

Federal Register

Monday
April 20, 1981

Highlights

- 22600 NOW Accounts** FRS requests comments on proposal to clarify rules concerning class of depositors eligible to maintain NOW accounts at member banks.
- 22609 Social Security** HHS/SSA proposes to reduce retroactive monthly benefits if supplemental security income payments were received for the retroactive period.
- 22715 Veterans' Education** VA requests comments on procedures for paying assistance allowance to incarcerated claimants and paying benefits and making charges against entitlements of claimants enrolled in elementary or secondary training.
- 22656 Grant Programs—Medicine** HHS/PHS/HRA solicits applications for financial distress grants from public or nonprofit private schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, and public health.
- 22616 Indians—Abortion** HHS/PHS proposes to restrict Indian Health Service abortion services to cases where the mother's life is endangered or certain instances of rape or incest in order to make the policy consistent with that of other Department programs.

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

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

Highlights

- 22590 Radio—Health Services** FCC permits limited use of bio-medical telemetry systems, used to send electrocardiograms from patients to hospitals, on certain medical services VHF frequencies.
- 22626 Motor Vehicle Safety** DOT/NHTSA denies petition to require starter interlock on all vehicles with manual transmission. Request that accessory and starter positions on ignition switches be located on opposite sides of "off" or "lock" position is also denied.
- 22697 Hazardous Wastes Transportation** ICC institutes proceeding to determine whether hazardous wastes are "property" in response to petition for exemption from regulation.
- 22584 Water Pollution Control** EPA suspends for Textile Mills, Ore Mining and Dressing, and Porcelain Enameling point source categories a portion of requirement that certain effluent testing data for organic toxic pollutants be submitted as part of National Pollutant Discharge Elimination (NPDES) permit applications.
- 22633 Natural Gas** DOE/EIA issues alternative fuel price ceilings and incremental price threshold for high cost gas.
- 22659, 22660 Continental Shelf** Interior/GS announces availability of environmental documents prepared for mineral exploration proposals in the Atlantic and mineral pre-lease, exploration, and/or development/production proposals off Alaska. (2 documents)
- 22585 Land** Interior/Sec'y announces effective date of 4-15-81, for final rules on exchanges, withdrawals and leases, and permits and easements.
- 22594 Railroads** ICC adopts cost recovery index revising rules and procedures for filing of general rate increases.
- 22738 Steel** Commerce/ITA invites comments on proposed trigger price mechanism procedures to be used in monitoring importation of basic steel mill products. (Part II of this issue)

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- 22632** Defense/Sec'y
- 22656** HHS/Sec'y
- 22715** Treasury/Sec'y

- 22731** Sunshine Act Meetings

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- 22738** Part II, Commerce/ITA

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Rules and Regulations

Federal Register

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 0

Employee Responsibilities and Conduct

ACTION: Final rule.

SUMMARY: This document amends the conduct regulations of the Department of Agriculture. The conduct regulations of the Department of Agriculture are being amended to specifically prohibit employees from (1) discriminating against any person on the basis of race, color, national origin, religion, sex, age, marital status, physical or mental handicap, or political affiliation; (2) engaging in sexual harassment; or (3) displaying discourtesy to a member of the public. In addition, the regulations are amended to permit employees to hold positions in farm organizations, with the exception of functional offices. This will permit employees to hold honorary positions in farm organizations. Lastly, the regulations are amended to provide that employees who disagree with conflict-of-interest determinations which require remedial action, may request review of the determination by the Chief, Security and Employee Relations Staff if the employee objects to the decision on any grounds. At present, an employee can only request review of the determination on the grounds that it will cause him or her undue hardship.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Peter C. Sleight, Employee Relations Specialist, Office of Personnel, Department of Agriculture, Washington, D.C. 20250, (202) 447-7654.

Since this rule relates solely to internal agency management, pursuant to 5 U.S.C. 553 it is found that notice and

other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the *Federal Register*. Further, since this rule relates to internal agency management it is exempt from the provisions of Executive Order 12291.

Accordingly, 7 CFR Part 0 is amended as follows:

1. Section 0.735-11 is amended by adding new paragraphs (b)(13), (b)(14), and (b)(15) to read as follows:

§ 0.735-11 Prohibited conduct—general.

(b) Employees are specifically prohibited from:

(13) Discriminating against any person on the grounds of race, color, national origin, religion, sex, age, marital status, physical or mental handicap, or political affiliation;

(14) Engaging in sexual harassment by participating in coercive or repeated unsolicited and unwelcome verbal comments, gestures, or physical contacts of a sexual nature or by using implicit or explicit coercive sexual behavior in the process of conducting agency business, or to control, influence or affect the career, salary, or job of an employee. Supervisors and managers who fail to take appropriate action on complaints of sexual harassment will be subject to disciplinary action;

(15) Displaying discourtesy or disrespect to a member of the public when acting in an official capacity.

2. Section 0.735-21 is amended by revising paragraph (a)(2) to read as follows:

§ 0.735-21 Activities with regard to farm organizations.

(a) * * *

(2) Act as organizer for any such organization, or hold any other functional office therein;

3. Section 0.735-42 is amended by revising paragraph (h) to read as follows:

§ 0.735-42 Review of statements and determination of conflicting interests.

(h) Before a final determination requiring any remedial action is made, the employee concerned shall be given

an opportunity to explain the conflict or appearance thereof and to offer any suggestions he or she may wish as to how the matter might be resolved. If an employee feels that the final determination will cause him or her undue hardship, or objects to the decision on other grounds, he or she may request a review and modification by forwarding to the Chief, Security and Employee Relations Staff, a written statement setting forth all the facts and circumstances in support of his or her request and any alternative solution which he or she thinks appropriate.

(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. 81-11841 Filed 4-17-81; 8:45 am]

BILLING CODE 3410-01-M

Federal Crop Insurance Corporation

7 CFR Part 410

Florida Citrus Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring citrus grown in Florida effective with the 1981 crop year. This rule is a revision of the previous regulations for insuring Florida citrus to include several changes and to reissue the regulations in a clearer, shorter, and simpler document which will make the program easier to understand and more effective administratively.

This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: April 6, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Final Impact Statement, describing the options considered in developing this final rule and the impact of implementing each option, is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), and has been classified as "not significant."

The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of 7 CFR Part 410, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended, FCIC published a notice of proposed rulemaking in the *Federal Register* on Tuesday, July 1, 1980 (45 FR 44305-44311), prescribing procedures for insuring Florida citrus effective with the 1981 crop year. The final date for receiving written comments, data, and opinions was established as September 2, 1980.

It was intended that these revised regulations would be published as a final rule to become effective shortly before October 15, 1980; however, FCIC delayed publishing the rule pending the outcome of litigation which could have had a bearing on the rule. Shortly after the rule was cleared for publication, a freeze on all rules issued in final form was imposed by the President until March 30, 1981; hence, the delayed final rule publishing date and effective date.

The title and number of the Federal Assistance Program to which this final rule applies is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure the units of local government are informed of this action.

The reporting and record keeping requirements contained in these regulations have been approved by OMB under the following control numbers:

RMS OMB NBR

0563-0001

0563-0002

0563-0003

In addition to shortening and simplifying the regulations, the revised 7

CFR Part 410 provides (1) for a new premium adjustment table that affords up to a 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the 60-day period for filing a claim be eliminated, (4) that the contract shall terminate if no premium is earned for 5 consecutive years, (5) that the end of the insurance period for lemons, tangelos, and early and midseason oranges will be April 30, (6) that for the first crop year, if an application is accepted after May 1, insurance shall attach on the later of (a) May 1, or (b) the tenth day after the application is received in the office for the county, (7) for using the specific gravity "flotation method" to determine the amount of damage for fresh fruit types of citrus, (8) for the inclusion of "Meyer Lemons" as an uninsurable type of citrus, and (9) for unit division by written agreement between the policyholder and the Corporation or by applicable guidelines.

In addition, § 410.5, "Good Faith Reliance on Misrepresentation", of the revised Florida Citrus Crop Insurance Regulations increases the limitation from \$5,000 to \$20,000 in those cases involving good faith reliance on misrepresentation by employees or agents of the Corporation wherein the Manager of the Corporation is authorized to take action to grant relief.

All previous regulations applicable to insuring citrus in Florida as found in 7 CFR Part 410 will not be applicable to the 1981 and succeeding crop years but will remain in effect for Federal Crop Insurance Corporation Florida citrus policies issued for the crop years prior to 1981.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed regulations, but none were received.

Upon reviewing these regulations, FCIC has determined that 7 CFR 410.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required the Corporation to annually post in each county in each courthouse a listing of indemnities paid in each county. The Federal Crop Insurance Act of 1980 (Pub. L. 96-365, September 26, 1980) no longer contains

this provision; therefore, 7 CFR 410.3 is hereby deleted and reserved.

In addition, there is hereby added to the final rule an Appendix B that lists the counties where Florida citrus insurance is available in accordance with the provisions of 7 CFR 410.1, which states in part that before insurance is offered in any county there shall be published in Appendix B to this part the names of the counties where Florida citrus crop insurance shall be offered.

Amendment No. 3 to the Florida Citrus Crop Insurance Regulations, published in the *Federal Register* on Tuesday, December 18, 1979 (44 FR 74794-74795), amending Appendix B, is hereby superseded.

With the exception of the deletion and reservation of 7 CFR § 410.3 and minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be effective starting with the 1981 crop year.

In compliance with the Secretary's Memorandum No. 1955 and "Improving USDA Regulations" (43 FR 50988), the review of these regulations contained in 7 CFR Part 410 for need, currency, clarity, and effectiveness must be completed prior to the sunset date of January 30, 1986.

Final Rule

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Florida Citrus Crop Insurance Regulations (7 CFR Part 410) for the 1981 and succeeding crop years. Such regulations as are contained in 7 CFR Part 410 and published in the *Federal Register* at 42 FR 24712 (May 16, 1977), and amended at 43 FR 20781 (May 15, 1978), and at 44 FR 74794 (December 18, 1979), remain in effect for FCIC Florida citrus policies issued prior to 1981. The Florida Citrus Crop Insurance Regulations (7 CFR Part 410) are hereby revised and reissued for the 1981 and succeeding crop years to read as follows:

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

410.1 Availability of Florida Citrus Insurance.

410.2 Premium rates and amounts of insurance.

410.3 [Reserved]

410.4 Creditors.

Sec.

410.5 Good faith reliance on misrepresentation.

410.6 The contract.

410.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

§ 410.1 Availability of Florida Citrus Insurance.

Insurance shall be offered under the provisions of this subpart on citrus in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published in Appendix B to this part the names of the counties in which Florida citrus insurance will be offered.

§ 410.2 Premium rates and amounts of insurance.

(a) The Manager shall establish premium rates and amounts of insurance for citrus which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect an amount of insurance per acre from among those amounts shown on the actuarial table for the crop year.

§ 410.3 [Reserved]

§ 410.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 410.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the Florida citrus insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in

cases involving not more than \$20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 410.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the citrus crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 410.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the citrus crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county by placing the extended date on file in the office for the county and publishing a notice in the *Federal Register* upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however*, That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC

regulations for the 1977 and succeeding crop year, a contract in the form provided for under this subpart will come into effect as a continuation of a Florida citrus contract issued under such prior regulation, without the filing of a new application.

(d) The provisions of the application and Florida Citrus Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Florida Citrus Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation Application for 19— and Succeeding Crop Years

Florida Citrus Crop Insurance Contract

Contract Number _____
Identification Number _____
Name and Address _____
Zip Code _____
County _____
State _____
Type of Entity _____
Applicant is over 18 Yes— No—

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the citrus grown on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the amount of insurance per acre. THE PREMIUM RATES AND AMOUNTS OF INSURANCE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.

Amount of insurance per acre election—

Example: For the 19— Crop Year only
(100% share)

Location/ farm No.	Type	Amount of insur- ance per acre*	Premi- um per \$100**	Practice	(A)
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*Your amount of insurance will be on a unit basis (acres x amount of insurance per acre x share).
**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED, as provided in the contract. This accepted application, the following Florida citrus insurance policy, the attached appendix, and the provisions of the county actuarial table showing the amounts of insurance, premium rates, and insurable and uninsurable acreage shall constitute the

contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.

(Signature of Applicant) _____

(Date) _____, 19____

Code No./Witness to Signature _____

Address of Office for county: _____

Phone _____

Location of farm headquarters: _____

Phone _____

FLORIDA CITRUS CROP INSURANCE POLICY

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable citrus fruit loss resulting from freeze, hail, hurricane or tornado occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss or damage, as determined by the Corporation, (1) to the blossoms or trees, (2) due to the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (3) due to failure to follow recognized good grove management practices, or (4) due to any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be any of the insurable citrus types as defined in section 1(n) of the Appendix elected by the insured, located on insured acreage, and for which the actuarial table shows an amount of insurance and premium rate: *Provided*, That if grapefruit is to be insured only one type (III or VII) can be elected.

(b) The acreage insured for each crop year shall be that acreage of citrus located on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided*, That (1) the citrus fruit can be expected to mature each crop year in the normal maturity period for the type, and (2) the trees have reached at least the tenth growing season after being set out, unless otherwise provided on the actuarial table.

(c) For any crop year, the insured may elect to exclude from insurance any acreage of Robinson tangerines by the April 30 immediately preceding the crop year for which such exclusion is to become effective.

(d) Upon approval of the Corporation, the insured may elect to insure or exclude from insurance for any crop year any reported, described, and designated insurable acreage which has a potential of less than 100 boxes per acre. (1) If the insured elects to insure such acreage, the Corporation will, in determining the amount of loss, increase the potential on such acreage to 100 boxes per acre. (2) If the insured elects to exclude such acreage, the Corporation will disregard such acreage for all purposes of this contract. (3) If the insured does not report, exclude, describe, and designate any such acreage, the Corporation will disregard such acreage if the production is less than 100 boxes per acre;

however, if the production from such acreage is 100 or more boxes per acre, the Corporation shall determine the percent of damage on all of the insurable acreage for the unit, but will not permit the percent of damage for the unit to be increased by including such acreage.

3. *Responsibility of the Insured to Report Acreage and Share.* The insured at the time of filing the application shall also file on a form prescribed by the Corporation a report of all the acreage of insured citrus in the county in which the insured has a share and show the share therein. Such report shall also include a designation of any acreage which is uninsurable or excluded under the provisions of section 2 above. This report shall be revised by the insured for any crop year before insurance attaches if the acreage to be insured or share therein has changed, and the latest report filed shall be considered as the basis for continuation of insurance from year to year.

4. *Amounts of Insurance.* For each crop year of the contract, the amounts of insurance per acre shall be those shown on the actuarial table.

5. *Annual Premium.* (a) The annual premium is earned and payable on the date insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the amount of insurance per acre, times the applicable premium rate, times the insured's share at the time insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

Percent Adjustments for Favorable Continuous Insurance Experience

Loss ratio ¹ through previous crop year:	Numbers of years continuous experience through previous year														
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14 or more
.00-.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55
.21-.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65
.41-.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75
.61-.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	80
.81-1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Percent Adjustments for Unfavorable Insurance Experience

Loss ratio ¹ through previous crop year:	Number of loss years through previous year ²														
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14
1.10-1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124
1.20-1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148
1.40-1.59	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196
1.70-1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222
2.00-2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248
2.50-3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274
3.25-3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300
4.00-4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300
5.00-5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300
6.00-Up	100	100	120	136	156	180	202	224	246	268	290	300	300	300	300

¹ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

² Only the most recent 15 crop years will be used to determine the number of "Loss Years" (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year).

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided*, When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however*, if any premium remains unpaid after such date, the contract will terminate and the amount of premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simple interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance Period.* Insurance on insured acreage shall attach each crop year on May 1, except that for the first crop year if the application is accepted by the Corporation after that date, insurance shall attach on the later of (a) May 1, or (b) the tenth day after the application is received in the office for the county, and as to any portion of the citrus crop, shall cease upon the earliest of (1) harvest, (2) the following dates: (i) January 31 for tangerines and Navel oranges, (ii) April 30 for lemons, tangelos, and early and midseason oranges, and (iii) the second June 30 for late oranges, grapefruit, and Temple and Murcott honey oranges, or (3) total destruction of the insured citrus crop.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county after insured damage to the citrus becomes apparent, giving the date(s) and cause(s) of such damage.

(b) If an indemnity is to be claimed on any unit, notwithstanding any prior notice of damage, the insured shall notify the office for the county of the intended date of harvest at least seven days prior to the start of harvest. If (1) damage occurs within the seven-day period prior to the start of or during harvest, notice of damage must be given immediately to the office for the county or (2) if harvest will begin after the calendar date for the end of the insurance period, the insured shall give written notice thereof to the Corporation at the office for the county not later than the calendar date for the end of the insurance period. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(c) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(d) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) furnish production records of all citrus on the unit, (2) establish that any damage to the citrus crop was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed, and (3) furnish any other information regarding the manner and extent of damage as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) computing the average percent of damage to the citrus crop which (without regard to any percent damage arrived at through prior inspections) shall be the ratio of the number of boxes of citrus lost from an insured cause to the potential: *Provided, however*, That any citrus which (i) is or could be marketed as fresh fruit, (ii) is harvested prior to an inspection by the Corporation, or (iii) is harvested within 7 days after a freeze, shall be considered undamaged potential, (2) multiplying the average percent of damage thus obtained in excess of 10 percent (e.g., average damage 45% - 10% = 35% payable) times the amount of insurance for the unit which shall be the result of the insured acreage on the unit times the applicable amount of insurance per acre, and (3) multiplying this product by the insured share.

(c) Pink and red grapefruit of citrus Type III and citrus of Types IV, V, and VII which are seriously damaged by freeze as determined by a fresh fruit cut of a representative sample of fruit in the unit in accordance with the applicable provisions of the Florida Citrus Code and is not or could not be marketed as fresh fruit shall be considered damaged to the following extent: (1) if 15 percent or less of the fruit in a sample shows serious freeze damage, the fruit shall be considered undamaged, or (2) if 16 percent or more of the fruit in a sample shows serious freeze damage, the fruit shall be considered 50 percent damaged, except that: (i) for tangerines of citrus Type IV, damage in excess of 50 percent shall be the actual percent of damaged fruit, and (ii) for other applicable varieties, if the Corporation determines that the juice loss in the fruit exceeds 50 percent, the amount so determined shall be considered the percent of damage.

(d) Notwithstanding the provisions of 8(c), as to any pink and red grapefruit of Type III and citrus of Types IV, V, and VII in any unit which is mechanically separated (using the specific gravity "floatation" method) into undamaged and freeze-damaged fruit, the amount of damage shall be the actual percent of freeze-damaged fruit not to exceed 50 percent and shall not be affected by subsequent fresh-fruit marketing: *Provided*, That the 50 percent limitation on freeze-damaged fruit shall not apply to tangerines of citrus Type IV.

(e) Any citrus of Types I, II, VI, and white grapefruit of Type III which is damaged by freeze, but may be processed by the canning

or processing plants, shall be considered as marketable for juice. The percent of damage shall be determined by the Corporation by relating the juice content of the damaged fruit as determined by test house analysis to (1) the average juice content established by the Corporation based on acceptable records furnished by the insured showing the juice content of fruit produced on the unit for the three previous crop years, or (2) the juice content for that type fruit established on the actuarial table if acceptable records are not furnished.

(f) Any citrus on the ground which is not picked up and marketed shall be considered 90 percent lost if the damage was due to freeze and totally lost if the damage was due to any other insured cause.

(g) Any citrus which is unmarketable either as fresh fruit or for juice because it is immature, unwholesome, decomposed, adulterated, or otherwise unfit for human consumption due to an insured cause shall be considered totally lost.

(h) Pink and red grapefruit of citrus Type III and citrus of Types IV, V, and VII which are unmarketable as fresh fruit due to serious damage from hail as defined in U.S. Standards for grades of Florida fruit shall be considered totally lost.

(i) Citrus lost due to hurricane or tornado shall be the amount of citrus blown from the trees or which falls from the trees as a result of such damage and which is not picked up from the ground and marketed.

9. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of Right to Indemnity on Insured Share.* If the insured transfers any part of the insured share during the crop year, the insured may transfer the right to an indemnity on an approved form. The insured shall be liable for the premium if such form is or is not executed. If such form is executed, the transferee shall have the same rights and responsibilities as the original insured for the current crop year.

11. *Records and Access to Grove.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all citrus produced on each unit including separate records showing the same information for production from any uninsured acreage.

Any persons designated by the Corporation shall have access to such records and the grove for purposes related to the contract.

12. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance on any type of citrus for any crop year by giving a signed notice to the

other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year; *Provided*, That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State, Florida; Cancellation date, Apr. 30; Termination date for indebtedness, Apr. 30.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b), and (c) of this section, and section 6 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix (Additional Terms and Conditions)

1. Meaning of Terms.

For the purposes of Florida citrus crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the premium rates, amounts of insurance, insurable and uninsurable acreage, and related information regarding citrus insurance in the county.

(b) "Box" means a standard field box as prescribed in the Florida Citrus Code.

(c) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(d) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(e) "Crop year" means the period beginning May 1 and extending through June 30 of the following year and shall be designated by the calendar year in which the insurance period begins.

(f) "Harvest" means any severance of citrus fruit from the tree either by pulling, picking, or severing by mechanical or chemical means, or picking up the marketable fruit from the ground.

(g) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(h) "Insured" means the person who submitted the application accepted by the Corporation.

