		.10
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

FOOTNOTES:

a - Employer contributes 8% of the basic hourly rate for 5 years' service and 6% of the basic hourly rate for 6 mos. to 5 years of service as Vacation Pay Credit. Seven Paid Holidays A thru G

b - 6 Paid Holidays A thru F

PAID HOLIDAYS

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

Unlisted classification needed for work not included within the scope of the classification listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: Carroll, Jefferson Trimble & Oldham

DECISION NUMBER: KY81-1199 DATE: Date of Publication

Supersedes Decision No. KY79-1075 dated April 20, 1979 in 44 FR 23725

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - include single family homes and apartments up to and including four stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C & Heating Mechanics	6.00				
Bricklayers	7.22				
Carpenters	6.10				
Cement Masons	6.79				
Drywall Hanger	6.59				
Drywall Finisher	6.14				
Electricians	6.51				
Insulation Installers	5.46				
Ironworkers	5.00				
Laborers	4.86				
Painters	5.10				
Plumbers					
Jefferson County:					
Plumbers	8.86				
Pipefitters	15.46	.85	1.59		.12
Remaining Counties	6.33				
Roofers	6.29				
Sheet Metal Workers	6.01				
Soft Floor Layers	5.57				
Tile Setters	5.25				
Truck Drivers	5.69				
Welders - Rate for Craft					
P.E.O.					
Grader	8.55				
Roller	7.25				
Backhoe	7.51				
Bulldozer	8.72				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: Franklin, Grant, Owen, Henry & Shelby

DECISION NUMBER: KY81-1206 DATE: Date of Publication

Supercedes Decision No. KY79-1163 dated December 14,1979 in 44 FR 72795

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C & Heating Mechanics	6.98				
Bricklayers	6.73				
Carpenters	6.25				
Cement Masons	7.75				
Drywall Hangers	5.71				
Drywall Finishers	6.38				
Electricians	6.20				
Insulation Installers	5.41				
Laborers	4.51				
Painters	5.54				
Plumbers & Pipefitters	6.73				
Roofers	5.50				
Sheet Metal Workers	5.89				
Soft Floor Layers	7.36				
Tile Setters	5.20				
Truck Drivers	6.19				
Welders - Rate for craft					
P.E.O.					
Backhoe	6.20				
Bulldozer	7.00				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: Kentucky COUNTIES: Bath, Menifee, Montgomery Powell & Wolfe

DECISION NUMBER: KY81-1207 DATE: Date of Publication

Supercedes Decision No. KY79-1168 dated December 14, 1979 in 44 FR 72798

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - includes single family homes and apartments up to and including four stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A/C & Heating Mechanics	5.04				
Bricklayers	6.00				
Carpenters	6.00				
Cement Masons	5.50				
D.W. Hangers	5.25				
D.W. Finishers	6.83				
Electricians	5.45				
Insulation Installers	5.00				
Laborers					
Common	4.00				
Mason Tenders	4.00				
Painters	5.00				
Plumbers & Pipefitters	6.25				
Roofers	5.49				
Sheet Metal Workers	5.04				
Soft Floor Layers	5.00				
Tile Setters	5.43				
Truck Drivers	4.75				
Welders - Rate for craft					
P.E.O.					
Backhoe	5.13				
Bulldozer	5.75				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTIES: Bolivar, Coahoma, Humphreys, Sunflower, Washington, and Quitman

DECISION NUMBER: MS81-1205 DATE: Date of Publication

Supersedes Decision No.: MS81-1157, January 6, 1981, 46 FR 1527

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Conditioning Mechanics	$5.25				
Bricklayers	6.73				
Carpenters	5.38				
Cement Masons	5.60				
Drywall Finishers	6.00				
Drywall Hangers	4.25				
Electricians	7.10				
Fence Erectors	4.00				
Insulators	3.35				
Ironworkers:					
Structural & ornamental	4.92				
Reinforcing	6.47				
Laborers	3.57				
Mortar Mixers	3.50				
Lathers	6.91				
Painters	5.56				
Plasterers	6.74				
Plumbers	6.00				
Roofers	4.67				
Sheet Metal Workers	5.00				
Soft Floor Layers	5.65				
Tile Setters	4.50				
Truck Drivers	3.35				
Power Equipment Operators:					
Backhoe	5.09				
Bulldozer	4.42				
Mechanic	4.13				
Motor Grader	5.00				