(i) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designed by the Corporation.

(j) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Potential" means the production which would have been produced before damage from an insured cause of loss occurred and shall include citrus which (1) was picked before the insured damage occurred, (2) remained on the trees after the damage occurred, (3) was lost from an insured cause, and (4) was lost from an uninsured cause.

The potential for the unit shall not be less than the product of 100 boxes multiplied by the number of acres in the unit; *Provided, however*, That (i) if 20% or more of any citrus acreage within the unit has a potential of less than 100 boxes, the Corporation may elect to increase the potential on such acreage to 100 boxes and (ii) the potential shall not include citrus lost before insurance attaches for any crop year, citrus lost by normal dropping, or any tangerines the Corporation determines normally would not, by the end of the insurance period for tangerines, meet the 210 pack size (2 and 1/4 inches minimum diameter) under U.S. standards.

(1) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured citrus crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured; *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(m) "Tenant" means a person who rents land from another person for a share of the citrus crop or proceeds therefrom.

(n) "Type of citrus" means any of the following types of fruit: Type I-Early and mid-season oranges; Type II-Late oranges; Type III-Grapefruit, under which freeze damage will be adjusted on a juice basis for white grapefruit and on a fresh fruit basis for pink and red grapefruit; Type IV-Navel oranges, tangelos and tangerines; Type V-Murcott honey oranges (also known as Honey tangerines) and Temple oranges; Type VI-Lemons; and Type VII-Grapefruit, under which freeze damage will be adjusted on a fresh fruit basis for all grapefruit. "Meyer lemons" and oranges commonly known as "Sour oranges", and "Clementines" shall not be included in any of the insurable types of citrus.

(o) "Unit" means all insurable acreage in the county of any one of the citrus types referred to in subsection (n) of this section, located on contiguous land, on the date insurance attaches for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the citrus crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county, or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss,

notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having a bona fide share.

2. *Acreage Insured.* (a) The Corporation reserves the right for any crop year (1) to exclude acreage from insurance or limit the amount of insurance on any acreage which was not insured the previous crop year, and (2) to limit the insured acreage of citrus to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the time insurance attaches.

(b) If the insured does not submit a revised acreage report for any crop year in accordance with the provisions of section 3 of the policy, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Annual premium.* (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the grove operation, or (3) the contract of the same insured who stops operating a grove in one county and starts operating a grove in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however*, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

4. *Claim for and Payment of Indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured citrus acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c), as amended: *Provided*, That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

5. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The insured thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

6. *Termination of the Contract.* (a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

7. *Amounts of insurance.* (a) If the insured has not elected on the application an amount of insurance per acre from among those shown on the actuarial table, the amount of insurance per acre which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the amount of insurance per acre for any crop year on or before the closing date for submitting applications for that crop year.

8. *Assignment of Indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

9. *Contract Changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix B

Counties Designated for Florida Citrus Crop Insurance—7 CFR Part 410

In accordance with the provisions of 7 CFR 410.1, the following counties are designated for citrus crop insurance:

Florida

Brevard	Manatee
DeSoto	Marion
Glades	Martin
Hardee	Orange
Henry	Osceola
Hernando	Palm Beach
Highland	Pasco
Hillsborough	Polk
Indian River	St. Lucie
Lake	Seminole

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A-40.

Approved by the Board of Directors on May 30, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: March 24, 1981.

Approved by:

Wayne A. Fletcher,

Acting Manager.

[FR Doc. 81-11849 Filed 4-17-81; 8:45 am]

BILLING CODE 3410-06-M

Animal and Plant Health Inspection Service

9 CFR Part 75

Contagious Equine Metritis (CEM); Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to release a portion of Bourbon County, portions of Fayette County, and a portion of Woodford County in Kentucky, from the areas quarantined because of contagious equine metritis (CEM). The quarantining of these areas is no longer necessary because surveillance activity indicates that CEM no longer exists in the areas quarantined.

EFFECTIVE DATE: April 15, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Ralph C. Knowles, USDA, APHIS, VS, Federal Building, 6505 Belcrest Road, Room 738, Hyattsville, MD 20782, 301-436-8433.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." Based on information

compiled by the Department, it has been determined that this action will have a minimal effect on the economy because the horses which were quarantined on the premises affected by this action have already been released from quarantine; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action, which releases the Federal quarantine for CEM, affects only certain parts of premises owned by 9 entities located in three counties in the State of Kentucky; other parts of the premises owned by the entities are not affected by this action. Further, horses that use the premises affected by this action were previously released from the quarantine. (See 46 FR 15494-15495). Therefore, this amendment releases a portion of Bourbon County, portions of Fayette County, and a portion of Woodford County in Kentucky from the areas quarantined because of CEM. The restrictions pertaining to the interstate movement of horses from quarantined areas contained in 9 CFR Part 75.5, as amended, will no longer apply to the released areas.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

1. The authority citation for Part 75 reads as follows:

Authority: Secs. 4-7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended; [21 U.S.C. 111-113, 115, 117, 120, 121, 123-126], 37 FR 28464, 28477; 38 FR 19141.

2. In § 75.7(a)(1), relating to the State of Kentucky, the premises of Steven's Point Farm, Bourbon County, is removed. Accordingly, paragraph (ii)(E) is removed and reserved.

§ 75.7 [Amended]

(a) * * *

(1) * * *

(ii) * * *

(E) [Removed and Reserved]

3. In § 75.7(a)(1), relating to the State of Kentucky, relating to Fayette County, the following premises are removed:

Crescent Farm, Heatherway Farm, Spendthrift Farm No. 2, Spendthrift Farms known as Hayes Place Farm, Walmac Farm, White Horse Acres, and Spendthrift Farm. Accordingly, paragraphs (iv) (C), (E), (I), (J), (M), (N), and (R) are removed and reserved.

§ 75.7 [Amended]

(a) * * *

(1) * * *

(iv) * * *

(C) [Removed and Reserved]

(E) [Removed and Reserved]

(I) [Removed and Reserved]

(J) [Removed and Reserved]

(M) [Removed and Reserved]

(N) [Removed and Reserved]

(R) [Removed and Reserved]

4. In § 75.7(a)(1), relating to the State of Kentucky, the premises of Crescent Hill Farm, Woodford County, is removed. Accordingly, paragraph (xi)(B) is removed and reserved.

§ 75.7 [Amended]

(a) * * *

(1) * * *

(xi) * * *

(B) [Removed and Reserved]

The amendment relieves restrictions no longer deemed necessary to prevent the spread of CEM from certain areas which have been determined to be free of CEM. This amendment should be made effective immediately in order to permit affected persons to move equidae interstate from such areas without unnecessary restrictions.

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**.

Further, it has been determined by E. C. Sharman, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment at this time.

Done at Washington, D.C., this 15th day of April 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-11869 Filed 4-17-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-6-AD; Amdt. 39-4090]

Beech Models C90, E90 and H90 (Military T-44A) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires an inspection of bearing alignment in the landing gear retraction system of 585 Beech Model C90, E90 and H90 (Military T-44A) airplanes, and correction of any discrepancy found during the inspection. This action is needed in order to prevent gear-up landings caused by failure of a torque shaft.

EFFECTIVE DATE: April 23, 1981.

Compliance: Required within the next 100 landings after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service instructions may be obtained from Beechcraft Aviation and Aero Centers or Beech Aircraft Corporation, Commercial Service Department, 9709 East Central, Wichita, Kansas 67201. Copies of the instructions are contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591; and Office of Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Ross R. Spencer, Aerospace Engineer, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4219.

SUPPLEMENTARY INFORMATION: The FAA has determined that five landing incidents with Beech Models C90, E90 and H90 (Military T-44A) airplanes have been caused by improper alignment of bearings within the landing gear system.

Each of the five incidents occurred in the following manner: The Part Number (P/N) 50-810240 torque shaft must be turned in one direction in order to retract the landing wheels and turned in the opposite direction in order to extend

the landing wheels. The torque shaft is restrained by four bearings; one at each end of the shaft and two within the gearbox. The type design specifies that the four bearings will be aligned with each other within narrow tolerances. In each of the five previously mentioned airplanes, the four bearings were misaligned so that the shaft was restrained in an adversely bowed position. Consequently, unexpected cyclic bending stresses in the torque shaft were produced whenever the shaft turned. These stresses caused fatigue cracks to develop and grow until the fracture of the torque shaft was caused by a momentary combination of unexpected bending stress and expected torsional stress. Then, the right landing wheel was immobilized in whatever position existed at the moment that fracture occurred. In each instance a gear-up landing resulted.

Approximately 50 percent of a sample group of recently manufactured airplanes were found to have adverse misalignment between the four previously mentioned bearings. The airplane manufacturer issued Service Instructions T-44A-0051 (for Model H90) and 1160 (for Models C90 and E90) for inspection and necessary correction of bearing alignment in the 585 suspect airplanes that are in service, and improved manufacturing procedures so that this alignment in newer airplanes will be proper. With respect to this matter, all of the airplanes affected by the service instructions are of the same type design. The service instructions provide that at each end of the P/N 50-810240 torque shaft, the inner race of the bearing be disconnected from the shaft, and an attempt made to slide the race part way out of the bearing along the shaft. If sliding occurs readily, bearing alignment is satisfactory, and no corrective action is necessary. Otherwise, misalignment must be measured and corrected, and the number of landings (i.e., cycles) accrued by the shaft determined or accurately estimated. If the combination of misalignment and landings is favorable, the torque shaft may continue in service without inspection. Otherwise, the shaft must be removed and inspected with dye penetrant for cracking. Each cracked shaft must be replaced with a serviceable shaft of the same part number.

Since the condition described herein is likely to exist in certain other airplanes of the same type design, an Airworthiness Directive is being issued to require a one-time inspection of components in the landing gear retraction system and correction of any

discrepancy found in each of 585 Beech Models C90, E90 and H90 (Military T-44A) airplanes. This AD requires substantially the same action that is specified by the above-mentioned service instructions.

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

Adoption of the Amendment

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

Beech: Models C90 (Serial Numbers LJ-642 through LJ-935, LJ-937, and LJ-939 through LJ-941), E90 (Serial Numbers LW-118 through LW-344) and H90 (Military T-44A) (Serial Numbers LL-1 through LL-40 and LL-42 through LL-61) airplanes certificated in any category.

Compliance is required as indicated unless already accomplished. To prevent malfunction of the landing gear retraction system caused by improper alignment of bearings, accomplish the following:

(A) Within the next 100 landings after the effective date of this AD, use procedures specified by Beechcraft Service Instructions (SIs) T-44A-0051 for Model H90 (Military T-44A) or SIs 1160 for Models C90 and E90 to accomplish the following basic actions:

1. Determine whether alignment of bearings in the landing gear retract system is proper as follows:

(a) At each end of the Beech Part Number (P/N) 50-810240 torque shaft, disconnect the bearing inner race from the torque shaft.

(b) Using only finger force, attempt to slide each race part way out of the bearing along the torque shaft.

(c) Disregard paragraphs A)1.(d) through A)2.(f) below if the above attempt is successful.

(d) Remove the AN3-31A bolt which attaches the aft end of the gearbox to the airframe.

(e) Move the aft end of the gearbox upward or downward until action per paragraph A)1.(b) above is successful.

(f) Find if the previously removed AN3-31A (or a new AN3-32A per paragraph A)2.. below) bolt can be installed without deforming holes in the airframe and without moving the gearbox from the position that results in successful action per paragraph A)1.(b), above.

(g) Disregard paragraphs A)2.(a) through A)2.(f) below if action per paragraphs A)1.(b) or A)1.(f) above is successful.

2. Correct any improper alignment of bearings in the landing gear retract system as follows:

(a) If action, in accordance with the applicable SIs, shows this to be necessary, make and install P/N 50-820201-31, -33 and/or -35 shims under bearing supports.

(b) Determine the amount of misalignment between holes for the AN3-31A bolt while the gearbox is positioned per paragraph A)1.(e), above.

(c) Determine or accurately estimate the number of landings during which the P/N 50-810240 torque shaft has been used. Disregard paragraph A)2.(d) below, if one of the following combinations exists:

Hole misalignment	Number of landings
1/2 hole or less	Less than 5,000
1/2 to 3/4 hole	600 or less
3/4 to 1 hole	200 or less

Note.—This AD takes precedence over applicable SIs, in that inspection of the torque shaft is required when the combination of 1/2-hole or less misalignment and more than 5,000 landings exists.

(d) Remove the P/N 50-810240 torque shaft from the gearbox and inspect the shaft for a crack, using a dye penetrant method as specified in FAA Advisory Circular AC 43.13-1A. Pay particular attention to circumferential areas on each side of the bearing race that is brazed to the shaft. If the shaft is found to be cracked, replace it with a serviceable P/N 50-810240 torque shaft.

(e) Elongate holes in the airframe as necessary to permit installation of a new AN3-32A bolt in place of the previously removed AN3-31A bolt. Make and install a P/N 50-820201-67 washer plate assembly and a P/N 50-820201-37 plate with the new AN3-32A bolt, as shown in SIs 1160 and T-44A-0051.

(f) Repeat action that is specified by paragraphs A)1.(b) through A)1.(g).

(g) Restore the airplane to an airworthy configuration.

(B) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 942-4285.

(C) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective: April 23, 1981.

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

Note.—The FAA has determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in the aircraft. It has been further determined that this document involves an

emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if prepared and when filed, may be obtained by contacting the Office of the Regional Counsel, FAA, Room 1558, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-5446.

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

Issued in Kansas City, Missouri, on April 7, 1981.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 81-11749 Filed 4-17-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 21628; Amdt. No. 1188]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800

Independence Avenue, SW.,
Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase

Individual SIAP Copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.00.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. § 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with

the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

... Effective June 11, 1981

Salina, KS—Salina Muni, VOR Rwy 17, Amdt. 14
Alpena, MI—Phelps-Collins, VOR Rwy 12 (TAC), Amdt. 9
Alpena, MI—Phelps-Collins, VOR Rwy 18 (TAC), Amdt. 10
Alpena, MI—Phelps-Collins, VOR Rwy 36 (TAC), Amdt. 11
Cortland, NY—Cortland County—Chase Field, VOR Rwy 6, Amdt. 1
Cortland, NY—Cortland County—Chase Field, VOR/DME Rwy 24, Amdt. 2
New York, NY—John F. Kennedy Intl, VOR-A, Amdt. 7
New York, NY—John F. Kennedy Intl, VOR Rwy 4L/R, Amdt. 14

New York, NY—John F. Kennedy Intl, VOR Rwy 31L, Amdt. 10
New York, NY—John F. Kennedy Intl, VOR/DME or TACAN Rwy 22L, Amdt. 3
Ashland, OH—Ashland County, VOR-A, Amdt. 2
Hershey, PA—Hershey Air Park, VOR/DME-A, Original, cancelled
Pottstown, PA—Pottstown Muni, VOR-B, Amdt. 2
Wisconsin Rapids, WI—Alexander Field—South Wood County, VOR/DME-A, Amdt. 4

... Effective May 28, 1981

Crescent City, CA—Jack McNamara Field, VOR Rwy 11, Amdt. 7
Crescent City, CA—Jack McNamara Field, VOR/DME Rwy 11, Amdt. 9
Crescent City, CA—Jack McNamara Field, VOR/DME Rwy 35, Amdt. 8
South Haven, MI—South Haven Muni, VOR Rwy 22, Amdt. 6
Ardmore, OK—Downtown Ardmore, VOR-A, Amdt. 8
Madill, OK—Madill Muni, VOR/DME-A, Amdt. 1
Wellsboro, PA—Grand Canyon State, VOR-A, Amdt. 4
Arlington, TX—Arlington Muni, VOR/DME Rwy 34, Amdt. 4

... Effective May 14, 1981

Galax-Hillsville, VA—Twin County, VOR/DME Rwy 17, Original, cancelled

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

... Effective June 11, 1981

Akron, OH—Akron Fulton Muni, LOC Rwy 25, Amdt. 10
Philadelphia, PA—North Philadelphia, LOC (BC) Rwy 6, Amdt. 3
Wisconsin Rapids, WI—Alexander Field—South Wood County, SDF Rwy 2, Original

... Effective May 28, 1981

New Orleans, LA—New Orleans Intl (Moisant Field), LOC BC Rwy 19, Amdt. 7
Jackson, TN—McKellar Field, LOC BC Rwy 20, Amdt. 4
Killeen, TX—Killeen Muni, LOC Rwy 1, Amdt. 2
Midland, TX—Midland Regional, LOC BC Rwy 28, Amdt. 10

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

... Effective June 11, 1981

Salina, KS—Salina Muni, NDB Rwy 35, Amdt. 11
Alpena, MI—Phelps-Collins, NDB Rwy 36, Amdt. 4
Fosston, MN—Fosston Muni, NDB Rwy 34, Original
Pipestone, MN—Pipestone Muni, NDB Rwy 36, Amdt. 4
Gordon, NE—Gordon Muni, NDB Rwy 22, Amdt. 1
Akron, OH—Akron Fulton Muni, NDB Rwy 25, Amdt. 10
Ashland, OH—Ashland County, NDB Rwy 18, Amdt. 4
Medina, OH—Freedom Field, NDB Rwy 27, Amdt. 6

Wisconsin Rapids, WI—Alexander Field—South Wood County, NDB Rwy 2, Original
 Wisconsin Rapids, WI—Alexander Field—South Wood County, NDB Rwy 2, Amdt. 5, cancelled

Wisconsin Rapids, WI—Alexander Field—South Wood County, NDB Rwy 29, Amdt. 4

... Effective May 28, 1981

Marysville, CA—Yuba County, NDB Rwy 14, Original

Ft. Lauderdale, FL—Ft. Lauderdale Executive, NDB Rwy 8, Amdt. 4

Utica, MI—Berz-Macomb, NDB Rwy 22, Amdt. 2

Aiken, SC—Aiken Muni, NDB Rwy 24, Amdt. 2

Jackson, TN—McKellar Field, NDB Rwy 2, Amdt. 5

Coleman, TX—Coleman Muni, NDB Rwy 15, Original

Killeen, TX—Killeen Muni, NDB Rwy 1, Amdt. 2

Wichita Falls, TX—Kickapoo Downtown Airpark, NDB Rwy 35, Original

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

... Effective June 11, 1981

Salina, KS—Salina Muni, ILS Rwy 35, Amdt. 14

Alpena, MI—Phelps-Collins, ILS Rwy 36, Amdt. 4

New York, NY—John F. Kennedy Intl, ILS Rwy 4L, Amdt. 4

New York, NY—John F. Kennedy Intl, ILS Rwy 4R, Amdt. 25

New York, NY—John F. Kennedy Intl, ILS Rwy 13L, Amdt. 11

New York, NY—John F. Kennedy Intl, ILS Rwy 22L, Amdt. 20

New York, NY—John F. Kennedy Intl, ILS Rwy 22R, Amdt. 4

New York, NY—John F. Kennedy Intl, ILS Rwy 31L, Amdt. 4

New York, NY—John F. Kennedy Intl, ILS Rwy 31R, Amdt. 9

... Effective May 28, 1981

Crescent City, CA—Jack McNamara Field, ILS/DME Rwy 11, Amdt. 3

New Orleans, LA—New Orleans Intl (Moisant Field), ILS Rwy 1, Amdt. 11

Manchester, NH—Manchester Arpt/Grenier Industrial Airpark, ILS Rwy 35, Amdt. 11

Jackson, TN—McKellar Field, ILS Rwy 2, Amdt. 6

Nashville, TN—Nashville Metropolitan, ILS Rwy 20R, Amdt. 1

Tacoma, WA—Tacoma Industrial, ILS Rwy 17, Amdt. 4

5. By amending § 97.31 RADAR SIAPs identified as follows:

... Effective June 11, 1981

Hershey, PA—Hershey Air Park, RADAR-1, Amdt. 2, cancelled

... Effective May 28, 1981

New Orleans, LA—New Orleans Intl (Moisant Field), RADAR-1, Amdt. 11
 Kalamazoo, MI—Kalamazoo Municipal, RADAR-1, Amdt. 5

6. By amending § 97.33 RNAV SIAPs identified as follows:

... Effective June 11, 1981

Salina, KS—Salina Muni, RNAV Rwy 17, Amdt. 7
 Cadillac, MI—Wexford County, RNAV Rwy 7, Original

... Effective May 28, 1981

New Orleans, LA—New Orleans Intl (Moisant Field), RNAV Rwy 1, Amdt. 6
 Arlington, TX—Arlington Muni, RNAV Rwy 34, Amdt. 4

[Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1421, and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)); and 14 CFR 11.49(b)(3)]

Note.—The FAA has determined that this document involves a regulation which is not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation. The FAA has also determined that this regulation is an emergency regulation under the President's memorandum of January 29, 1981, and an emergency regulation that is not a major rule under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately in order to coincide with aeronautical charts which have either already been published or are in the process of publication. An unsafe flying environment would result if the effective rules are not accurately reflected in the charts used by pilots.

Issued in Washington, D.C. on April 10, 1981.

John S. Kern,

Chief, Aircraft Programs Division.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release Nos. 33-6308; 34-17705; 35-22001; IC-11728; AS-291]

Independence of Accountants; Interpretations

AGENCY: Securities and Exchange Commission.

ACTION: Issuance of an interpretative accounting series release regarding the independence of accountants.

SUMMARY: This release contains an interpretation pursuant to the rules of

the Commission, particularly Rule 2-01 of Regulation S-X, regarding the independence of accountants. The Commission sets forth its determination that in certain circumstances an accountant's independence will not be deemed to have been impaired if a foreign office of a domestic accounting firm or a foreign firm associated with the domestic accounting firm performs limited bookkeeping services for a foreign division, subsidiary or investee of a domestic client of that firm. The issuance of this interpretation causes Staff Accounting Bulletin No. 39 to be no longer pertinent.

DATE: April 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Rita J. Gunter, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION:

I. Background

The Commission at various times has issued interpretations related to Rule 2-01, Qualifications of Accountants, of Regulation S-X (17 CFR Part 210.2-01) and in particular, the effect on accountants' independence of providing bookkeeping services to audit clients. In Accounting Series Release ("ASR") No. 47,¹ the Commission initially addressed the question of whether accountants could perform bookkeeping functions for their clients and maintain their independence. That release described two instances in which the independent accountant or a member of the firm was involved in posting client ledgers and preparing adjusting journal entries. In both instances the Commission held that the accountant could not be considered independent for purposes of certifying the financial statements of the registrant. In ASR No. 81,² the Commission again provided responses to specific cases involving bookkeeping services for registered companies. Two of these cases addressed the question of providing bookkeeping services in emergency situations when the work being performed did not involve making managerial-level decisions. The Commission agreed that the accountant's independence should not be deemed to be impaired when performing bookkeeping services in those emergency situations provided such services are performed only for short periods of time.

¹ Securities Act Release No. 2973 (January 25, 1944) [11 FR 10930].

² Securities Act Release No. 4002 (December 11, 1958) [23 FR 9777].

ASR Nos. 126 and 234³ also contain separate sections on bookkeeping services for clients. ASR No. 234 states:

It is the Commission's position that an accounting firm cannot be deemed independent with regard to auditing financial statements of a client if it has participated closely, either manually or through its computer services, in maintenance of the basic accounting records and preparation of the financial statements, or if the firm performs other accounting services through which it participates with management in operational decisions.

A major value of an audit of financial statements by an independent accountant is derived from the fact that the accounting records and financial statements of management are reviewed and examined from an independent or outside viewpoint by knowledgeable professional accountants who are not connected with management.

In addition to the above general discussion, these releases communicate independence determinations dealing with instances of bookkeeping services which were made on a case-by-case basis but which were also intended to provide guidance in similar situations.

The Commission has taken a strict position with respect to its prohibition against bookkeeping services and has not allowed these services except in emergency or other unusual situations. Additionally, the Commission's position regarding bookkeeping services has not been predicated on materiality considerations. The American Institute of Certified Public Accountants' Professional Standards on Independence⁴ allow accounting firms to perform bookkeeping services for an audit client when certain general requirements⁵ are met; however, the Commission has not embraced these general requirements to allow performance of bookkeeping work for public companies.

II. Issuance of Staff Accounting Bulletin No. 39

In connection with reviews of various proxy statements, particularly the disclosures of relationships with the registrant's independent public

accountant,⁶ the Commission's staff noted several disclosures which indicated that the independent accountant had performed bookkeeping services for the registrant's foreign subsidiaries. As a result of these disclosures, the Commission's staff decided to issue Staff Accounting Bulletin No. 39 ("SAB 39")⁷ to publicize its view that the provision of such services by an independent accountant for its audit clients was prohibited by Commission interpretations. This bulletin expressed the staff's view that the general proscription against routine bookkeeping services and the preparation of financial statements by independent auditors, as expressed in ASR Nos. 126 and 234, was applicable irrespective of whether a constituent entity is located within or outside of the U.S. and whether or not the involved entity was material to the total enterprise.

Shortly after SAB No. 39 was issued, registrants and representatives of the accounting profession expressed concern about the impact of the staff's strict interpretations. It is argued that there is no impact on the independence of accountants—in fact or appearance—when the independent accountant performs limited accounting services for a division, subsidiary or investee in a foreign country where the assets and operations of the foreign entity are not material to the consolidated financial statements and where such services do not include managerial or decision-making activities but instead are routine and mechanical in nature.

It is contended that there are specific needs for such services due to legal requirements, language barriers, or lack of knowledge with respect to U.S. accounting and reporting practices. In

some instances the law of the foreign country may require the registrant to maintain original books and records in that country for a subsidiary with little or no operations. In other cases a foreign subsidiary may be required to prepare statutory-basis financial statements in accordance with local laws or requirements but have no employees familiar with such requirements.

The individual foreign operations of a registrant may not be large enough to justify employment of full or even part-time accounting personnel on a regular basis, such as when the foreign operations are newly established or are in the process of liquidation. If the foreign operation is significant compared to the registrant's consolidated operations, the registrant generally would employ its own accounting personnel rather than using the independent accountant. If on the other hand, the foreign operation is insignificant compared to the registrant's consolidated operations, the independent accountant may not visit the foreign location in connection with the annual audit or the accountant may visit the location on a rotating basis and perform minimal audit work.

Some argue that the solution to these problems may not be as simple as switching the services to another accounting firm. There may be situations where there is no other reputable firm in the foreign area where the registrant's division, subsidiary or investee is located. Additionally, even if there is another reputable firm in the area, such firm may not wish to do this kind of routine work because of minimal fees.

III. Commission Position and Conclusion

The Commission previously has made special provisions in its independence determinations with regard to a component of an international business. In ASR No. 112⁸ the Commission indicated its belief that the purposes of Rule 2-01 of Regulation S-X would be adequately served by a less restrictive construction with respect to security investments in a U.S. registrant or its subsidiary by a member of another accounting firm (other than the principal auditor) which is engaged to audit a nonmaterial division or subsidiary of the U.S. registrant. Inquiry had been made as to whether Rule 2-01 of Regulation S-X should be construed to preclude all partners of such accounting firms or their affiliated firms from owning any

³ Securities Act Release Nos. 5270 and 5887 (July 5, 1972 and December 13, 1977) [37 FR 14294 and 42 FR 64304], respectively.

⁴ American Institute of Certified Public Accountants' Professional Standards, Volume 2, Section 101, Interpretation 3.

⁵ These requirements are: (a) the CPA must not have any relationship with a client or any conflict of interest which would impair his integrity and objectivity; (b) the client must accept the responsibility for the financial statements as his own; (c) the CPA must not assume the role of employee or of management; and (d) the CPA, in making an examination of financial statements prepared from books and records which he has maintained in whole or in part, must conform to generally accepted auditing standards.

⁶ ASR No. 250, "Disclosure of Relationships with Independent Public Accountants" (June 29, 1978) [43 FR 29111] requires a description of each professional service provided by the principal accountant; disclosure of the percentage relationship which the fee for each non-audit service and the aggregate fees for all such services bear to the audit fee (except that, percentage relationships of less than 3 percent need not be disclosed); and an indication of whether each service was approved and the possible effect on independence considered by the board of directors and/or the audit or similar committee of the board. For factors to be considered in assessing possible effects upon an auditor's independence when providing non-audit services, see ASR No. 264, "Scope of Services by Independent Accountants" (June 14, 1979) [44 FR 36156].

⁷ Issued on October 6, 1980 [45 FR 68388]. The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

⁸ Securities Act Release No. 4918 (August 12, 1968) [33 FR 11901].

securities of the U.S. registrant or its subsidiary. In such instances the Commission stated that the other accounting firm would be held to be not independent only if the securities of the U.S. registrant or its subsidiary are owned by partners of the other accounting firm who are located in the office which makes the examination of the division or subsidiary or who are otherwise engaged in such examination. The interpretation in ASR No. 112 related exclusively to the ownership of securities and did not extend to any other relationship proscribed by Rule 2-01 of Regulation S-X; however, as discussed below, the Commission now believes it is appropriate to expand its interpretations with respect to foreign entities and accountants to include bookkeeping services.

After considering the arguments noted above and in view of the Commission's efforts to recognize increasing complexities in the area multinational operations, the Commission has determined not to raise questions of independence solely because a foreign office of or a foreign firm associated with a domestic accounting firm performs limited, routine or ministerial bookkeeping services for a foreign division, subsidiary or investee of a domestic registrant which is a client of that firm. The Commission, however, believes that such services should be performed only in certain circumstances and that a limit must be established for such services.

The independent accountant should not be engaged to perform such services unless it is impractical to make other arrangements. The Commission believes that such bookkeeping services should be performed only in situations where the foreign entity is not material to the consolidated financial statements and where the entity does not have employees capable or competent to perform the services.

The Commission believes that a comparison of the fees for the bookkeeping services and the audit should provide a fair test for determining the significance of the work to the registrant and the accountant and, indirectly, the possible effect on the firm's independence. Therefore, the limitation to be placed on such service can be based on the relationship of the fee charged for the service to the total audit fee charged to the registrant. Total fees for bookkeeping services for all foreign entities should not exceed one percent of the total audit fee for the registrant. A \$1,000 cut-off for de minimis amounts is also appropriate, thus allowing small amounts of

bookkeeping work to be performed for all of a registrant's foreign operations combined even when the total audit fee is not particularly large.

It should be pointed out that in areas where these services are rendered they must be consistent with the local professional ethics rules. Therefore, an informed observer in the foreign location would have no cause to question the fact or appearance of independence of the auditor.

The Commission indicated in ASR No. 81 that the accountant should contact the staff in any case where doubt exists. A letter outlining all the pertinent facts of the situation should be directed to the Office of the Chief Accountant. In general, this has proved a satisfactory method for administering the Commission's responsibility in the area of accountants' independence.

IV. Staff Accounting Bulletin No. 39

Subpart B—Staff Accounting Bulletins

Staff Accounting Bulletin No. 39 is no longer pertinent.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

April 10, 1981.

[FR Doc. 81-11742 Filed 4-17-81; 8:45 am]

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17 CFR Part 241

[Release No. 34-17719]

Interpretative Release Relating to Going Private Transactions Under Rule 13e-3

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff interpretations.

SUMMARY: The Securities and Exchange Commission today authorized the issuance of this release reflecting the views of the Division of Corporation Finance on various questions regarding the rule and related schedule governing going private transactions by public companies or their affiliates. The purpose of this release is to provide guidance to the public and thereby assist issuers and their affiliates in complying with Rule 13e-3.

FOR FURTHER INFORMATION CONTACT: Joseph G. Connolly, Jr. (202) 272-3097 or David B. Myatt (202) 272-2707, Office of Tender Offers, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 with respect to specific questions concerning the

subject matter of this release or the operation of Rule 13e-3 in general.

SUPPLEMENTARY INFORMATION: On August 2, 1979, the Commission issued Release No. 34-16075 (44 FR 46736) which announced the adoption of new Rule 13e-3 [17 CFR 240.13e-3] and related Schedule 13E-3 [17 CFR 240.13e-100] under the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq. (1976 and Supp. III 1979)] applicable to certain transactions by issuers or their affiliates which would result in one or more classes of equity securities of the issuer no longer having the attributes of public ownership (so-called "going private" transactions). The Rule prohibits fraudulent, deceptive or manipulative acts or practices and, with the Schedule, prescribes filing, disclosure and dissemination requirements in connection with going private transactions.

In light of the continued occurrence of going private transactions,¹ the nature of those transactions and the need for investor protection with respect to those transactions, the Commission believes that the views expressed in the releases which proposed and adopted Rule 13e-3 are sound and therefore specifically affirms those views.² The nature of and methods utilized in effecting going private transactions present an opportunity for overreaching of unaffiliated security holders by an issuer or its affiliates. This is due, in part, to the lack of arm's-length bargaining and the inability of unaffiliated security holders to influence corporate decisions to enter into such transactions. Additionally, such transactions have a coercive effect in that security holders confronted by a going private transaction are faced with the prospects of an illiquid market, termination of the protections under the federal securities laws and further efforts by the proponent to eliminate their equity interest. Because of the potential for harm to security holders, particularly small investors, and the need for full and timely disclosure, the Commission continues to believe that Rule 13e-3 is necessary and appropriate for the public interest and the protection of investors.

¹ From September 7, 1979, the effective date of the rule, through April 3, 1981, there have been 215 filings with the Commission on Schedule 13E-3, the Rule 13e-3 transaction statement. The term "Rule 13e-3 transaction" is defined in paragraph (a)(4) of the Rule, discussed in Part II of this Release. Absent an applicable exception (see Part IV of this release), a transaction which falls within that definition is subject to the requirements of the Rule.

² Release Nos. 34-14185 (November 17, 1977) (42 FR 60090) and 34-16075.

Since 1979, the Commission's Division of Corporation Finance (the "Division") has responded both formally and informally to numerous requests for interpretive advice regarding various provisions of the Rule and the Schedule. Although the Commission's experience in administering the Rule and Schedule has generally been favorable, the staff has encountered certain issues regarding the scope of application of the Rule and the operation of the filing, disclosure and dissemination requirements thereunder. The Commission has authorized the publication of this release to provide to the general public more comprehensive guidance with respect to such issues.

Part I of this release provides a brief discussion of the background of Rule 13e-3, the reasons for its adoption and its basic structure. Parts II through V set forth, in question and answer format, certain staff positions relating to the Rule and Schedule. The positions set forth herein relate principally to the kinds of transactions which are subject to the Rule; the persons subject to the filing, disclosure and dissemination requirements of the Rule; the scope of the Rule 13e-3 exceptions; and the nature and timing of the Schedule 13E-3 disclosure requirements. Where appropriate, the Rule provision or Schedule item being interpreted is briefly quoted or summarized prior to the question or series of questions relating thereto.³

Also, the Commission is today publishing for comment proposed amendments to Rule 13e-3 which would clarify certain provisions of the Rule and codify staff positions with respect to certain of the exceptions from the Rule.⁴ These proposed amendments are referred to in the responses to Questions 1, 8, 10, 11 and 14, *infra*.

I. Background and Basic Structure of Rule 13e-3

The adoption of Rule 13e-3 and related Schedule 13E-3 was the culmination of a rulemaking proceeding that began in 1974.⁵ The Commission

believed that it was necessary and appropriate in the public interest and for the protection of investors to adopt Rule 13e-3 and Schedule 13E-3 because of the continued occurrence of going private transactions, the variety of methods employed in such transactions and the deleterious effects that such transactions pose to investors absent full and adequate disclosure.

The Commission believed that the involvement of an individual investor in a going private transaction may not only result in a loss of confidence in the particular issuer concerned in the transaction but a loss of confidence in the securities markets as well. Because a going private transaction is undertaken either solely by the issuer or by the issuer and one or more of its affiliates⁶ standing on both sides of the transaction,⁷ the terms of the transaction, including the consideration received and other effects upon unaffiliated security holders, may be designed to accommodate the interests of the affiliated parties rather than determined as a result of arm's-length negotiations. Further, the timing of the transaction is within the control of the issuer or its affiliate, who may choose a period of depressed market prices to propose the transaction, resulting in a loss to the unaffiliated security holders.

the Matter of Beneficial Ownership, Takeovers and Acquisitions by Foreign and Domestic Persons was "whether the Commission should adopt a schedule of disclosure items pursuant to subsection 13(e) of the Exchange Act for issuers making tender offers for their own securities, including when issuers attempt to go private and cease reporting under the Exchange Act." See Release No. 34-11003 (September 9, 1974) (39 FR 33835, 33837). Based in part on the response to that inquiry, the Commission announced a Public Fact-Finding Investigation and Rulemaking Proceedings in the Matter of "Going Private" Transactions by Public Companies or Their Affiliates and published two proposed rules for regulating going private transactions. See Release No. 34-11231 (February 6, 1975) (40 FR 7947). In lieu of the public fact-finding investigation, the Commission published proposed Rule 13e-3 and proposed Schedule 13E-3. See Release No. 34-14185. For a more complete description of the rulemaking proceedings that led to the adoption of Rule 13e-3 and Schedule 13E-3, see Release No. 34-14185, 42 FR at 60092.

⁶ Rule 13e-3(a)(1) defines an "affiliate" of an issuer as a person that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with, such issuer. For the purposes of the Rule only, a person who is not an affiliate of an issuer at the commencement of such person's tender offer for a class of equity securities of such issuer will not be deemed an affiliate of such issuer prior to the stated termination of such tender offer and any extensions thereof. In determining the existence of an affiliation between the issuer (or its subsidiaries) and one or more of the other parties to the transaction, consideration must be given to the terms of the transaction, itself. See Release No. 34-16075, 44 FR at 46738.

⁷ See Question 1, *infra*.

Additionally, such transactions may have a coercive effect. Although several types of going private transactions may require a vote of security holders, this requirement frequently proves to be a mere formality since the affiliates of the issuer may already hold the requisite percentage of securities for approval. In other types of transactions there may be no requirement (other than that imposed by the Rule) that information concerning the transaction be disseminated to security holders prior to the consummation of the transaction. In an involuntary transaction, a security holder may be forced out of his equity interest or be faced with the prospect of an illiquid market for his securities, reduction or termination of the protection available under the federal securities laws, and further efforts by the issuer or affiliate to eliminate his equity interest. Because of the potential for overreaching by issuers and their affiliates in going private transactions, the consequent harm to security holders, particularly small investors, and for adverse effects upon the confidence of investors in the securities markets, the Commission believed that rulemaking action was necessary and appropriate with respect to such transactions by public companies or their affiliates.⁸

The application of Rule 13e-3 depends on three factors:

- (1) whether the transaction involved is a Rule 13e-3 transaction;
- (2) if so, whether an exception from the application of the Rule is available; and
- (3) if no exception is available, whether the equity securities which are the subject of the Rule 13e-3 transaction are of a class which is registered pursuant to Section 12 of the Exchange Act or are of a class as to which an issuer is required to file periodic reports pursuant to Section 15(d) of that Act.

The first two of these factors have been the subject of a substantial majority of the interpretive issues which have arisen in connection with the operation of the Rule. These factors are discussed in detail in Parts II and IV of this release.

The third factor, the status under the Exchange Act of the issuer or the class of equity securities of the issuer, relates to the determination of which of the requirements of the Rule are applicable to the issuer or affiliate engaging in the Rule 13e-3 transaction. The definition of a Rule 13e-3 transaction encompasses both transactions involving securities registered under Section 12 of the Exchange Act and transactions involving securities as to which the

³ See Release No. 34-16075, 44 FR at 46737-40, for an overview of the application of the Rule, the filing, disclosure and dissemination provisions thereof, and the Schedule 13E-3 disclosure requirements. Additionally, Rule 13e-3(a) provides that all terms which are not defined therein but which are used in the Rule or the Schedule shall, unless indicated otherwise or the context otherwise requires, have the same meaning as in the Exchange Act or elsewhere in the General Rules and Regulations thereunder. The interpretations in this Release should be considered in conjunction with Release No. 34-16075.

⁴ See Release No. 34-17720 [April 13, 1981] (46 FR 22602).

⁵ One of the specific inquiries in the Commission's Public Fact-Finding Investigation in

⁸ For a more complete discussion of the reasons for Commission rulemaking in this area, see Release No. 34-14185, 42 FR at 60090-2.

issuer is required to report under Section 15(d) of that Act. However, the provisions of the Rule applicable to the two types of securities differ.

If the class of equity securities which is the subject of the Rule 13e-3 transaction is registered pursuant to Section 12 of the Act, Rule 13e-3(b) applies.⁹ An issuer of securities so registered, or an affiliate of such an issuer, proposing to engage in a Rule 13e-3 transaction is required to comply with the antifraud provisions in addition to compliance with the filing, disclosure and dissemination requirements of paragraphs (d), (e) and (f) of Rule 13e-3, respectively. If the class of securities which is subject to the Rule 13e-3 transaction is one as to which the issuer is required to file periodic reports pursuant to Section 15(d) of the Exchange Act, Rule 13e-3(c) applies. Under paragraph (c), an issuer subject to Section 15(d), or an affiliate of such an issuer, proposing to engage in a Rule 13e-3 transaction is required to comply with the filing, disclosure and dissemination requirements of paragraphs (d), (e) and (f) of Rule 13e-3, respectively, but would not be subject to the antifraud provisions of Rule 13e-3(b).

Because Rule 13e-3 transactions may occur in a variety of forms, and may be subject to disclosure requirements pursuant to other applicable provisions of the federal securities laws, the Rule and Schedule do not prescribe a general disclosure format. For example, the disclosure document relating to a Rule 13e-3 transaction involving the registration of securities under the Securities Act of 1933 (the "Securities Act") may be prepared in accordance with the requirements of any of the forms for registration under that Act. However, General Instruction E to Schedule 13E-3 provides that the requirements of the Schedule are in addition to the requirements of any other form or schedule which may be filed with the Commission in connection with the Rule 13e-3 transaction and further provides that, to the extent that the disclosure requirements of the Rule and Schedule are inconsistent with the disclosure requirements of any such form or schedule, the requirements of Schedule 13E-3 are controlling.

Thus, as long as all requirements of the Rule and Schedule are met, any available format, including proxy statements prepared in accordance with

rules under the Exchange Act and registration statements on forms such as Form S-7 [17 CFR 239.26] and Form S-15 [17 CFR 239.29] under the Securities Act, may be used. However, the Rule and Schedule do not substitute for, or give relief from, more stringent requirements of any other applicable provisions. For example, while Item 14 of Schedule 13E-3 requires audited financial statements of the issuer for its two most recent fiscal years, Item 15 of Schedule 14A [17 CFR 240.14a-101] under the Exchange Act requires such statements for the issuer's three most recent fiscal years. Accordingly, if a proxy solicitation subject to the disclosure requirements of Schedule 14A is also a Rule 13e-3 transaction, the three fiscal year requirement of Item 15 of Schedule 14A, rather than the two fiscal year requirement of Rule 13e-3, would apply.¹⁰

II. The Definition of a Rule 13e-3 Transaction

Critical to the application of the Rule is the meaning of a "Rule 13e-3 transaction." This term is defined in Rule 13e-3(a)(4). The definition consists of three elements: (1) an issuer or an affiliate of such issuer; (2) engaging in one or more of certain specified transactions¹¹; (3) having a purpose or reasonable likelihood of resulting in one or more specified effects.¹² Since these elements are in the conjunctive, all must be present for the Rule to be applicable.