Unlisted classifications needed for work not included within the scope of this classification may be added only after award as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[FR Doc. 81-11356 Filed 4-16-81; 8:45 am]

BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster

DECISION NO.: NE81-4028 DATE: Date of Publication

Supersedes Decision No.: NE79-4028 dated February 16, 1979 in 44 FR 10234

DESCRIPTION OF WORK: Building Projects, (excluding single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers	$11.385		.90		
Carpenters	10.30	.65	.70		.05
Cement masons	7.97				
Electricians	13.33	.75	3%+1.00		.06
Elevator mechanic	13.685	1.195	.95	a	.035
Glaziers	13.64	.90	.50		.01
Ironworkers	12.10	.85	1.00	1.00	.05
Laborers:					
Laborers	6.30				
Mason tenders	8.995	.65	.35		
Plasterers tenders	9.07	.65	.35		
Painters	10.34	.65	.30		
Plasterers	10.955				
Plumbers & pipefitters	13.73	.80	.80		.10
Roofers	10.85	.50	.30		.02
Sheet metal workers	13.52	.75	.60	.84	.08
Tile setters	11.75				
Truck drivers	5.56				
Power Equipment Operators:					
Motor grader	7.00				
Oiler	8.61	.82	.50		
Scraper	7.00				
Bulldozer	9.00				
Fork lift	9.94	.82	.50		
Cranes	10.67	.82	.50		
Backhoes	7.52				
Front end loader	8.52				
Roller	7.27				
Tractor	6.50				
Sprinkler fitters	14.30	.85	1.20		.08

FOOTNOTES:

a - Employer contributes 6% of the basic hourly rate for 6 months to 5 years' service and 8% of the basic hourly rate for over 5 years service as Vacation Pay Credit, also 7 paid holidays.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))".

federal register

Friday
April 17, 1981

Part III

Federal Communications Commission

Nongovernment Publications; Removal of Provision From Rules

Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 81-158]

Nongovernment Publications; Removal of Provision From Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Section 0.412 of title 47 of the Code of Federal Regulations was included to apprise licensees and interested members of the public of available sources of nongovernment publications. In reviewing a request by a publisher to be added to § 0.412 it was determined that the potential administrative costs far outweigh the public benefit. Therefore, to prevent our rules from becoming a medium for advertising, to eliminate a potentially significant workload, and to remove us from a position of judging the validity of future requests without adequate criteria, we are removing § 0.412.

EFFECTIVE DATE: April 17, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Tricarico, Office of The Secretary 1919 M Street, NW., Room 222, Washington, D.C. 20554 (202) 632-6410.

SUPPLEMENTARY INFORMATION: The FCC has determined that this document is not a significant rule and does not require a regulatory impact analysis under Executive Order 12291 [46 FR 13193] and the Regulatory Flexibility Act [Pub. L. 96-354; 49 Law Weekly 179].

In the matter of removal of § 0.412 of the Commission's rules; Order

Adopted: April 8, 1981.

Released: April 13, 1981.

By the Commission: Chairman Ferris not participating; Commissioner Jones concurring in the result.

1. Section 0.412 of the Commission's Rules (47 CFR 0.412) entitled NONGOVERNMENT PUBLICATIONS, lists two firms which publish Commission decisions or parts of our rules. The section also includes a NOTE which reads:

"Other published research materials pertaining to communications will be listed in this section upon request of the publisher."

2. We have decided to remove § 0.412 to prevent our rules from becoming a medium for advertising, to eliminate any potential administrative problem, and to remove us from a position of having to fulfill other requests without adequate criteria to judge their validity. To provide information concerning nongovernment publication sources, we will issue, on a periodic basis, a public notice listing publishers names and addresses.

§ 0.412 [Removed]

3. Therefore, Part 0 of Title 47 of the *Code of Federal Regulations* is amended by removing § 0.412.

4. This amendment becomes effective upon publication in the **Federal Register**, specifically April 17, 1981. Since this action pertains to agency practice and procedure, we need not comply with the prior notice and effective date provisions of Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b). See also § 1.412(b)(5) of our rules. 47 CFR 1.412(b)(5).