¹⁰ See Question 16, *infra*.

¹¹ The specified transactions set forth in Rule 13e-3(a)(4)(i) are: (a) a purchase (as defined in Rule 13e-3(a)(3)) of any equity security by the issuer of such security or by an affiliate of such issuer; (b) a tender offer for or request or invitation for tenders of any equity security made by the issuer of such class of securities or by an affiliate of such issuer; or (c) a solicitation subject to Regulation 14A [17 CFR 240.14a-1 to 240.14a-103] of any proxy, consent or authorization of, or a distribution subject to Regulation 14C [17 CFR 240.14c-1 to 14c-101] of information statements to, any equity security holder by the issuer of the class of securities or by an affiliate of such issuer, in connection with a merger, consolidation, reclassification, recapitalization, reorganization or similar corporate transaction of an issuer or between an issuer (or its subsidiaries) and its affiliate; a sale of substantially all the assets of an issuer to its affiliate or group of affiliates; or a reverse stock split of any class of equity securities of the issuer involving the purchase of fractional interests.

¹² The specified effects, set forth in Rule 13e-3(a)(4)(ii) are: (a) causing any class of equity securities which is subject to Section 12 or Section 15(d) of the Exchange Act to be held of record by less than 300 persons; or (b) causing any class of equity securities of the issuer which is either listed on a national securities exchange or authorized to be quoted in the inter-dealer quotation system of a registered national securities association to be neither listed on any national securities exchange nor authorized to be quoted on an inter-dealer quotation system of any registered national securities association.

Questions 1 through 4 pertain to this definition.

1. *Question:* Rule 13e-3(a)(4)(i)(C) relates to transactions involving the solicitation of proxies or the distribution of information statements in connection with, among other things, "a merger, consolidation * * * reorganization * * * or similar corporate transaction of an issuer or between an issuer (or its subsidiaries) and its affiliate * * *." Is the merger of an issuer with a non-affiliate encompassed by this provision?

Response: No. The Rule is intended to apply to a merger, consolidation or similar multi-party reorganization transaction of an issuer¹³ only if an affiliate of the issuer is also a party to the transaction. Transactions between the issuer and a non-affiliate are ordinarily the product of arm's-length negotiations and therefore do not involve the potential for abuse and overreaching associated with the types of transactions intended to be covered by the Rule. In order to clarify the meaning of the Rule in this regard and to resolve any potential confusion regarding the language of Rule 13e-3(a)(4)(i)(C), the Commission is today proposing an amendment to the Rule which would make clear that such transactions are subject to the Rule only if the issuer (or one or more of its subsidiaries) and one or more affiliates of the issuer are parties to the transaction.¹⁴

2. *Question:* Is a short-form merger¹⁵ subject to the Rule?

Response: Yes. The short-form merger provisions under state law ordinarily relate to a merger between an issuer and the holder of a specified, large percentage of the issuer's outstanding securities. The security holder into which the issuer is merged in such a transaction has a controlling interest in, and is therefore an affiliate of, the

¹³ Certain transactions involving only the issuer, such as reclassifications and recapitalizations, may be considered, for certain purposes, to be reorganizations. See, e.g., Int. Rev. Code of 1954, § 368(a)(1)(E)-(F) (reorganization defined to include recapitalization or change in identity, form or place of organization). These types of single-party corporate reorganization transactions are specifically included within the scope of Rule 13e-3(a)(4)(i)(C). However, the Division does not believe that the inclusion of single-party corporate reorganizations within subparagraph (a)(4)(i)(C) will result in the application of the Rule to transactions which are not within its intended scope. For example, a simple change in place of incorporation may be a reorganization for tax purposes but would not constitute a Rule 13e-3 transaction because (1) it would not have either of the effects specified in paragraph (a)(4)(ii) of the Rule (see footnote 12, *supra*), or (2) the subparagraph (g)(2) exception (see Questions 9 through 11, *infra*) would be applicable.

¹⁴ See Release No. 34-17720.

¹⁵ See Release No. 34-16075, 44 FR 46739 and n.8.

⁹ Rule 13e-3(b) is divided into two subparagraphs, the first of which defines fraudulent, deceptive or manipulative acts or practices in connection with a Rule 13e-3 transaction and the second of which prescribes means reasonably designed to prevent such acts and practices.

issuer. Accordingly, this form of transaction presents the potential conflicts of interest and related problems to which the Rule is directed. Because a short-form merger may not require a vote of the issuer's unaffiliated security holders, a solicitation subject to Regulation 14A or a distribution subject to Regulation 14C would not be involved. Nevertheless, subparagraph (a)(4)(i)(A) of the Rule provides that the transactions covered by the Rule include a "purchase of any equity security by the issuer of such security or by an affiliate of such issuer," and the term "purchase," as defined in Rule 13e-3(a)(3), includes any acquisition pursuant to a merger. Thus, a short-form merger of an issuer into its affiliate, involving a class of securities of the issuer which is subject to Section 12 or Section 15(d) of the Exchange Act, is a Rule 13e-3 transaction and, absent an available exception,¹⁶ is subject to the provisions of Rule 13e-3.

3. *Question:* Rule 13e-3(a)(4)(ii)(A) relates to transactions having a reasonable likelihood or a purpose of causing any class of equity securities which is subject to Section 12 or Section 15(d) of the Exchange Act to be held of record by fewer than 300 persons. Does this mean that a transaction having such effect may be a Rule 13e-3 transaction even though the issuer will continue to have one or more other classes of securities which are subject to Section 12 or Section 15(d) and held of record by at least 300 persons?

Response: Yes. The Exchange Act contemplates registration of classes of securities (and reporting of information in consequence thereof),¹⁷ and Rule 13e-3 is designed to provide to holders of each class so registered information with respect to transactions that may have the effects described in the Rule. Although the issuer may continue to be subject to reporting and other obligations arising in respect of other classes of its securities, the Rule provides for holders of each class to receive the required information concerning a Rule 13e-3 transaction with respect to their class prior to the implementation of the Rule 13e-3 transaction.

4. *Question:* Rule 13e-3(a)(4) defines a "Rule 13e-3 transaction" to include "any

transaction or series of transactions involving one or more of the transactions described in [Rule 13e-3(a)(4)(i)]" (emphasis added). When will a transaction of the type described in paragraph (a)(4)(i) which would not, if considered by itself, be a Rule 13e-3 transaction be deemed to be part of a series of transactions which, taken together, constitute a Rule 13e-3 transaction?

Response: The determination of when a transaction by an issuer or an affiliate will be deemed to be part of a series of transactions involving a Rule 13e-3 transaction must, of course, be based upon the particular facts and circumstances of each situation. Generally speaking, however, a specific paragraph (a)(4)(i) transaction will be regarded as one step in a series of transactions which together constitute a Rule 13e-3 transaction if the specific transaction is effected by an issuer or an affiliate as a part, or in furtherance, of a series of actions which, taken together, have either a reasonable likelihood or a purpose of producing, directly or indirectly, any of the paragraph (a)(4)(ii) effects. Thus, a transaction effected with a view to increasing the probability of success or reducing the aggregate expense of, or otherwise facilitating, the result sought to be achieved would be a part of a series of transactions constituting a Rule 13e-3 transaction.¹⁸

In the absence of a purpose of producing or facilitating the production of any of the specified effects, the determination of whether a transaction or series of transactions is likely to produce any of such effects must take into account past, current and planned transactions by the issuer, its affiliates and others, as well as other factors which may contribute to the production of such effects. On this basis, a Rule 13e-3 transaction would be deemed to commence with the first transaction which occurs at or after the time when it becomes reasonably likely that any of the specified effects will occur and which directly or indirectly contributes to the production of such effects.

Illustration: X Corp. agrees to merge with its affiliate Y Corp. in a transaction in which Y Corp. common stockholders will receive cash in exchange for their common stock. After entering into this agreement but prior to the solicitation of proxies with respect to the merger, X Corp. purchases Y Corp. common stock in the open market for the purpose of reducing the cost of the acquisition and/or ensuring that a legally sufficient

number of shares will be voted for the merger. The open market purchases would be a step in the Rule 13e-3 transaction since the purchases are in furtherance of the going private transaction.

III. Persons Subject to the Rule

Issuers and affiliates engaging in a Rule 13e-3 transaction for which no exception is available are subject to the filing, disclosure and dissemination requirements of paragraphs (d), (e) and (f) of the Rule and, if the class of securities involved is registered pursuant to Section 12 of the Exchange Act, are also subject to the antifraud provisions of paragraph (b) of the Rule. Interpretative questions 5 and 6, below, address issues which have arisen with respect to the determination of which persons are subject to the requirements of the Rule.

5. *Question:* To whom do the requirements of the Rule apply in the case of a Rule 13e-3 transaction in which both the issuer and its affiliate are engaged?

Response: The filing, disclosure and dissemination requirements of the Rule would apply to both the issuer and its affiliate when both are engaging in the Rule 13e-3 transaction. Generally speaking, Rule 13e-3 is designed to ensure that the holders of the class of securities which is the subject of the Rule 13e-3 transaction receive information from and regarding the issuer and each of its affiliates engaged in the transaction. Accordingly, it is important that the required disclosure and other provisions of the Rule be satisfied by each of such persons.

To avoid unnecessarily duplicative filings and disclosure, the Division will not object if, whenever two or more persons are subject to the requirements of Rule 13e-3 with respect to the same transaction or series of transactions, a joint Rule 13e-3 transaction statement is filed which includes in response to Item 17(d) of Schedule 13E-3 joint disclosure materials containing all of the information and exhibits required from each person subject to the Rule. Of course, each person on whose behalf the statement is filed is responsible for the timely filing of such statement and any amendments thereto. In addition, such statement should identify, and indicate that it is filed on behalf of, all such persons and be signed by each of them or include as an exhibit their signed, written agreement that such a statement is filed on behalf of each of them.

Illustration 1: X Corp. and its affiliate Y Corp. propose to engage in a long-form merger transaction in which the holders

¹⁶In certain situations, the subparagraph (g)(1) exception may be available for mergers to complete an acquisition by a person which was not an affiliate of the issuer prior to the first step in the acquisition. See Part IV of this release.

¹⁷In contrast, registration of companies would be required under the American Law Institute's proposed Federal Securities Code. See A.L.I. Fed. Sec. Code §§ 402 et seq. (Official Draft, May 19, 1978).

¹⁸See Question 15, *infra*, with respect to the Schedule 13E-3 filing and dissemination requirements applicable to multi-step transactions.

of X Corp. common stock (a class of securities registered pursuant to Section 12 of the Exchange Act), other than Y Corp., are to receive cash in exchange for their shares. In this situation, both X Corp. and Y Corp. will engage in a Rule 13e-3 transaction and both will therefore be subject to all the requirements of the Rule. X Corp. will engage in a solicitation subject to Regulation 14A, or a distribution subject to Regulation 14C, in connection with a merger with its affiliate Y Corp. (subparagraph (a)(4)(i)(C) of the Rule); Y Corp. will engage in a purchase of the equity securities of its affiliate X Corp. (subparagraphs (a)(4)(i)(A) and (a)(3)(ii) of the Rule).

Illustration 2: X Corp. is the subject of a cash tender offer for any or all outstanding shares of its common stock, a class of securities registered pursuant to Section 12 of the Exchange Act. The tender offer is made by Y Corp., the parent of X Corp. and the holder of sixty percent of the outstanding shares of X Corp. common stock. Unless an exception is applicable, Y Corp. must comply with the requirements of the Rule because it is engaging in a purchase of the registered equity securities of its affiliate (see Illustration 1, above) and such purchase may have a Rule 13e-3(a)(4)(ii) effect. X Corp., however, is not engaging in any transaction described in Rule 13e-3(a)(4)(i) and is therefore not subject to the Rule.

6. **Question:** Paragraphs (b) and (c) of Rule 13e-3 detail the application of the Rule to issuers, or affiliates thereof, which have a class of securities registered pursuant to Section 12 of the Exchange Act, or are closed-end investment companies registered under the Investment Company Act of 1940, and to issuers which are subject to Section 15(d) of the Exchange Act. Does the Rule apply to issuers which have been completely exempted from the provisions of Sections 12(g) or Section 15(d) pursuant to an order under Section 12(h) of the Exchange Act?¹⁹

Response: No. Rule 13e-3 would not apply to an issuer which has been completely exempted from Sections 12(g) or 15(d) pursuant to an order under Section 12(h) of the Act.²⁰ However, issuers should be aware that, in

determining whether to exercise its delegated authority to grant applications under Section 12(h), the Division will consider any plans or proposals of the issuer or its affiliates regarding activities or transactions which would have either a reasonable likelihood or a purpose of causing, directly or indirectly, any class of equity securities of the issuer to be held of record by fewer than 300 persons. Accordingly, issuers making application under Section 12(h) for exemption from the provisions of Section 12(g) or 15(d) should include in their application a brief description of any such plans or proposals or a statement that there are no such plans or proposals.

IV. The Rule 13e-3 Exceptions

Although an issuer or affiliate may engage in a transaction or series of transactions which constitutes a Rule 13e-3 transaction, the filing, disclosure and dissemination requirements and the antifraud provisions of the Rule will not be applicable if the transaction or series of transactions is within the scope of one of the paragraph (g) exceptions.²¹ Exceptions are provided for: (1) second-step, clean-up transactions within one year of a tender offer by a non-affiliate; (2) transactions in which security holders are offered or receive only an equity security meeting certain criteria; (3) transactions by a holding company registered under the Public Utility Holding Company Act of 1935; (4) redemptions, calls and similar purchases by an issuer pursuant to the instruments creating or governing the class of equity securities involved; and (5) certain solicitations by an issuer with respect to a plan of reorganization in bankruptcy proceedings.

Subparagraph (g)(1) of Rule 13e-3 excepts transactions by or on behalf of a person which occur within one year of the termination²² of a tender offer in which such person was the bidder²³ and as a result of which such person became an affiliate²⁴ of the issuer. This

exception is conditioned upon compliance with the equal consideration, disclosure and other requirements of Rule 13e-3(g)(1). The basis for the exception is that a tender offer and second-step, clean-up transaction which are structured to satisfy the conditions of the exception may be viewed as a single, integrated transaction by a non-affiliate to acquire the entire class of equity securities of the issuer on the same per share basis. The second step in such a transaction, if the specified conditions are met, does not present the potential for overreaching by an affiliate which Rule 13e-3 was designed to address, even though that second step may take the form of a transaction involving an affiliate which would otherwise be within the Rule. The disclosure requirements applicable to the tender offer which is the initial step in the transaction qualifying for the exception are set forth in subparagraphs (g)(1)(i)(A) and (g)(1)(ii)(A) of the Rule. These requirements differ with respect to tender offers made for any or all securities of a class as opposed to tender offers for less than all securities of a class. If the tender offer is for less than all securities of the class, the offer must fully disclose a plan of merger, a plan of liquidation or similar binding agreement²⁵ with respect to the subsequent transaction.²⁶ However, if the tender offer is for any or all securities of the class, the tender offer need not disclose a binding agreement but must fully disclose the bidder's intention to engage in the subsequent transaction and, to the extent known, the proposed terms thereof.²⁷

Question 7: Does a statement, in connection with an any or all tender offer, that the bidder "may determine to engage" in a described follow-up transaction satisfy the Rule 13e-3(g)(1)(ii)(A) disclosure requirement?

officers, directors or affiliates at a price equal to that paid in the tender offer and the second-step transaction. In such situations, the purchases and contemporaneous tender offer may be deemed to be a unitary transaction. See Question 8, *infra*.

²⁵As used in Rule 13e-3(g)(1), the term "binding agreement" refers to an agreement which is legally enforceable against the bidder in accordance with its terms. This usage therefore excludes agreements in which the bidder's obligation to engage in the subsequent transaction is indefinite or illusory. However, an agreement which is subject to substantial conditions not within the bidder's control may nevertheless be a binding agreement for the purposes of the subparagraph (g)(1) exception.

²⁶Rule 13e-3(g)(1)(ii)(A) [17 CFR 240.13e-3(g)(1)(ii)(A)].

²⁷Rule 13e-3(g)(1)(i)(A) [17 CFR 240.13e-3(g)(1)(i)(A)].

¹⁹Section 12(h) provides that, among other things, the Commission may exempt any issuer or class of issuers from the provisions of Sections 12(g) or 15(d) if the Commission finds that such action is not inconsistent with the public interest or the protection of investors.

²⁰An exemption from some but not all of the requirements of Section 12(g) or Section 15(d) would not exempt an issuer from Rule 13e-3, unless the exemptive order also specifically exempts the issuer from Rule 13e-3.

²¹However, a transaction or series of transactions which is excepted from Rule 13e-3 is nevertheless subject to other applicable provisions of the federal securities laws.

²²For purposes of the Rule 13e-3(g)(1) exception [17 CFR 240.13e-3(g)(1)], the Division deems a tender offer to terminate on the last date upon which securities may be tendered pursuant to the terms of the tender offer.

²³The term "bidder" is defined, for purposes of Section 14(d) and 14(e) of the Exchange Act and Regulations 14D and 14E thereunder, in Rule 14d-1(b)(1) [17 CFR 240.14d-1(b)(1)] to mean any person, other than the issuer, who makes a tender offer or on whose behalf a tender offer is made.

²⁴In the view of the Division, the subparagraph (g)(1) exception will not be lost solely because the bidder in the first step contemporaneously with the tender offer purchases securities of the issuer from

Response: No. The availability of this exception is conditioned upon the disclosure of a binding agreement or a firm intent to engage in a specifically described second-step transaction. The requirement that such an agreement or commitment exist and be disclosed at the commencement of the first-step transaction assures that the second-step transaction is indeed based upon arm's-length negotiations or upon unilateral decisions by a non-affiliate, and not upon the use of any control position resulting from the pendency or completion of the first-step transaction. The disclosure requirement gives notice to security holders that the tender offer may result in the acquisition of all the outstanding shares, reduces the uncertainty concerning the bidder's future plans, and relieves, to some extent, the pressure upon unaffiliated security holders to tender their securities in the first-step transaction rather than risk being forced to accept a lower price or other potentially unfavorable terms in a second-step transaction, if any, if the tender offer succeeds. These purposes would not be served by equivocal disclosure. Thus, for example, a statement that the bidder "may" engage in the second-step transaction, or that the transaction is one of a number of possible alternatives being considered, would not satisfy the disclosure requirement of the exception. In the view of the Division, disclosure of the bidder's intent pursuant to subparagraph (g)(1)(i)(A), or of a binding agreement of the bidder pursuant to subparagraph (g)(1)(ii)(A), regarding possible alternative forms of second-step transactions would satisfy the requirements of the subparagraph (g)(1) exception only if the form and effect of each of the alternatives identified is fully disclosed in the disclosure materials. Further, the Division believes that the bidder's disclosed binding agreement or firm intent to engage in the second-step transaction will satisfy the subparagraph (g)(1) requirements even though it may be conditioned upon the acquisition by the bidder of a specified number or percentage of shares or other securities in the tender offer.

8. Question: X Corp. agrees to acquire Y Corp., a non-affiliate, in a cash merger transaction. Pursuant to the merger agreement, and shortly before the merger, X Corp. purchases from affiliates of Y Corp. a controlling amount²⁸ of the outstanding exchange-

listed equity securities of Y Corp. Is the merger subject to the requirements of the Rule?

Response: The Division has taken a "no-action" position²⁹ with respect to the applicability of the requirements of Rule 13e-3 to transactions involving the purchase of a controlling interest in a class of equity securities of an issuer and the subsequent acquisition of the balance of the outstanding securities of such class, provided certain conditions are met.

This position has been predicated on the fact that:

- (i) Prior to the initial acquisition of securities, there was no affiliation between the issuer and the acquiring entity;
- (ii) The initial acquisition and the second-step transaction are made pursuant to an agreement or agreements for the acquisition of the entire class of securities at the same unit price;
- (iii) The intention to engage in the second-step transaction was publicly announced at the time of the initial acquisition, and the second-step transaction is effected within a relatively short period of time thereafter; and
- (iv) The acquiring entity will not change the management or the board of directors, or otherwise exercise control, of the issuer prior to the completion of the second-step transaction.

This position is derived from subparagraph (g)(1), the exception for transactions within one year of a tender offer by a non-affiliate.³⁰ Both the specific subparagraph (g)(1) exception and the "no-action" position are based upon the fact that the initial purchase and subsequent acquisition of the balance of the outstanding securities of the class at the same unit price pursuant to an agreement disclosed at the time of the initial purchase may properly be regarded as a unitary transaction by a non-affiliate; and such transactions do not present the potential for abuse at which Rule 13e-3 was directed.³¹

As a result of its experience with such transactions, and as a part of its re-examination of the Rule and staff interpretations thereof in connection with the rulemaking proceeding announced today, the Commission is publishing for comment a proposed amendment to Rule 13e-3(g)(1).³² If

through the ownership of voting securities, by contract or otherwise.

²⁸ See, e.g., letters re *Federal-Mogul Corporation* (August 27, 1980) and *HM Acquisition Corp.* (January 29, 1981).

²⁹ See Question 7, *supra*.

³¹ For a discussion of the concerns of the Commission in adopting Rule 13e-3, see Part I of this Release. For a discussion of the rationale of the subparagraph (g)(1) exception, see text preceding Question 7, *supra*.

³² Reference should be made to Release No. 34-17720 for the complete text of the proposed amendment.

a modification of the Division's "no-action" position described above, would except from Rule 13e-3 any form of multi-step transaction meeting certain specified criteria. Pending action on the proposed amendment, the Division will not object if transactions meeting the criteria of the prior "no-action" position are effected without compliance with Rule 13e-3.

9. Question: Rule 13e-3(g)(2) [17 CFR 240.13e-3(g)(2)] provides an exception from the operation of the Rule for transactions in which the security holders are offered or receive only an equity security, provided that, among other things, such equity security has substantially the same rights as the equity security which is the subject of the Rule 13e-3 transaction. Is this exception available where the public security holders are offered or receive only an equivalent equity security, but the person engaging in the transaction or its affiliate receives cash or other non-qualifying consideration (*i.e.*, not an equivalent equity security) in exchange for its equity security holdings?

Response: No. The basis of the subparagraph (g)(2) exception is that where "security holders are offered only an equity security which is either common stock or has essentially the same attributes as the security which is the subject of the Rule 13e-3 transaction * * * all holders of [the affected] class of security are on an equal footing and are permitted to maintain an equivalent or enhanced equity interest" (emphasis added).³³ Transactions which are structured to meet the conditions of the subparagraph (g)(2) exception provide security holders with equal treatment through the requirement that (i) all security holders are offered or receive the same form and amount of consideration and (ii) the consideration must be an equity security which is substantially equivalent to the equity security which is the subject of the Rule 13e-3 transaction. Thus, security holders are afforded equal treatment both among themselves and through receipt of an equivalent equity interest in another publicly held issuer. Transactions in which affiliates may receive forms or amounts of consideration differing from that offered to the unaffiliated security holders do not provide the unaffiliated security holders with the equal treatment contemplated by the exception. Accordingly, the Rule 13e-3(g)(2) exception is available only as to transactions in which *all* of the holders of the class of securities that is the

²⁸ The existence of a control relationship with Y Corp. does not turn solely upon the ownership of any specific percentage of securities. Rather, the question is whether there is the ability, directly or indirectly, to direct or cause the direction of the management and policies of Y Corp., whether

³³ Release No. 34-16075, 44 FR at 46738.

subject of the transaction are offered or receive only a qualifying equity security.³⁴

Illustration: X Corp., the issuer of a class of common stock registered pursuant to Section 12 of the Exchange Act, is merged with and into its affiliate Y Corp. Z, a controlling person of X Corp., receives cash in exchange for his common stock of X Corp. but the other holders of X Corp. common stock are offered only common stock issued by Y Corp. Because not all of the holders of X Corp. common stock, the class which is the subject of the transaction, are offered or receive only an equity security, the subparagraph (g)(2) exception is not available.

Question: Is the Rule 13e-3(g)(2) exception available for transactions in which the security holders are offered or receive equity securities issued by a person not a party to the transaction?

Response: No. The subparagraph (g)(2) exception was designed to except from the operation of the Rule recapitalizations, "transactions structured to create a holding company or reincorporate the entity in a new jurisdiction; and . . . mergers with and exchange offers by affiliates in which unaffiliated security holders would receive common stock of the surviving entity."³⁵ Because transactions involving the equity securities of unrelated issuers do not provide the safeguards intended by Rule 13e-3(g)(2), this provision is applicable only as to transactions in which the security holders are offered or receive equity securities of (i) the issuer (or a successor issuer pursuant to Rule 12g-3 [17 CFR 240.12g-3] or Rule 15d-5 [17 CFR 240.15d-5] under the Exchange Act), (ii) the surviving entity in a merger, (iii) the bidder in an exchange offer, or (iv) the holder, directly or through its wholly owned subsidiary or subsidiaries, of all of the voting equity securities (including non-voting securities which represent rights to acquire or are convertible into voting securities) of such issuer, successor issuer, surviving entity or bidder. In the Division's view, the critical factor in each of these situations is that the unaffiliated security holders are permitted to retain an equity interest in the entity which is to subsume the issuer. The Commission is today

publishing for comment a proposed amendment to Rule 13e-3(g)(2) to clarify the Rule in this regard.³⁶

Illustration 1: X Corp., a wholly owned subsidiary of Y Corp., offers to exchange Y Corp. common stock for any or all of the outstanding shares of common stock of its affiliate Z Corp. Both of such classes of securities are listed on a national securities exchange and registered pursuant to Section 12(b) of the Exchange Act. Since the securities offered to Z Corp. stockholders are those of the holder of all of the voting equity securities of the bidder (and the requirements of subparagraphs (i)-(iii) of rule 13e-3(g)(2) are otherwise satisfied), this exchange offer is excepted from the operation of the Rule.

Illustration 2: X Corp., subject to Section 15(d) of the Exchange Act in respect of its common stock, proposes to engage in an issuer exchange offer pursuant to which its common stockholders are offered equity securities held by X Corp. but issued by Y Corp., a non-affiliate. Because the securities to be received by the X Corp. stockholders are not issued by any of the parties to the transaction or by the holder, directly or indirectly, of all the voting equity securities of one of the parties, the subparagraph (g)(2) exception is not available for this transaction.

11. Question: Is a transaction in which security holders may elect to receive either an equity security meeting the requirements of subparagraphs (g)(2)(i)-(iii) or cash within the scope of the rule 13e-3(g)(2) exception?

Response: The Division has taken the position that the exception provided in subparagraph (g)(2) would not be lost if security holders are offered the option of receiving cash in lieu of an equity security meeting the requirements of the exception. In the Division's view, the equal treatment intended to be afforded to all security holders by the subparagraph (g)(2) exception will not be impaired with respect to a transaction otherwise meeting the requirements thereof solely because the security holders are offered the alternative of receiving cash, provided that as a result of the cash election feature there is not a reasonable likelihood or purpose of producing, directly or indirectly, any of the effects described in paragraph (a)(4)(ii) of the Rule with respect to the class of securities being offered in exchange for the issuer's securities. Thus, the exception would generally be available

in the case of a cash-option merger³⁷ or an exchange offer in which tendering security holders may elect to receive cash. The exception might not be available, however, if a cash option were offered in lieu of equity securities of a class issued by the surviving corporation when the anticipated number of security holders of record of such class after the cash option is exercised can reasonably be expected to be less than 300. Of course, the exception's objective of ensuring that the security holders are afforded a meaningful opportunity to maintain their equity interest is defeated if the cash option is clearly more desirable than the alternative qualifying equity security. Accordingly, the view expressed by the staff is applicable only if, at the time the security holders are first able to make their election, each alternative offered is of substantially equal value. The Commission is today publishing for comment a proposed amendment to Rule 13e-3(g)(2) to incorporate this position in a slightly modified and more specific provision.³⁸ Pending action on the proposed amendment, the Division will not object if transactions meeting the criteria of the prior staff position are effected without compliance with Rule 13e-3.

12. Question: Subparagraph (g)(4) of the Rule provides an exception for "[r]edemptions, calls or similar purchases of an equity security by an issuer pursuant to specific provisions set forth in the instrument(s) creating or governing that class of equity securities." Is this exception applicable to open-market purchases by the issuer to satisfy sinking-fund requirements?

Response: Yes. Under certain sinking fund provisions set forth in the instruments creating or governing certain classes of equity securities, the issuer may be permitted to satisfy its sinking fund obligation by retiring securities that have been purchased in the open market. If satisfaction of sinking fund obligations in this manner is permitted, purchases made by the issuer primarily for the purpose of meeting its sinking fund obligation are within the subparagraph (g)(4) exception.

13. Question: The limited partnership agreements of certain types of publicly held limited partnerships provide for periodic repurchases of limited partnership interests by the managing general partner of the partnership.

³⁷ The characteristics of a typical cash-option merger transaction are described in Release No. 33-5927 (April 24, 1978) (42 FR 18163).

³⁸ Release No. 34-17720.

³⁴ While the Division has taken the position that the subparagraph (g)(2) exception is available for certain transactions involving a cash election (see Question 11, *infra*), in order for a transaction to qualify for the exception all security holders would have to be given the same alternative rights as to the consideration to be received in the transaction. Thus, a cash election would be permissible only if all security holders were offered both an equivalent equity security and a cash election.

³⁵ Release No. 34-16075, 44 FR at 46737.

³⁶ Release No. 34-17720.

Typically, the terms and conditions of repurchase, including timing, are fixed in the limited partnership agreement or are determinable in accordance with the provisions of such agreement, and may not be amended except upon the affirmative vote of the holders of limited partnership interests representing at least a majority of the limited partners' capital contribution to the partnership. The repurchase price may, for example, be determined pursuant to a formula set forth in the limited partnership agreement which is applied to a recent valuation of the limited partnership's assets made by a qualified independent appraiser. The limited partnership agreement may also restrict the aggregate amount which may be paid to repurchase the limited partnership interests and provide that, if the amount to be paid for interests to be repurchased would exceed such limitation, the interests to be purchased will be selected by lot. Is the subparagraph (g)(4) exception applicable to such repurchases?

Response: Yes. In the view of the Division, such repurchases by the managing general partner in accordance with the specific terms of the limited partnership agreement constitute "redemptions, calls or similar purchases . . . by an issuer" within the meaning of Rule 13e-3(g)(4).

14. Question: Rule 13e-3(g)(5) excepts solicitations by an issuer with respect to a plan of reorganization under Chapter X of the Bankruptcy Act, as amended, if made after the entry of an order approving such plan pursuant to Section 174 of that Act and after, or concurrently with, the transmittal of information concerning such plan as required by Section 175 of that Act. Does this exception cover solicitations with respect to a plan of reorganization under the new Bankruptcy Code? ³⁹

Response: Yes. The Division has taken the position that subparagraph (g)(5) of the Rule implicitly provides an exception for a solicitation by an issuer with respect to a plan of reorganization under Chapter 11 of the Bankruptcy Code, provided an order is entered approving a disclosure statement with respect to such plan pursuant to Section 1125(b) of the Code ⁴⁰ and such disclosure statement is transmitted to all interested parties as required by such Section. The Commission is today proposing an amendment to Rule 13e-3(g)(5) clarifying the applicability of the

exception provided thereby to transactions under the Bankruptcy Code. ⁴¹

V. Schedule 13E-3

The information required to be disclosed in a Rule 13e-3 transaction is set forth in Schedule 13E-3. Pursuant to paragraph (d) of Rule 13e-3, the Schedule must be filed with the Commission at the time and in the form indicated in the General Instructions to the Schedule, and must be amended promptly to report any material change in the information set forth and to report the results of the Rule 13e-3 transaction promptly but no later than 10 days after termination of the transaction. ⁴² Rule 13e-3(e) governs the inclusion of information in the disclosure document furnished to holders of the class of equity securities which is the subject of the transaction. This provision consists of two elements: the information required by Items 1 through 6 and 10 through 16 of the Schedule 13E-3, or a fair and adequate summary thereof, and Items 7, 8 and 9 of the Schedule; and other information required to be disclosed pursuant to any other applicable rule or regulation under the Federal securities laws. The disclosure required by Items 7, 8 and 9 of the Schedule, relating to the purpose for and fairness of the transaction and certain reports, opinions, appraisals and negotiations, is considered by the Commission to be particularly important to investors and is therefore required to be prominently set forth in a special factors section to be included in the forepart of the disclosure document furnished to security holders.

Paragraphs (e) and (f) of the Rule require that the information contained in the Schedule 13E-3 ⁴³ must be disseminated to security holders prior to the Rule 13e-3 transaction or, if the Rule 13e-3 transaction is a tender offer, in accordance with Regulation 14D [17 CFR 240.14d-1 to 240.14d-101] or Rule 13e-4.

15. Question: Release No. 34-16075 contains a discussion of the applicability of Rule 13e-3 to certain multi-step sale of assets transactions. ⁴⁴

³⁹ Release No. 34-17720.

⁴⁰ If the Rule 13e-3 transaction is a tender offer governed by Rule 13e-4 [17 CFR 240.13e-4], the final amendment must be filed no later than ten business days after the termination of such tender offer. See also General Instructions D and F to Schedule 13E-3.

⁴¹ See General Instruction E to Schedule 13E-3.

⁴² Two forms of multi-step sale of assets transactions subject to the Rule are considered in Release No. 34-16075. In the first, the assets of the issuer are sold to a non-affiliate, following which the issuer makes a tender offer for, or other purchases of, its securities. The second form involves the sale of the issuer's assets to its affiliate

What are the Schedule 13E-3 filing and amendment requirements with respect to each step in a series of transactions?

Response: The Schedule 13E-3 must be filed concurrently with the filing of the preliminary proxy or information statement relating to the sale of assets constituting the first step in the Rule 13e-3 transaction. ⁴⁵ Thereafter, the statement must be amended (in addition to the amendments required pursuant to subparagraphs (d)(2) and (d)(3) of Rule 13e-3) with respect to each subsequent tender offer, ⁴⁶ purchase of securities or other transaction which is a component of the multi-step transaction. ⁴⁷ Accordingly, the information required by Rule 13e-3 must be disclosed and disseminated with respect to each transaction by the issuer or its affiliate which is a step in the Rule 13e-3 transaction.

16. Question: General Instruction F to Schedule 13E-3 requires that the information contained in any proxy or information statement, registration statement, Schedule 14D-1 or Schedule 13E-4 [17 CFR 240.13e-101] filed in connection with the Rule 13e-3 transaction be incorporated by reference in answer to the items of the Schedule or amendments thereto. Must the filing from which such information is incorporated by reference pursuant to

or group of affiliates (including persons who become affiliated, by means of equity ownership or otherwise, as a part of the overall sales transaction), followed by a tender offer or other securities purchases by the issuer or the distribution of the proceeds of the asset sale in dissolution of the issuer. Multi-step transactions subject to the Rule may, however, take many forms (see Question 4, *supra*) and the views expressed in this Question 15 apply to all. Not all forms of multi-step sale of asset transactions, however, are Rule 13e-3 transactions. Certain disclosure requirements with respect to such multi-step transactions, including transactions which are not subject to Rule 13e-3, are discussed in Release No. 34-15572 (February 15, 1979) [44 FR 11537].

⁴³ The timing provision does not apply to issuers which are only required to file periodic reports pursuant to Section 15(d) of the Exchange Act because such issuers are not subject to the proxy and information statement requirements of Section 14 of the Exchange Act. Such a Section 15(d) issuer which is engaging in a multi-step sale of assets transaction subject to the Rule must, pursuant to General Instruction A(4) of Schedule 13E-3, file the Schedule at least 30 days prior to any purchase of any securities of the class of securities subject to the Rule 13e-3 transaction. The term "purchase" is defined in Rule 13e-3(a)(3) to include any acquisition pursuant to the dissolution of an issuer subsequent to the sale or other disposition of substantially all the assets of such issuer to its affiliate.

⁴⁴ Although the tender offer may be subject to both Rule 13e-3 and either Rule 13e-4 or Regulation 14D, the disclosure and dissemination requirements of the applicable rules may be satisfied by the dissemination of a single set of disclosure materials containing the information specified in both rules.

⁴⁵ See Rule 13e-3(a)(4) [17 CFR 240.13e-3(a)(4)] and General Instruction A(4) to Schedule 13E-3.

³⁹ Title I of the Bankruptcy Reform Act of 1978, Pub. L. 95-598, 92 Stat. 2549 (1978) (effective October 1, 1979), codified as Title 11 of the United States Code.

⁴⁰ 11 U.S.C. § 1125(b) (Supp. III 1979).

this instruction be filed as an exhibit to the Schedule?

Response: No. General Instruction F requires the incorporation by reference ⁴⁸ from such filings of only the information contained therein which is responsive to the items of Schedule 13E-3. Thus, there need be furnished as an exhibit to the Schedule only the portions of such filings which contain such information. In addition, subparagraph (d) of Item 17, the exhibit item of the Schedule, requires that any disclosure materials furnished to security holders in connection with the Rule 13e-3 transaction must be filed as an exhibit. Accordingly, while the entire filing (i.e., the registration statement, proxy or information statement, Schedule 14D-1 or Schedule 13E-4) which contains the incorporated information need not be furnished as an exhibit to the Schedule, any disclosure materials which are contained in such filing and are provided to security holders in connection with the Rule 13e-3 transaction must be furnished as an exhibit to the Schedule. Further, a copy of any material incorporated by reference pursuant to General Instruction D of the Schedule (which does not apply to materials contained in the filings governed by General Instruction F) must be filed as an exhibit to the Schedule. A Schedule 13E-3 prepared in accordance with this procedure is a "wrap-around" filing, consisting of a cover page, cross-reference sheet, required exhibits and a signature page.⁴⁹

17. Question: General Instruction G to the Schedule provides that Schedule 13E-3 filings incorporating a preliminary proxy or information statement shall be deemed to constitute "Preliminary Copies" within the meaning of Rule 14a-6(e) [17 CFR 240.14a-6(e)] and Rule 14c-5 [17 CFR 240.14c-5] under the Exchange Act and shall not be available for public inspection before an amendment to the Schedule containing definitive material has been filed with the Commission. When must such a Schedule 13E-3 amendment be filed?

Response: The procedure set forth in General Instruction G is designed solely to maintain the non-public status of the

preliminary proxy or information statement which has been incorporated by reference. In order to ensure that the Schedule 13E-3 is made public at the earliest appropriate time, an amended Schedule 13E-3 incorporating the definitive proxy or information statement (and including such materials as an exhibit pursuant to Item 17(d) of Schedule 13E-3) should be filed concurrently with the filing of the definitive materials.

18. Question: Item 2 of the Schedule 13E-3 requires disclosure of certain information regarding the person filing the Schedule 13E-3 and certain related persons enumerated in General Instruction C to the Schedule. General Instruction C provides that if the person filing the Schedule is a general or limited partnership, a syndicate or other group, or a corporation, the Schedule must include the information called for by Item 2 regarding each (i) partner of such general partnership; (ii) general partner of such limited partnership; (iii) member of such syndicate or group; (iv) person controlling such partner or member; (v) executive officer, director, and controlling person of such corporation; and (vi) each executive officer and director of any corporation ultimately in control of such corporation. Do these provisions require the disclosure of information regarding natural persons having the specified relationship with the person filing the Schedule?

Response: Yes. In addition to requiring information regarding the entities enumerated in General Instruction C which are other than natural persons, Item 2 provides that, if any person enumerated in General Instruction C is a natural person, the required information must be supplied with respect to each such person.

19. Question: Paragraphs (a) and (b) of Item 8 relate to disclosure of the belief of the issuer and each of its affiliates engaged in the Rule 13e-3 transaction regarding whether the transaction is fair or unfair to unaffiliated security holders, and the basis for such belief. If the transaction may have a different impact on different groups of unaffiliated security holders, must this disclosure include a discussion of the fairness of the transaction as to each such group?

Response: Yes. The disclosure should include consideration of the fairness of the Rule 13e-3 transaction to all unaffiliated security holders. For example, if the transaction is a tender offer or a reverse stock split, the disclosure should specifically address the fairness of the transaction to security holders who would retain their interest in the company as well as to those who would not. If security holders

may elect to receive different forms or amounts of consideration, it is sufficient to disclose a reasonable belief (together with the bases therefor) that at least one of the alternatives offered is fair to unaffiliated security holders; if the form or amount to be received by different security holders is determined by the issuer or affiliate engaging in the transaction rather than according to the option of the individual security holders, the Item 8 disclosure should be given with respect to each form and amount.

20. Question: Item 8(b) of the Schedule requires a discussion of the material factors upon which the belief as to fairness is based and, to the extent practicable, of the weight assigned to each such factor. The Item provides that this discussion should include an analysis of the extent, if any, to which such belief is based on certain specified factors which will normally be important in determining the fairness of a Rule 13e-3 transaction.⁵⁰ Must all of these factors be discussed in every case?

Response: The factors need be discussed only to the extent that they are material in the context of the transaction. Ordinarily, possible alternative courses of action should be discussed, and the absence of an intention to liquidate is not determinative of whether the discussion should address liquidation values. However, when a factor which would otherwise be important in determining the terms of the transaction is not

⁴⁸ The specified factors are whether the consideration offered to unaffiliated security holders constitutes fair value in relation to:

- (i) Current market prices
- (ii) Historical market prices
- (iii) Net book value
- (iv) Going concern value
- (v) Liquidation value
- (vi) The purchase price paid in previous purchases disclosed in Item 1(f) of Schedule 13e-3

(vii) Any report, opinion, or appraisal described in Item 9 of Schedule and

(viii) Firm offers of which the issuer or affiliate is aware made by any unaffiliated person, other than the person filing the statement during the preceding eighteen months for (A) the merger or consolidation of the issuer into or with such person or of such person into or with the issuer, (B) the sale or other transfer of all or any substantial part of the assets of the issuer or (C) securities of the issuer which would enable the holder thereof to exercise control of the issuer; and

whether a majority of non-employee directors has retained an unaffiliated representative to act solely on behalf of unaffiliated security holders for the purposes of negotiating the terms of the Rule 13e-3 transaction and/or preparing a report concerning the fairness of the transaction; and whether the transaction was approved by a majority of non-employee directors and is structured so that approval of at least a majority of unaffiliated security holders is required.