5. Authority for this amendment is contained in Section 4(i) of the Communications Act, 47 U.S.C. 154(i).

(Secs. 4, 303, 307, 48 Stat., as amended, 1081, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-11877 Filed 4-16-81; 10:00 am]

BILLING CODE 6712-01-M

federal register

Friday
April 17, 1981

Part IV

Department of Agriculture

Agricultural Marketing Service

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Requirement

Part IV

Department of Agriculture

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 667]

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule.

SUMMARY: This regulation requires fresh California-Arizona Valencia oranges shipped to market from Districts 1, 2, and 3 to be at least 2.32 inches in diameter for the period April 17, 1981, through June 25, 1981. This requirement is necessary to promote orderly marketing in the interest of producers and consumers.

DATES: Interim rule effective April 17, 1981; comments which are received by May 18, 1981 will be considered.

ADDRESS: Send comments to: Office of the Hearing Clerk, USDA, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This document is issued under marketing agreement and Order No. 908, both as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and a designated part of California. This marketing order is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and order, and upon other information. It is found that the regulation of shipments of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee indicates that volume and size composition of the crop of Valencia oranges are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be accomplished only at a substantial price discount and this tends to depress the market for all sizes of fruit. In the circumstances, elimination of sizes smaller than 2.32 inches in diameter is in the interest of growers and consumers. Valencia oranges failing to meet such requirements could be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing.

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). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified. Shipments of Valencia oranges from the production area are in progress and handlers have been notified of the effective date of this provision.

§ 908.967 is added as follows:

§ 908.967 Valencia Orange Regulation 667.

During the period April 17, 1981, through June 25, 1981, no handler shall handle any Valencia oranges grown in Districts 1, 2, and 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

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

Dated: April 6, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-11891 Filed 4-16-81; 11:04 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
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DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
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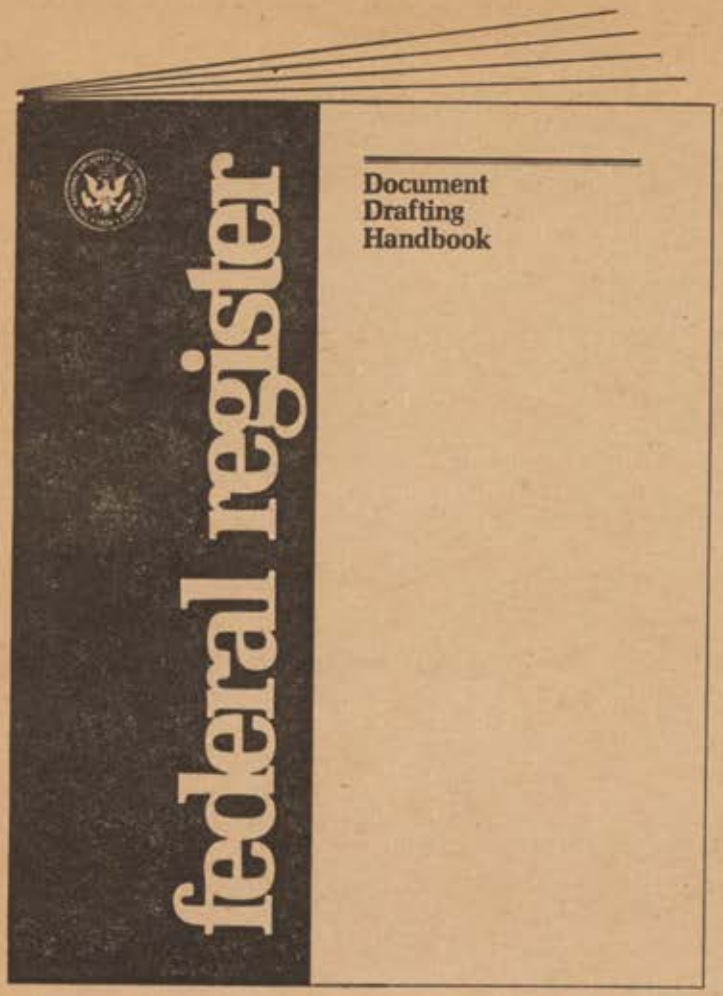
Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing April 13, 1981; last cumulation listing for the 96th Congress (1980) January 7, 1981.

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.J. Res. 182 / Pub. L. 97-9 To designate April 26, 1981, as "National Recognition Day for Veterans of the Vietnam Era" (Apr. 14, 1981; 95 Stat. 11) Price: $1.



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