⁴⁹ Materials incorporated by reference into the Schedule are deemed to be filed with the Commission for all purposes of the Exchange Act and the applicable antifraud provisions of Rule 13e-3.

⁵⁰ Accountants' reports on audited financial statements in a Schedule 13E-3 must be manually signed and, if such financial statements and accountants' reports are incorporated by reference in a Schedule 13E-3, the copies of such materials included as exhibits to the manually signed copy of the Schedule must include manually signed accountants' reports.

considered or is given little weight because of particular circumstances, this may be a significant aspect of the decision-making process which should be discussed in order to make the Item 8 disclosure understandable and complete. For example, if liquidation value was disregarded because the issuer or affiliate believed that the company's assets would be very difficult to sell,⁵¹ or if historical market prices were believed not to be indicative of the value of the securities because of recent adverse developments, the bases for such beliefs should be discussed. In addition, the discussion of these factors must be that of the issuer or affiliate engaging in the transaction. Thus, a reference to or extract from an opinion of an investment banker, appraiser or similar advisor which fully analyzes the factors does not satisfy the requirements of Item 8(b) unless the issuer or affiliate expressly adopts the advisor's discussion of the factors.

21. *Question:* Instruction 2 to Item 8(b) provides that, in discussing in reasonable detail the material factors upon which the belief as to fairness is based, "[c]onclusory statements, such as 'The Rule 13e-3 transaction is fair to unaffiliated security holders in relation to net book value, going concern value and future prospects of the issuer' will not be considered sufficient * * *." Is an itemization of the factors considered by the issuer or affiliate in approving the transaction adequate in response to Item 8(b)?

Response: No. The requirement of a reasonably detailed discussion of the material factors underlying the issuer's or affiliate's belief as to the fairness of the transaction is designed to assist security holders in making their investment decision by providing them with information, from the most knowledgeable source, regarding the terms and effect of the transaction in relation to the business and prospects of the issuer. The Division is concerned that in many instances the Item 8(b) disclosure being made to security holders is vague and nonspecific and is therefore of limited utility to security holders. While the Division recognizes that the material factors upon which the fairness determination is based cannot always be addressed with mathematical precision, it believes that at least certain minimal elements should be included in the issuer's or affiliate's discussion. The discussion of factors relating to fairness should normally include the specific

factors identified in Item 8(b), which are of two types.⁵²

The first type relates to whether the consideration offered to unaffiliated security holders constitutes fair value in relation to certain factors specified in subparagraphs (i) through (viii) of Instruction 1 to the Item. Each of these factors relates to a possible source of valuation of securities of the class which is the subject of the transaction. Each such factor which is material to the transaction should be discussed and, in particular, if any of the sources of value indicate a value higher than the value of the consideration offered to unaffiliated security holders, the discussion should specifically address such difference and should include a statement of the bases for the belief as to fairness in light of the difference.

The other type of factor identified in Instruction 1 relates to the existence of procedures designed to enhance the protection of unaffiliated security holders in the effectuation of the transaction. In discussing the issuer's or affiliate's belief as to the fairness of the transaction in the context of these factors, it is not sufficient simply to acknowledge the lack of one or more of the specified procedural safeguards. If any of these safeguards are not provided, the discussion should include a statement of the basis for the belief as to fairness despite the absence of these safeguards.

22. *Question:* Item 8(c) of Schedule 13E-3 requires disclosure of whether the transaction is structured so as to require the approval of at least a majority of unaffiliated security holders (as defined in paragraph (a)(5) of Rule 13e-3). Does this requirement relate to approval by a majority of the outstanding shares held by unaffiliated security holders or by a majority of the shares held by unaffiliated security holders and voted on the transaction?

Response: In the Division's view, the information that must be disclosed in response to Item 8(c) of the Schedule is whether the transaction requires approval by the holders of at least a majority of the shares held by non-affiliates and actually voted on the transaction.

Accordingly, 17 CFR Part 241 is amended by adding this release thereto.

By the Commission,
George A. Fitzsimmons,
Secretary.
April 13, 1981.

[FR Doc. 81-11743 Filed 4-17-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 12-81-MP1]

Regattas and Marine Parades; Safety of Life on Navigable Waters; San Francisco Bay

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This is a final rule detailing the special local regulations for the 1981 Pacific Inter-Club Yacht Association Opening Day Parade for San Francisco Bay. The purpose is to control vessel traffic in designated areas and within the vicinity of the marine parade. This rule is necessary due to the confined areas involved and the anticipated vessel congestion during the event.

EFFECTIVE DATE: From 0930 to 1400 PST, April 26, 1981.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Robert A. Byers, c/o Commander (bb), Twelfth Coast Guard District, 630 Sansome Street, San Francisco, CA (415) 556-6075.

SUPPLEMENTARY INFORMATION: This special local regulation is issued pursuant to 46 USC 454 and 33 CFR Part 100.35, for the purpose of promoting the safety of life and property in San Francisco Bay during the 1981 PACIFIC INTER-CLUB YACHT ASSOCIATION OPENING DAY PARADE FOR SAN FRANCISCO BAY. It is anticipated that there will be considerable vessel congestion at the time of the parade due to large numbers of participating and spectator vessels, the presence of commercial vessel traffic in the area and the confined nature of certain areas to be utilized by the parade. Therefore these special local regulations are deemed necessary for the promotion of safety of life and property in the area during the marine parade.

The regulations are published as a final rule since there was insufficient time to publish a notice of proposed rule making prior to the date of the event and the regulations are needed in order to protect life and property. The final rule has been submitted to the Director, Office of Management and Budget, for a 10-day review in accordance with Section 3.(c)(3) of Executive Order 12291. It is not considered to be a major rule under the terms of Executive Order 12291 since it involves negligible cost and will not have significant impact on recreational vessels, commercial vessels or other marine interests. For this reason, the District Commander has

⁵¹ For a discussion of the Division's views regarding related disclosure issues in connection with prospective liquidation transactions, see Release No. 34-16833 [May 27, 1980] [45 FR 36374].

⁵² See footnote 50, *supra*.

determined this rule will not have significant economic impact on a substantial number of small entities. Also, in accordance with DOT Order 2100.5, economic impact is so minimal that it does not require an evaluation. Further, the rule is necessary for the protection of life and property in the area during this marine event.

Drafting Information

The principal persons involved in drafting this final rule are LCDR Robert A. Byers, Project Manager, Twelfth Coast Guard District, Boating Affairs Branch and LCDR Ronald S. Matthew, Project Attorney, Assistant Legal Officer, Twelfth Coast Guard District.

Accordingly, Part 100 of Title 33, of the Code of Federal Regulations is amended by adding the following section:

§ 100.35-1201 1981 Opening Day Marine Parade, San Francisco Bay.

(a) The following areas are designated "regulated areas" during the marine parade.

(1) *Raccoon Straits*. The area between a line drawn from Bluff Point on the Tiburon Peninsula to Pt. Campbell on Angel Island and a line drawn from Peninsula Point on the Tiburon Peninsula to Point Stuart on Angel Island.

Southern Area. The area defined by a line drawn from Fort Point (37°48'40" N, 122°28'34" W) 079°T approximately 5,000 yards to a point located at 37°49'09" N, 122°25'28" W thence 173°T to the tip of Aquatic Park peninsula (37°48'39" N, 122°25'24" W).

(b) Regulation:

(1) All vessels entering the regulated areas shall follow the parade route and maintain an approximate speed of six knots.

(2) All vessels in the Raccoon Straits area shall proceed in a generally southwesterly direction except in that area immediately adjacent to the shore of Angel Island where vessels may travel in a northeasterly direction.

(3) Vessels departing the St. Francis Yacht Harbor in the southern area may exit through the area subject to direction of Coast Guard patrol boats.

(4) The parade will be interrupted, as necessary, to permit the passage of commercial vessel traffic.

(5) All vessels in the vicinity of the parade shall comply with the instructions of the U.S. Coast Guard patrol personnel.

(Sec. 1, Pub. L. 60-120, 35 Stat. 69, as amended, sec. 6(b)(1), 80 Stat. 937; 46 USC

§ 454, 49 USC § 1655(b)(1); 33 CFR Part 100.35, 49 CFR § 1.46(b))

March 27, 1981.

J. S. Gracey,

Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 81-11859 Filed 4-17-81; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 223

National Forest Timber Sales; Export and Substitution Restrictions; Correction

AGENCY: Forest Service, USDA.

ACTION: Correction to final rule.

SUMMARY: Revised regulations regarding the export of timber from National Forest System lands and the use of such timber in substitution for private timber which is exported by the purchaser were published in the *Federal Register* on December 5, 1980, (45 FR 80526). They became effective March 30, 1981. This document further clarifies the definition of tributary area and incorporates a revised definition of unprocessed western red cedar to conform to the requirements of section 101(o) of Public Law 96-536, and H.R. 7584 as enrolled.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George M. Leonard, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 447-4051.

SUPPLEMENTARY INFORMATION: The revision in the definition of tributary area brings it into conformance with the definition which has been in use since the log export and substitution restrictions were first imposed in 1974.

1. Section 223.10(a) (5) and (7) are revised to read as follows:

§ 223.10 Timber export and substitution restrictions.

(a) * * *

(5) Tributary area means the geographic area from which unprocessed timber is delivered to a specific processing facility or complex. A tributary area is expanded when timber outside an established tributary area is hauled to the processing facility or complex.

(7) Unprocessed western red cedar timber in the contiguous 48 States means

trees or portions of trees of that species which have not been processed into (i) lumber of American Lumber Standards Grades of Number 3 dimension or better, or Pacific Lumber Inspection Bureau Export R-List Grades of Number 3 Common or better; (ii) chips, pulp, and pulp products; (iii) veneer and plywood; (iv) poles, posts, or piling cut or treated with preservatives for use as such and not intended to be further processed; or (v) shakes and shingles; provided that lumber from private lands manufactured to the standards established in the lumber grading rules of the American Lumber Standards Association or the Pacific Lumber Inspection Bureau and manufactured lumber authorized to be exported under license by the Department of Commerce shall be considered processed.

(Sec. 301, 90 Stat. 1063, Public Law 94-373; Sec. 1, 30 Stat. 35, as amended (16 U.S.C. 551))

John R. Block,
Secretary.

April 6, 1981.

[FR Doc. 81-11790 Filed 4-17-81; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-1796-2]

Approval and Disapproval of Revisions of the Virginia State Air Quality Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval and disapproval of revisions of the Virginia State Implementation Plan which include amendments to the Virginia State Regulations for the Control of Air Pollution submitted by the Commonwealth of Virginia. The Commonwealth has submitted several revisions to amend the regulations for the Control and Abatement of Air Pollution. These revisions to the Virginia State Implementation Plan (SIP) include changes to Part IV, Emissions Standards for Particulate Emissions from Fuel Burning Equipment, (Rule EX-3) and to Part I, Definitions. The revisions were submitted August 14, 1975, June 16, 1976, and September 21, 1979.

EFFECTIVE DATE: May 20, 1981.

ADDRESSES: Copies of the materials submitted by the Commonwealth of Virginia are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency,
Region III, Air Programs Branch, 6th &
Walnut Streets, Philadelphia, PA
19106, Attn.: Patricia Sheridan

Virginia State Air Pollution Control
Board, Room 1106, Ninth Street Office
Building, Richmond, VA 23219, Attn.:
William Meyer, Executive Director

Public Information Reference Unit, EPA
Library, Room 2922, U.S.
Environmental Protection Agency, 401
M Street, S.W., Washington, D.C.
20460

The Office of the Federal Register, 1100
L Street, N.W., Room 8401,
Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT:

Carol D. Peters (3AH11), U.S.
Environmental Protection Agency,
Region III, 6th and Walnut Streets,
Philadelphia, PA 19106, Phone: (215)
597-9139.

SUPPLEMENTARY INFORMATION:**Introduction**

On August 14, 1975, June 16, 1976, and September 21, 1979, the Commonwealth of Virginia submitted revisions to the Virginia State Implementation Plan (SIP). Only the revisions dealing with changes to part IV, Emission Standards for Particulate Emissions from Fuel Burning Equipment (Rule EX-3) and two definitions from Part I will be subject to final action at this time. All other parts in these submittals have been or will soon be dealt with in other **Federal Register** notices.

Background

The appropriate portions of the August 14, 1975 submittal were proposed in the **Federal Register** on November 19, 1975 (40 FR 53595) March 25, 1977 (42 FR 16446) and September 24, 1980 (45 FR 63300). The appropriate portions of the June 16, 1976 submittal were proposed in the **Federal Register** on February 8, 1977 (42 FR 7969) and September 24, 1980 (45 FR 63300). The appropriate portions of the September 21, 1979 submittal were proposed in the **Federal Register** on September 24, 1980 (45 FR 63300).

The Commonwealth of Virginia submitted proof that the following public hearings were held:

Submittal date	Public hearing date	Locations
Aug. 14, 1975.....	May 12, 1975.....	Abingdon, Radford, Lynchburg, Fredericksburg, Richmond, Virginia Beach, and Fairfax.
June 16, 1976.....	Jan. 12, 1976.....	Abingdon, Radford, Lynchburg, Fredericksburg, Richmond, Virginia Beach, and Falls Church.
Sept. 21, 1979.....	March 22, 1979..... May 14, 1979..... July 16, 1979.....	Same as above. Same as above. Same as above.

These hearings were held in accordance with the public hearing and notice requirements of 40 CFR Part 51.4 and all relevant State procedural requirements.

Part I—Definitions

The two definitions under consideration in this notice are "Rated Capacity" and "Total Capacity." "Rated Capacity" was first submitted on June 16, 1976 and was proposed in the **Federal Register** on February 8, 1977. This definition was modified, in the September 21, 1979 submittal, so that good engineering judgment is to be used by the Board and owner in determining the rated capacity. This change is consistent with 40 CFR 52.01, and is being approved as written September 21, 1979.

"Total Capacity" was modified August 14, 1975, June 16, 1976 and September 21, 1979. The modifications, as submitted September 21, 1979, restructure the sentence format. This is consistent with good grammatical practices and with 40 CFR 52.01 and is being approved as written September 21, 1979.

Part IV—(Rule EX-3)

The submittal of August 14, 1975 introduced a new numbering system. Sections 4.03.01 and 4.703.01 were combined and modified to make § 4.30. Section 4.03.03 was modified to form § 4.31. Section 4.703.04 was deleted in 43 FR 38700, August 30, 1978, before it was proposed by Virginia to be renumbered to § 4.32.

The June 16, 1976 submittal modified § 4.30(a). Section 4.30(b) was deleted and a new § 4.30(b) was added. Section 4.31 was changed to § 4.32 and a new § 4.31 was added.

On September 21, 1979, § 4.31 was deleted, § 4.30 was renumbered § 4.31, and a new § 4.30 was added. The new § 4.31 (a) and (b) were modified from the previous submittals, and § 4.31 (c), (d) and (e) were added. The September 21, 1979 submittal completely modified the previous regulations both administratively and substantively.

Therefore, only §§ 4.30, 4.31, and 4.32 as submitted on September 21, 1979 are being considered:

A summary of these regulations follows:

Regulation and Description

- 4.30—Applicability and Designation of Affected Facility**—added to specify the types of sources to which these provisions apply.
- 4.31—Standard for Particulate Matter**—minor administrative changes to § 4.31 (a) and (b). Sections 4.31 (c), (d), and (e) are added to clarify the emission standards.
- 4.32—Exceptions**—minor administrative changes to § 4.32 (a) and (b). Section 4.32(c), was added to exempt intermittently operated gas, oil or coal-fired equipment from § 4.31(c).

All of the above revisions have been reviewed and found to be acceptable except for § 4.31(d)(3). The submittal of June 16, 1976 changed the standards for particulate matter (§ 4.30(a)). The criteria were revised to cover smaller categories of sources, while at the same time, the emission ratio was changed to allow slightly higher particulate emissions. Section 4.30(b), in the June 16, 1976 submittal, determines the maximum allowable particulate emissions to be the product of the total capacity and the emission ratio. Section 4.30 was subsequently renumbered to § 4.31 in the September 21, 1979 submittal. Minor administrative changes were made to § 4.31 (a) and (b). Section 4.31(c) was added for determining allowable particulate emissions for an affected facility operating at less than total capacity. Section 4.31(c) was added for determining allowable particulate emissions for an affected facility operating at less than total capacity. Section 4.31(d) was added for the determination of efficiency factors for collection equipment. Section 4.31(e) was added to designate the portion of the emission contribution allocated for each of the fuel burning equipment units of the affected facility. The addition of § 4.30, in the September 21, 1979 submittal, makes Rule EX-3 applicable to all fuel burning equipment at the plant. Section 4.32(c) was added in the September 21, 1979 submittal. This exempted all fuel burning equipment units with intermittently operated gas, oil or coal-firing equipment from complying with § 4.31(c). All of the above changes comply with Federal guidelines except § 4.31(d)(3). The control strategy demonstrated that the National Ambient Air Quality Standards for Total Suspended Particulates (TSP) will not be violated by the increased emissions allowed by this revision.

The Commonwealth, in § 4.31(d)(3), lists the following substitute criteria for determining the efficiency factor for collection equipment:

Manufacturer's specifications, emission test results, operating conditions (such as percent ash in coal, gradation of particulates entering collector, variations in gas volume and resulting velocity in collector due to boiler rating, cleanliness of boiler surfaces, furnace temperature and amount of excess air).

All of the substitute criteria shown above (as excerpted from the September 21, 1979 submittal), with the exception of emission test results, contain inherent variations in quality control which do not present an accurate representation of collection efficiency. All of the conditions listed do affect the collection efficiency of mechanical collectors. However, there is only one way to quantify accurately the effects of any operational change, and that is by running a series of stack tests over the range of variables likely to be encountered during normal operations. Therefore, these criteria should be deleted in order to make the regulation acceptable. Therefore, the Administrator is disapproving § 4.31(d)(3).

Summary of Public Comments

No public comments were received during the public comment period following publication of EPA's Notice of Proposed Rulemaking.

Conclusion

Based on the above discussion, the Administrator approves the amendments to Part I and IV, except for § 4.31(d)(3) of Virginia's Regulations for the Control of Air Pollution as revisions to the Virginia Implementation Plan.

In conjunction with the Administrator's approval, 40 CFR 52.2420 (Identification of Plan) of Subpart VV (Virginia) is revised to incorporate these amendments.

At the same time, EPA disapproves § 4.31(d)(3) as a revision to the Virginia SIP. Accordingly, 40 CFR 52.2023 (Approval Status) of Subpart VV (Virginia) should be revised to reflect the Administrator's disapproval action.

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. Under Executive Order

12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve state actions. They do not approve any new regulatory requirements. The disapproval of § 4.31(d)(3), listing substitute criteria for determining the efficiency factor for collection equipment, is also not major. This section only contains some alternate methods for demonstrating the efficiency of TSP collection equipment. Other sections of the State's submittal which are being approved today contain acceptable methods of making the same demonstration. These acceptable methods are not more costly to implement. Accordingly this disapproval will not increase regulatory costs to either TSP sources or the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA Region III, 6th and Walnut Streets, Philadelphia, PA 19106.

(42 U.S.C. 7401-642)

Dated: April 13, 1981.

Walter C. Barber,
Acting Administrator.

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

Part 52 of Title 40, Code of Federal Regulation is amended as follows:

Subpart VV—Virginia

1. In § 52.2420, paragraph (c)(39) is added as follows:

§ 52.2420 Identification of plan.

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

(39) Amendments to Part I (Definitions), § 1.02; and Part IV (Emission Standards for Particulate Emissions from Fuel Burning Equipment, Rule EX-3), §§ 4.30, 4.31 (except § 4.31(d)(3)) and 4.32 submitted on September 21, 1979.

2. Section 52.2423 is amended by adding paragraph (g) to read as follows:

§ 52.2423 Approval status.

(g) Section 4.31(d)(3) of Part IV of the Virginia Regulations for the Control and Abatement of Air Pollution is not considered part of the applicable plan

because the substitute criteria, listed in § 4.31(d)(3), contain inherent variations in quality control which do not present an accurate representation of collection efficiency.

[FR Doc. 81-11646 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-3-FRL 1798-2]

Approval of Revision of Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: In a Federal Register notice dated May 20, 1980, 45 FR 33607, EPA conditionally approved the Commonwealth of Pennsylvania's State Implementation Plan (SIP). One of the five conditions of the approval of this SIP was that each designated lead planning agency and metropolitan planning organization in four areas of Pennsylvania submit written assurances that no project, program or plan will be approved that does not conform to the SIP.

In a letter dated July 15, 1980, Secretary Clifford L. Jones of the Pennsylvania Department of Environmental Resources submitted to EPA the required commitments by regional planning commissions.

Today, EPA is approving these commitments for inclusion in the SIP, thus correcting deficiency number 4 as noted in the Federal Register notice of May 20, 1980, 45 FR 33607.

DATE: Effective April 20, 1981.

ADDRESSES: Copies of the materials submitted by the Commonwealth of Pennsylvania and comments received on these materials may be examined during normal business hours at:

U.S. Environmental Protection Agency,
Air Programs Branch, Curtis Building,
6th and Walnut Streets, Philadelphia,
PA 19106, Attn.: Patricia Sheridan
Department of Environmental
Resources, Bureau of Air Quality
Control, Fulton Bank Building, Third
and Locust Streets, Harrisburg, PA
17120, Attn.: Gary L. Triplett
Public Information Reference Unit,
Room 2922, EPA Library, U.S.
Environmental Protection Agency, 401
M Street SW., Waterside Mall,
Washington, D.C. 20460
Office of the Federal Register, 1100 L
Street SW., Room 8401, Washington,
D.C. 20408

FOR FURTHER INFORMATION CONTACT:

Gregory D. Ham (3AH12), U.S. Environmental Protection Agency, Region III, 6th and Walnut Streets, Philadelphia, PA 19106, telephone: 215/597-2745.

SUPPLEMENTARY INFORMATION: The Pennsylvania State Implementation Plan (SIP) for nonattainment areas was conditionally approved on May 20, 1980, 45 FR 33607. One of the five conditions was that each designated lead planning agency and metropolitan planning organization in the Allentown-Bethlehem-Easton, Scranton, Wilkes-Barre, and Harrisburg areas would provide written assurances to EPA, with endorsements by the Commonwealth, that no project, program, or plan will be approved that does not conform with the approved SIP.

On July 15, 1980, Secretary Clifford L. Jones submitted to EPA these assurances in the form of consistency/conformity resolutions. These resolutions were submitted by the following organizations:

Lackawanna-Luzerne Transportation Study (For Scranton and Wilkes-Barre)

Tri-County Regional Planning Commission, Harrisburg Area Transportation Study Coordinating Committee (For the Harrisburg area)

Lehigh Valley Transportation Study Area Coordinating Committee (For the Allentown-Bethlehem-Easton area)

The following statement (or a similar statement) was added to the consistency resolutions for these areas: the organization "further resolves that no project, program, or plan will be approved that does not conform to the SIP, when specific guidelines for conformity are jointly developed by the EPA and U.S. DOT." These guidelines were developed and signed on June 12, 1980, and have been distributed to the appropriate MPO's and lead agencies.

Based on the foregoing, it is the decision of the Administrator to accept these commitments as satisfying the appropriate deficiencies in the Pennsylvania SIP.

EPA did not publish a separate proposed approval for these conformity resolutions because the condition requiring these resolutions was discussed in detail in the Federal Register notice conditionally approving the Pennsylvania SIP. See 45 FR 33607 (May 20, 1980). Also, no comments were received on this issue.

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.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve state actions. They impose 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 those comments, are available for public inspection at EPA Region III, Air Programs Branch, 6th & Walnut Streets, Philadelphia, Penna. 19106.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves State action. Due to the nature of the Federal-State relationship under the Clean Air Act, federal inquiry into the economic reasonableness of the State action would serve no practical purpose and could well be improper.

(42 U.S.C. 7401-642)

Dated: April 13, 1981.

William C. Barber,
Acting Administrator.

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

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

Subpart NN—Pennsylvania

§ 52.2037 [Amended]

Section 52.2037, Control Strategy, is amended by removing paragraph (a)(4).

[FR Doc. 81-11062 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 122

[EN-FRL 1790-8]

Consolidated Permit Regulations; NPDES Application Requirements for Textile Mills, Ore Mines, and Porcelain Enameling

AGENCY: Environmental Protection Agency (EPA).

ACTION: Suspension of portion of final rule.

SUMMARY: This action suspends for the Textile Mills, Ore Mining and Dressing, and Porcelain Enameling point source categories a portion of the requirement in EPA's consolidated permit regulations that certain effluent testing data for organic toxic pollutants be submitted as part of the application for a National Pollutant Discharge Elimination System (NPDES) permit. This action is in response to public comments and a preliminary evaluation of newly presented data. During the suspension, EPA will reconsider the appropriateness of this requirement for this group of industrial facilities, based upon the newly presented data.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Gail Goldberg, Office of Water Enforcement and Permits (EN-336), Washington, D.C. 20460 (202) 426-7035.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA issued final consolidated permit regulations and the consolidated permit application forms including NPDES permit application forms under the Clean Water Act (45 FR 33290). Those regulations and NPDES permit application Form 2c require that applicants with processes in primary industries provide data obtained through sampling and analyses to characterize their process wastestreams for those toxic organic pollutants designated for that industry category in Appendix D to 40 CFR Part 122. The Textile Mills, Ore Mining and Dressing, and Porcelain Enameling Point Source Categories are listed as primary industries in the Consent Decree issued in *NRDC v. Train*, 8 ERC 2120 (D.D.C. 1976), modified March 9, 1979, 12 ERC 1833, 1841.

The consolidated permit regulations, at 40 CFR 122.53(d)(7)(ii)(A), contain the following testing requirement:

(ii) Each applicant with processes in one or more primary industry category (see Appendix A to Part 122) contributing to a discharge must report quantitative data for the following pollutants in each outfall containing process wastewater:

(A) The organic toxic pollutants in the fractions designated in Table I of Appendix D for the applicant's industrial category or categories unless the applicant qualifies as a small business under paragraph (d)(8) of this section * * *.

Table I of Appendix D requires that applicants in the Textile Mills and Ore Mining and Dressing industries test and report quantitative data on all four organic pollutant fractions, and that applicants in the Porcelain Enameling

industry test and report quantitative data on three of the four organic fractions. Table II of Appendix D lists the organic toxic pollutants in each fraction.

The Agency has received numerous comments and a request for reconsideration (from Kennecott Minerals Corporation) on the appropriateness of the requirement to test for organic toxic pollutants under § 122.53(d)(7)(ii)(A) in the Textile Mills, Ore Mining and Porcelain Enameling industries. The Greige Mills Subcategory (Subpart C of 40 CFR Part 410—low water use processing) of the Textile Mills category was identified by commenters as a subcategory that should not be required to test for toxic organic pollutants. In response to these comments, EPA has reiterated its willingness, as stated at 45 FR 33528, to "continue to investigate existing data and add or delete requirements to ensure that waste streams be analyzed only for pollutants which may be discharged." In addition, the Agency is currently evaluating a recent collection of available data for these three industrial categories.

In general, we made a preliminary review of the data obtained for the Textile Mills, Ore Mines and Porcelain Enameling industries using the same criteria for requiring GC/MS (Gas Chromatography/Mass Spectrometry) fractions we used in the consolidated permit regulations (45 FR 33529). Although we still are basing testing upon a single detection above 10 parts per billion in each GC/MS fraction, we now have separate data on intake water as well as effluent and data on a subcategory basis for these three industries. This new presentation of data made it possible to determine whether or not toxic organic pollutants were found in specific subcategories. Therefore, we believe that sufficient information exists on the occurrence of toxic organic pollutants to justify suspending the following portions of § 122.53(d)(7)(ii)(A):

Textile Mills

1. Testing and reporting for all four organic fractions in the Greige Mills Subcategory.
2. Testing and reporting for the pesticide fraction in all other subparts of this industrial category.

Ore Mining and Dressing

1. Testing and reporting for volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory.

2. Testing and reporting for all four fractions in all other subcategories of this industry.

Porcelain Enameling

Testing and reporting all four GC/MS fractions.

EPA also is suspending the parallel requirement that applicants in these industries complete the corresponding portions of Item V-C of the NPDES application Form 2c, 45 FR 33587.

EPA is reevaluating organic testing requirements for other primary industries as additional data becomes available and expects to propose a revision of the organic testing requirements for industries examined, as appropriate. In the meantime, we are today suspending portions of the testing requirements for Textile Mills, Ore Mines and Porcelain Enameling industries to relieve those industries from the cost of sampling and analysis that may prove unnecessary. When our analysis of the data is completed, we will change the requirement if appropriate, or reinstate it, if not. During the suspension, however, applicants in these categories will still be required under § 122.53(d)(7)(iii)(A) to sample and analyze their wastestreams for those organic toxic pollutants which they know or have reason to believe exist in their discharge. In addition, those plants sampled during EPA's survey of industrial dischargers must report organic testing data generated by EPA. As applicants in the primary industries listed in the NRDC Consent Decree, Textile Mills, Ore Mines and Porcelain Enameling plants must still report quantitative results for the 13 metals on the toxics pollutant list; cyanide; total phenols and any fractions not suspended. Items V-A, B and D must still be completed, according to the instructions in the NPDES application Form 2c and in accordance with § 122.53(d)(7) (i), (ii)(B), (iii), (iv), and (v).

Compliance with Executive Order 12291. 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 suspends portions of a regulatory requirement and would reduce the economic burden on affected industries. Moreover, this action does not satisfy any of the other criteria for a major rule.

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 response to those comments are available for public inspection at the

U.S. Environmental Protection Agency, Rm. 3219 C, 401 M Street, SW., Washington, D.C. 20460.

Authority: This suspension is issued under authority of the Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: April 14, 1981.

Walter C. Barber,

Acting Administrator.

§ 122.53 [Amended]

40 CFR 122.53(d)(7)(ii)(A) and the corresponding portions of Item V-C of the NPDES application Form 2c are suspended until further notice as they apply to:

1. Testing and reporting for all four organic fractions in the Greige Mills Subcategory of the Textile Mills industry (Subpart C—Low water use processing of 40 CFR Part 410), and testing and reporting for the pesticide fraction in all other subcategories of this industrial category.

2. Testing and reporting for the volatile, base/neutral and pesticide fractions in the Base and Precious Metals Subcategory of the Ore Mining and Dressing industry (Subpart B of 40 CFR Part 440), and testing and reporting for all four fractions in all other subcategories of this industrial category.

3. Testing and reporting for all four GC/MS fractions in the Porcelain Enameling industry.

[FR Doc. 81-11051 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-33-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Parts 9, 2090, 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270, 2300, 2310, 2320, 2340, 2350 and 2920

Effective Dates of Final Rulemakings; Request for Comments

AGENCY: Department of the Interior.

ACTION: Notice of Effective Dates of Final Rulemakings; Request for Comments.

SUMMARY: After careful consideration, under the provisions of Executive Order 12291, of the final rulemakings listed herein, the Department of the Interior has determined to make them effective on April 15, 1981. Before making its final determination, the Department of the Interior also gave careful consideration to the comments received in response to the request for comments that was published in the Federal Register on March 30, 1981.

EFFECTIVE DATE: April 15, 1981.

ADDRESS: Send suggestions, inquiries or comments to: Director (320), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Robert C. Bruce (202) 343-8735.

SUPPLEMENTARY INFORMATION: After carefully reconsidering the final rulemakings on exchanges (43 CFR Part 2200), withdrawals (43 CFR Part 2300) and leases, permits and easements (43 CFR Part 2920) under the provisions of Executive Order 12291, the Department of the Interior has determined that the rulemakings are not "major" and are to be effective as of April 15, 1981. The Office of Management and Budget has concurred in this determination as part of the reconsideration process.

In addition, the Department has given consideration to the four comments on the rulemakings received by the close of the comment period on April 9, 1981. Three of the comments were directed at the question of whether the rulemakings should be considered "major" under the provisions of Executive Order 12991 and recommended the preparation of a regulatory analysis on each of the rulemakings. As stated earlier, the determination that the rulemakings are not "major" has been made after careful consideration under the provisions of Executive Order 12991. This determination by the Department of the Interior was concurred in by the Office of Management and Budget. However, the Office of Management and Budget has not issued its clearance of the information gathering requirements of the Exchange and Lease, Permit and Easement rulemakings as provided in the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). As a result, information will not be collected under the rulemakings until OMB approval is received for the requirements.

The comments also expressed the view that the rulemakings should be subject to an additional comment period to allow the public to suggest needed changes. Even though the rulemakings are being made effective, they will remain under review and comments and suggestions for revisions are solicited. The comments will be considered and the rulemakings amended to reflect any suggested changes that will make the rulemakings more effective and less burdensome on the using public.

One of the commenters was concerned that the exchange rulemaking is tied to the Bureau of Land Management's land-use planning procedure. The main thrust of the comment was a belief that a long period of time would be needed to amend a plan. The existing land-use planning

regulations provide a quick amendment process to allow needed land uses to proceed with a minimum of delay. Further, the Bureau of Land Management's land-use planning regulations are under review with the aim of simplifying them to make them less burdensome and more responsive to the management of the lands and their resources for multiple uses.

The comments expressed concern about the withdrawal rulemakings, the authority to withdraw public lands for specific uses and the impact those withdrawals have on the public's use of the lands, especially for mineral development. The withdrawal rulemaking contains the additional requirements that section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714) placed on a Federal agency that requests that public lands be withdrawn for a specified purpose. The withdrawal rulemaking requires a Federal agency seeking a

withdrawal of public lands to furnish complete justification for that withdrawal. This rulemaking makes it more difficult for a Federal agency to obtain a withdrawal than did past procedures.

All three of the rulemakings grew out of changes in existing procedures made by the enactment of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.). Each of the rulemakings has been the subject of public comment and represents a concerted effort to make the procedures in each of the covered areas easier to understand and, with the exception of the withdrawal procedures, as simple and as little a burden on the public as is possible under the law.

David C. Russell,
Deputy Assistant Secretary of the Interior,
April 15, 1981.

Accordingly, the regulations listed below shall become effective April 15, 1981.

Rule	Date published and FR page	Effective date
Bureau of Land Management 43 CFR Subpart 2091 of Part 2090, Parts 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270. Exchanges of Land; procedures.	Jan. 6, 1981, 46 FR 1634	Apr. 15, 1981.
Bureau of Land Management 43 CFR Parts 2090, 2300, 2310, 2320, 2340, 2350. Federal land withdrawals; procedures.	Jan. 19, 1981, 46 FR 5794	Apr. 15, 1981.
Bureau of Land Management 43 CFR Parts 9, 2920. Land use: leases, permits, and easements.	Jan. 19, 1981, 46 FR 5772	Apr. 15, 1981.

[FR Doc. 81-11855 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-10-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6030]

List of Communities Eligible for Sale of Insurance Under National Flood Insurance Program; Correction

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Final rule, correction.

SUMMARY: In the Federal Register, (FR Doc. 81-0474), Doc. No. FEMA 6019 appearing at pages 19474 and 19475, in the issue of Tuesday, March 31, 1981, make the following corrections to the table for § 64.6:

(1) Remove the last column "Date" from this table.

(2) Remove the footnote, it does not apply to the communities listed.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, National Flood Insurance Program (202) 755-5581, Room

5270, 451 Seventh Street, SW., Washington, DC 20410.

(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. 81-11624 Filed 4-17-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[FCC 81-126]

Domestic Public Land Mobile Radio Service; Interference-Free Operation

AGENCY: Federal Communications
Commission.

ACTION: Denial of petition for reconsideration and dismissal of request for stay of Commission Rule 22.15(b); Final rule.

SUMMARY: The FCC denied a petition for reconsideration and dismissed a request for stay, filed by Mr. Ernest R. Freeman of Sachs/Freeman Associates, Inc., challenging the Commission Order enacting § 22.15(b), which requires all future applicants for base station facilities in the Domestic Public Land Mobile Radio Service (DPLMRS) to demonstrate, at the time the application is filed, interference-free operation in accordance with the Carey method. The allegations of Mr. Freeman were found to be without merit. The Commission is amending § 22.15(b) in order to make it clear that other engineering data may be submitted along with a Carey interference study.

EFFECTIVE DATE: May 21, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Joseph S. McBride, Common Carrier Bureau, (202) 632-6450.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 22 of the Commission's rules to make clear that applicants, at the time of filing applications in the Domestic Public Land Mobile Radio Service, must demonstrate interference-free operation; Memorandum opinion and order.

Adopted March 26, 1981.

Released: April 10, 1981.

By the Commission: Chairman Ferris not participating.

1. The Commission has before it for consideration a "Petition for Reconsideration" and a "Request for Stay" of the Commission's Order enacting Rule 22.15(b), Mimeo 27848, released July 30, 1980, 45 FR 52149 (47 RR 2d 1507 (1980)), filed by Ernest R. Freeman. The Order, in accordance with existing practices and in an attempt to clarify existing Rules, required that all applications for a construction permit for new base stations state whether there are any co-channel facilities within a certain area and required that applications, at the time of filing, contain interference studies for those co-channel facilities following procedures consistent with Commission Rules § 22.504 and FCC Report No. R-6406, commonly referred to as the Carey Report.¹

¹ Roger B. Carey, *Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service*, FCC Report No. R-6406 (June 24, 1964).

2. In the "Petition for Reconsideration," Mr. Freeman requests that the Commission reconsider the Order to the extent that the rules were amended to incorporate the Carey Report as the exclusive methodology to be applied in preparing co-channel interference studies. He argues that the Carey method becomes less reliable when the terrain is rugged. Therefore, Mr. Freeman argues, it was arbitrary and a violation of Section 4 of the Administrative Procedure Act (APA) (5 U.S.C. 553) to establish the new rule without soliciting comments or ideas concerning alternate methods from the public.

3. In the "Request for Stay," Mr. Freeman argues that the information required for compliance with § 22.15(b) is nearly impossible to obtain from the Commission's public information files. First, Mr. Freeman claims that in order to ascertain what channels may receive interference, he requires access to the Frequency Availability List which the Mobile Services Division recently ceased providing. Furthermore, he maintains that even when the list was available, there were insufficient copies available, the list was not updated often enough, and the information was inadequate for determining which existing and proposed stations are within a specified location. He argues that public access to the underlying data used to generate this list would resolve these problems. Since the data is maintained in the Division's computer data base, he requests that the data base be made available to all who maintain computer terminals. Second, Mr. Freeman alleges that even when the stations which may receive interference are finally identified, the station files of the Mobile Service Division are impossible to locate. This results in his researchers being unable to acquire the necessary engineering data to prepare the required Carey Report showing. Therefore, Mr. Freeman requests that we stay the effective date of the Order until such time as the Commission provides for direct access to the Commission's computer data bank and until the station files are made available upon reasonable request.

4. Section 4 of the APA, 5 U.S.C. 553 requires that a general notice of proposed rule making shall be published in the *Federal Register* and interested parties shall be given an opportunity to comment upon or participate in any rule making. However, these requirements do not apply to "interpretative rules, general statements of policy, or rules of agency organization, procedure or practice ***." 5 U.S.C. 553(b)(A). Section

22.15(b) of the Commission's Rules enacted in the Order is an interpretative rule; adoption of § 22.15(b) is therefore encompassed by the exemption for interpretative rules.²

5. An "interpretative rule is a clarification or explanation of existing laws or regulations rather than a substantive modification in or adoption of new regulations." *Continental Oil Co. v. Burns*, 317 F. Supp. 194, 197 (D.C. Del. 1970). See also, *Gibson Wine Co., Inc. v. Snyder*, 194 F.2d 320, 90 U.S. App. D.C. 135 (1952); *National Restaurant Ass'n. v. Simon*, 411 F. Supp. 993 (D.C.D.C. 1976). A formal Commission rule, such as § 22.15(b), may still be interpretative despite the fact that it establishes new procedures. *Commonwealth of Pennsylvania v. United States*, 361 F. Supp. 208 (D.C. Pa. 1973). A test utilizing four criteria has been established by the courts to determine whether the action involves a substantive or interpretative rule. The presence of any of these criteria in a rule making is indicative of a substantive rule. These criteria are: "(1) the complexity and pervasiveness of the rules issued, (2) the drastic changes effected in existing law by the rules, (3) the degree of retroactivity and its impact and (4) the confusion and controversy engendered by practical difficulties of compliance with the new rules." *Spring Mills, Inc. v. Consumer Products Safety Commission*, 434 F. Supp. 416, 430 (D.C.D.C. 1977); *Continental Oil Co. v. Burns*, *supra*, at 197.

6. A brief consideration of the purpose and effect of the Commission Rule § 22.15(b) reveals that the rule lacks the impact required of a substantive rule. As mentioned in the Order, the Commission's Rules³ implicitly require the submission of an interference study. Furthermore, the Commission has for many years required the submission of

² Additionally, Section 22.15(b) is encompassed by the exemption in Section 4 of the APA for rules of agency organization, procedure and practice, 5 U.S.C. 553(b)(A) i.e. technical or procedural rules controlling the form of agency action and proceedings which do not substantially affect the rights of those businesses which the agency regulates. *Pickus v. Board of Parole*, 507 F.2d 1107, 165 U.S. App. D.C. 284 (1974). The presence of a minor substantive effect, however, does not necessarily mean the rule is substantive. *Ranger v. FCC*, 294 F.2d 240, 111 U.S. App. D.C. 44 (1961). The Carey method, to the extent it is used in calculating interference, could have a substantive effect upon either existing licensees or an applicant; however, as discussed in paragraph 6, the rule is a procedural one.

³ In the Order, the Commission noted that "the interrelationship of §§ 22.15, 22.100(a), 22.502, 22.503, and 22.504, of the rules, establishes the requirement that applications for base station facilities in the DPLMRS demonstrate interference-free operation." *Domestic Public Land Radio Service*, 47 RR 2d 1507, 1508 (1980), 45 FR 52149, 52150, August 6, 1980.

interference studies, generally utilizing the Carey method. However, the Commission's staff usually found it necessary to request that the applicant submit the interference study, since they often did not accompany the application. Section 22.15(b) has been enacted to remove this processing delay by explicitly requiring what was already implicitly required by our Rules. Furthermore, to the extent an interference-free demonstration need be made, it must be in accordance with Carey since certain Commission rules are based upon the Carey Report. See *Public Notice*, May 2, 1980, Mimeo 30893, 45 FR 30202 (47 RR2d 666 (1980)). For example, § 22.504(b) duplicates certain radio wave propagation charts, utilized in determining the reliable service area of a base station for the purpose of providing protection from interference, that have been taken from the Carey Report. The minimum mileage separations of § 22.503 are also based upon the Carey Report. Therefore, the imposition of the requirement that demonstration of interference-free operation be in accordance with Carey adds nothing substantively to our rules; it merely clarifies them and allows us to eliminate an unnecessary processing delay.

7. Mr. Freeman has argued that the Carey method is only reliable under conditions of average terrain and, therefore, should not be adopted as the exclusive methodology. However, the Commission has not adopted Carey as the exclusive method; we only require that it be presented initially with the application as implicitly required by our Rules. We are well aware of Carey's limitations, as well as those of other methods, and the Mobile Services Division has clearly stated its position on how applications will be handled when a party submits a persuasive showing, through engineering studies using other methods, that the Carey method is inappropriate for estimating interference. See *Public Notice*, May 2, 1980, Mimeo 30893, 45 FR 30202 (47 RR 2d 666 (1980)). However, because there is apparently some confusion as to our policy, we are amending § 22.15(b)(2) to indicate that other engineering studies may be submitted along with, but not as a substitute for, the required Carey engineering study.

8. Applying the above considerations to the four criteria indicative of a substantive rule, we affirm our conclusion that § 22.15(b) is an interpretative rule. First, it is neither complex nor pervasive. The Carey method has been utilized since the mid-sixties and all applicants should be

familiar with it. Second, since this is the mere formalization of a current practice, the rule cannot be considered a drastic change in the law. Third, with respect to requiring submission of interference studies at the time of the application the rule does not have a retroactive impact. Only those applications filed after the Order's effective date, September 8, 1980, must be accompanied by interference studies. Finally, the rule is neither controversial nor confusing. Even Mr. Freeman does not allege that it is inadequate under conditions of average terrain. Furthermore, since steps have been taken to correct deficiencies that may exist when the terrain is rugged, the degree of controversy is minimal.⁴ Therefore, applying the four criteria of *Spring Mills*, *supra*, our rule cannot be considered substantive.⁵

9. Mr. Freeman alleges that because it is difficult to ascertain what stations will receive interference and because the station files are difficult to locate, the Commission should stay the order until such time as the information is more accessible to the public. The Commission finds that the information necessary for compliance is, for the following reasons, generally available and accessible.

10. Specifically, Mr. Freeman alleges that because the Frequency Availability List is no longer available he is unable to ascertain what other frequencies are present in a given area. However, the list was only discontinued for a very brief period, and, by Public Notice dated September 12, 1980, the Division again made the Frequency Availability List accessible to the public. One copy is maintained for public inspection in the Mobile Services Division's public reference room and is updated weekly. Therefore, since § 22.15(b) requires that only those station applications pending for more than 60 days be identified, Mr. Freeman should have minimal difficulty identifying co-channel facilities. Mr. Freeman also believes that the information in the Frequency Availability List is so insufficient that an applicant cannot readily determine which existing and proposed stations are within a given distance from a specified location. The Commission has

⁴Mr. Freeman has not challenged Carey to the extent it measures interference under average conditions; rather his allegations challenge Carey's reliability under conditions of rugged terrain. However, as previously mentioned, the Commission has provided for this inadequacy of the Carey Study and we have been offered no reason to believe that these precautions are inadequate. Thus, there is very little controversy surrounding the Carey method.

⁵For the same reasons, we conclude that the Commission's action was not arbitrary.

determined that frequency studies are the responsibility for the individual applicant. *Dial-A-Page, Inc.*, 75 FCC 2d 432, 46 RR 2d 1239 (1980). The information which the Division makes available to applicants has always proven adequate in the past. Although we are receptive to suggestions for reducing the work required in preparing an application if it can be easily arranged and the cost is reasonable, Mr. Freeman has failed to offer, and we are unaware of, any reasonable practices which could be adopted presently to facilitate an applicant's search of the Commission's records.

11. Our consideration of Mr. Freeman's request that the public be given access to the Commission's computer data bank leads us to conclude that a grant of this request is currently impracticable for two reasons.⁶ First, the present computer hardware configuration, including communications access ports, is insufficient to satisfy the anticipated demand of both the public and the Commission staff. If everyone with a computer terminal were permitted access to the computer, it would be extremely difficult, if not impossible, for the Commission's staff to use the computer since the system would be saturated. Second, in order to give the public access to the computer, the Commission would have to make wide dissemination of its passwords to the computer's time sharing system. This password is subject to frequent periodic change. Even though individual files are further protected by their own passwords, the probability of computer fraud being committed by anyone bent on "breaking" these protective devices would be greatly increased. Thus, the Commission could not guarantee the confidentiality of general Commission files, not limited to the Mobile Services Division's files, containing sensitive data. The Commission lacks the facilities, and the technology, to provide what it considers adequate protection of its automated data files under these circumstances. We believe that public access to our computerized files, with the attendant probability of compromise of sensitive information residing therein, would be inadvisable and would interfere with the staff's ability to adequately perform its licensing responsibilities under the Act.

12. Finally, Mr. Freeman maintains that the Mobile Services Division's

⁶Mr. Freeman requested and was provided with a listing of our Fortran computer program for calculating co-channel electrical interference in accordance with the Carey Report and Commission § 22.504.

public station files are difficult to locate. We recognize that this has been a problem in the past and the Mobile Services Division is currently attempting to correct this situation so that files will be available upon request. In addition, if an applicant, either because he or she is coming in from out of town or for some other reason, would find it to be an inconvenience if the file were not available, then the applicant should notify the Mobile Services Division's file room in advance of the need for a particular station file and the staff will have it available when the requesting party arrives. If the file cannot be made available the staff will notify the requesting party in advance of this fact, stating the reason for the unavailability and the estimated date that such file will become available.

13. For the foregoing reasons § 22.15(b)(2) is hereby amended with clarifying language as set out in the Order. This amendment will become effective on May 21, 1981. The petition for reconsideration filed by Ernest R. Freeman is DENIED and the request for stay filed by Ernest R. Freeman is dismissed. Memorandum Opinion and Order, Mimeo 27848, released July 30, 1980, is hereby affirmed.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Section 22.15(b)(2), Title 47, of the Code of Federal Regulations (47 CFR), is revised to read as follows:

§ 22.15 Technical Content of Applications.

(b) * * *

(2) Contain interference studies demonstrating that the proposed facilities will not cause harmful electrical interference to those co-channel facilities (existing or proposed) identified in response to paragraph (b)(1) of this section. The interference studies must use procedures consistent with § 22.504 and FCC Report No. R-6406, "Technical Factors Affecting the Assignment of Facilities In The Domestic Public Land Mobile Radio Service", by Roger B. Carey. Any other interference studies utilizing other procedures, which the applicant believes the Commission should consider, may also be submitted, along with the above required study, and will be considered in accordance with *Public Notice*, May 2, 1980, Mimeo 30893, 45 FR

30202 (47 RR 2d 666 (1980)). All supporting data and calculations must be included with the results of the studies.

[FR Doc. 81-11801 Filed 4-17-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 83

Modification of 500 kHz Automatic Alarm Receiver in the Maritime Mobile Service; Extension of Time

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has indefinitely extended the time within which to complete modification of the 500 kHz automatic alarm receiver in the maritime mobile service. This action was taken in order to permit the required modification to coincide with another contemplated modification.

EFFECTIVE DATE: April 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Walter E. Weaver, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Part 83 to extend the date for compliance with the requirements of § 83.554(a)(1)(i).

Adopted: April 8, 1981.

Released: April 13, 1981.

1. The Chief, Private Radio Bureau hereby extends the mandatory date of July 1, 1981, appearing in subdivisions (a) and (b) of Section 83.554(a)(1)(i) of the rules. The date of July 1, 1981, applies to the requirement for completion of modifications of internal timing circuitry within the 500 kHz automatic alarm receiver.¹ These requirements were adopted in the proceeding in Docket No. 20148.²

2. This action results from Commission action in the Eighth Notice of Inquiry in Docket No. 20271. In the Eighth Notice of Inquiry the Commission proposed that the International Radio Regulations be amended to reduce the guard band for 500 kHz from 490-510 kHz to 495-505 kHz. This proposal was adopted at the 1979 World

¹ These are radio devices, usually unattended, which are capable of receiving over the air an alarm signal transmitted by a distant ship or shore station; they are designed to respond to the signal by actuating an alerting device such as a bell at a location where a watch stander is present. The alarm signal is a radio wave made up, ideally, of twelve four-second dashes separated from each other by one-second spaces.

² The Report and Order released May 1, 1975; FCC 75-442; 52 FCC 2d 818; 40 FR 19644.

Administrative Radio Conference. The purpose of the reduction is to effect improved efficiency in use of the radio spectrum. Implementation of this guard band reduction necessitates a corresponding modification of the 500 kHz automatic alarm receiver.

3. The modifications of the auto-alarm receiver will be implemented by complete replacement of the receiver, in some cases, and by modification in others.

4. By Order released November 2, 1978, FCC 78-759, the Commission authorized the Chief, Private Radio Bureau (then the Safety and Special Radio Services Bureau) to extend the effective date beyond July 1, 1981, if he determined such an extension appropriate. Because certain technical characteristics have yet to be worked out such an extension is appropriate.

5. The amendment adopted herein merely extends an exception to certain technical requirements on auto-alarms and as such is considered a minor amendment. Hence, the notice and public procedure provisions of U.S.C. 553 are unnecessary. Accordingly, it is ordered, That pursuant to the authority contained in Sections 4(i) and 303 (e), (f) and (r) of the Communications Act of 1934, as amended, Part 83 of the Commission's Rules is amended effective April 23, 1981, as set forth in the attached Appendix.

6. Regarding questions on matters covered by this document contact Walter E. Weaver (202) 632-7175, Federal Communications Commission.

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

Carlos V. Roberts,

Chief, Private Radio Bureau.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 83—STATION ON SHIPBOARD IN THE MARITIME SERVICES

In § 83.554(a)(1)(i), paragraphs (a) and (b) are revised to read as follows:

§ 83.554 Requirements for radiotelegraph auto alarm.

(a) * * *

(1) *Basic technical requirements.*

(i) * * *

(a) Auto alarms of the non-digital type employing resistance-capacitance timing covered by type approval granted before October 1, 1969, and placed in service on or before January 1, 1975, need only satisfy the following less stringent rejection limits: the auto alarm shall not

respond to dashes longer than 7.40 seconds or shorter than 2.80 seconds, nor to spaces longer than 1.80 seconds or shorter than 5 milliseconds.

(b) Auto alarms of the digital type employing a stable clock as the basic timing device covered by type approval granted before May 1, 1968, and placed in service on or before December 1, 1975, may be permitted additionally to accept dashes whose lower limit extends beyond 3.33 seconds down to 3.0 seconds.¹

[FR Doc. 81-11871 Filed 4-17-81; 9:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 80-422; RM-3199; FCC 81-121]

Private Land Mobile Radio Services; Bio-Medical Telemetry Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action changes rules in the Special Emergency Radio Service to permit the limited use of bio-medical telemetry systems on certain medical services VHF frequencies. The operation is to be allowed only beyond fifty miles from the center of urbanized areas of 600,000 or more population (U.S. Census of 1970). The bio-medical telemetry system is used to send electrocardiograms from patients to hospitals.

EFFECTIVE DATE: May 15, 1981.

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

FOR FURTHER INFORMATION CONTACT: Richard Taube, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Part 90 of the Commission's rules concerning bio-medical telemetry operations.

Adopted: March 26, 1981.

Released: April 6, 1981.

By the Commission: Chairman Ferris not participating.

1. On August 11, 1980, (45 FR 53844; August 13, 1980) a Notice of Proposed Rulemaking was released in the above-entitled matter to allow the operation of bio-medical telemetry systems¹ in the

Special Emergency Radio Service on frequencies in the 155 MHz VHF band. The specific proposed rule changes were as follows:

A. The use of F2 or F9 emissions would be authorized on the medical services frequencies 155.325, 155.340, 155.355, 155.385 and 155.400 MHz in the Special Emergency Radio Service (Subpart C of Part 90 of the Commission's Rules) for bio-medical telemetry operations.

B. These operations would be permitted at all locations beyond seventy-five miles of the centers of the top fifty urbanized areas as set forth in the U.S. Census for 1970.

C. The transmission of VHF band bio-medical telemetry signals would be permitted for continuous periods up to five-minutes duration.

Background

2. The use of bio-medical telemetry in medical care is an important advanced life support (ALS) technique that permits the radio transmission of patients' vital life signs generally from paramedics to hospitals. It is allowed on an unrestricted basis only where we have provided dedicated frequencies for this function. Presently, these operations are permitted on primary telemetry channels in the 460 MHz UHF band in the Special Emergency Radio Service. The need for dedicated telemetry frequencies is that telemetry signals have been demonstrated to result in unmanageable interference problems when they are transmitted in areas where simultaneous co-channel voice operations are conducted. While, as indicated, bio-medical telemetry can be conducted on the dedicated 460 MHz band channels, a large number of licensees have been licensed in this radio service on 155 MHz VHF band frequencies for medical services operations. Many of these licensees desire to conduct bio-medical telemetry operations but there are not a sufficient number of frequencies available at this range to allocate channels for the telemetry function. Nor is addition of, or conversion to, the 460 MHz band frequencies for this purpose feasible, usually for economic reasons. The objective of this proceeding, therefore, is to allow bio-medical telemetry operations in these additional radio systems to an extent that is compatible with the more general medical communications that are conducted on the 155 MHz band frequencies. Basically, the problems of

hospital. The patient's vital life signs are measured by use of such devices as electrocardiograms. These measurements are transmitted by telemetry to a hospital-based physician who makes a diagnosis and prescribes appropriate treatment.

compatibility arise in the major population centers where these frequencies are heavily shared for regular two-way voice transmissions. Outside of these areas, the relatively light use made of the 155 MHz band channels appears to permit the limited use of bio-medical telemetry systems as proposed in this proceeding.

Discussion

3. The basic proposal to allow limited bio-medical telemetry operations on 155 MHz band medical services frequencies was generally supported in the comments.² Three parties objected however,³ and essentially presented various arguments to the effect that the potential interference problems of VHF telemetry are insurmountable, or that permissible VHF telemetry would frustrate efforts to encourage use of the more desirable 460 MHz UHF band frequencies for these operations.

4. As can be seen, the essential basis for this proceeding is that, within limitations such as those set forth in the proposed rule changes, the use of VHF bio-medical telemetry systems does not present interference problems that prevent these operations. Nothing shown in the comments on this issue persuades us otherwise and it remains our view that the proposals offer a viable program outside of major urbanized areas for the use of the 150 MHz band for these telemetry operations. With respect to the use of UHF frequencies versus VHF frequencies for bio-medical telemetry, this matter was fully considered in our discussion in the Notice where we stated:

... the operational benefits of a VHF telemetry system against one at UHF should be evaluated from the perspective of licensees. They are in the position to understand and apply local economic and geographic factors to determine how best to meet their medical communication requirements. We intend that our rules provide licensees viable options for bio-medical telemetry systems. It is consistent with this objective to provide available frequencies... which can enable development of alternative bio-medical telemetry system approaches.

We see no basis for departing from this approach and we believe the public interest is served by promoting maximum flexibility in the ways which

²The parties who submitted formal comments and reply comments are listed in Appendix A.

³Cf. comments on the Texas Department of Health, Mr. Herman W. Pfeiffer, Region II Consultant, U.S. Department of Health and Human Services, and the Advisory Council on EMS of Virginia; and the reply comments of the National Association of Business and Educational Radio.

¹The acceptability of an auto alarm during field inspection under the limits specified in this exception will be determined in the absence of interference of any kind.

²Bio-medical telemetry is a widely used medical diagnostic technique that is accomplished through radiocommunications. The technique is used to permit diagnosis of patients before they reach a

local communities can satisfy their medical communications requirements. At the same time, we agree with views expressed in some of the comments that some advantages not available at 155 MHz do exist in the 460 MHz band where the rules provide a greater complement of frequencies and the scope in terms of permissible operations for wider capability systems. These, in our estimation, are not reasons to constrain local communities in the ways they can address critical communications requirements.

5. There was general agreement in the comments to limit the permissible VHF bio-medical telemetry operations to the five 155 MHz band frequencies that are allocated exclusively for medical services operations in the Special Emergency Radio Service. However, Mr. Daniel W. Von Berg recommends that the general use frequency 155.280 MHz be added since this channel is also extensively used for medical radio operations. Mr. Von Berg's suggestion would undoubtedly benefit a number of licensees. However, 155.280 MHz is also very heavily utilized in non-medical services systems. Thus, the control that we consider to be requisite for the operation of a bio-medical telemetry system cannot be effectively assured as there are likely to be numerous licensees using the channels who would not be subject to the disciplines necessary for the medical services communications. We, therefore, do not adopt this suggestion.

6. Another issue on the specific frequencies that was noted in a number of comments concerned the channel 155.340 MHz. This frequency is distinctive in that it is allowed to be assigned for coordination of intersystem operations. A few parties observed that when used for coordinated operations, the potential for interference on this frequency in bio-medical telemetry transmissions is significantly increased. While this is so, there are many areas where 155.340 MHz is used solely for regular medical services communications. To preclude bio-medical telemetry in these areas would not be necessary. Further, in those areas where the frequency is utilized in intersystem coordination, it is common practice to employ one or more of the other 155 MHz band channels for intrasystem operations. It appears, therefore, that these channels can be used for the bio-medical telemetry operations with practical cooperation at the local level.

Time Limit on Transmission

7. One of the major proposals in the Notice would permit bio-medical

telemetry signals to be continuously transmitted for up to five-minute periods. However, the need for telemetry transmissions of this length had not been clearly established and we asked for specific comments on the issue. The parties who responded provide a clear consensus that five-minute transmission periods are not required and, in fact, could unduly inhibit sharing requirements for regular voice operations. Two parties noted that telemetry signals in fifteen-second "bursts" were sufficient in their systems. A number of comments, including those from the American Hospital Association (AHA), suggested two-minutes as a reasonable and adequate transmission time period. AHA states:

The AHA believes the five-minute period proposed by the FCC is probably unnecessary and perhaps ill-advised. A maximum of a two minute period will be adequate in nearly all circumstances.

The Missouri Department of Social Services (Missouri), the original petitioner in this proceeding, summarizes the issues:

... most common cardiac problems of a continuous manifestation can be identified from a six second EKG. This time is a physician and paramedic training standard nationwide. Therefore, one minute total out of any five minute period (with a possibility of two minutes) is more than adequate...

These and similar comments are persuasive. We have determined to modify the proposal by adopting a maximum two-minute time limit for continuous (or intermittent) telemetry transmission on the VHF frequencies. The rule provision will include a requirement for a break in the carrier for at least one-minute following each such two-minute signalling period to accommodate sharing requirements.

Interrupt Capability

8. We also asked for specific comments as to "interrupt" capability. This is the issue of whether there is need for a hospital-based physician to transmit (interrupt) while the mobile unit is sending a telemetry signal so as to provide required medical-care instructions. There was another clear consensus in the comments on this matter. The prevailing view is that reducing the proposed five-minute telemetry transmitting time, as we have determined to do, would eliminate the need for doctor "interrupt." Therefore, we see no need for any special rule provisions for this capability in view of our decision reducing the time of transmission.

Geographic Limitation

9. The major remaining proposal concerned the limitation on use of VHF bio-medical telemetry within seventy-five miles of the top fifty urbanized areas. (These areas comprise regions of 500,000 or more population per the U.S. Census of 1970.) The numerous parties who commented on this proposal agreed that interference protection zones for major urban areas are required for VHF telemetry operations. Missouri, in its original petition, had recommended that the telemetry operations be allowed beyond forty miles from urbanized areas of 200,000 or more population. In the Notice we had proposed to permit such operations only 75 miles or more beyond the top 50 urbanized area listed in the 1970 U.S. Census. Many of the comments urged that we re-examine the forty-mile limit proposed by Missouri. One party, the National Ski Patrol, allocated a twenty-five mile limit or, if that isn't acceptable, to a mileage guideline rather than to a requirement. Some other parties supported the proposed seventy-five mile limit.

10. The Notice proposal was considered necessary to provide protection to those heavy-use population centers where VHF telemetry operations were likely to result in harmful co-channel interference. As noted, this objective is supported in the comments and remains sound. Nevertheless, there are important factors that warrant that we modify the specific criteria proposed. One consideration is that the reduction in the length of permissible telemetry transmissions from five-minutes to two-minutes argues for a decrease in the areas needing interference protection. Also, the seventy-five mile standard is normally applicable to combined base and mobile station transmissions. Bio-medical telemetry operations, however, are limited to mobile station transmissions with their concomitant decrease in signal strength and interference potential. This, too, argues for a reduction in the protected areas. We conclude that these reasons have merit. In light of these factors, we find that it is appropriate to modify the proposal standards as to mileage, from seventy-five miles to fifty miles, and as to the urbanized areas, from the top fifty urbanized areas to only those of 600,000 or more population per the U.S. Census of 1970.⁴ These modified standards are adopted, in lieu of others, because we have found that they fall within the range supported by the comments. Also,

⁴ These urbanized areas are listed in Section 90.53(b)(26) of the Commission's Rules as adopted herein and set forth in Appendix B.

they provide an important measure of consistency as they are the same as those applicable in present rules for protection of VHF operations on 152/157 MHz band paired channels that are shared in certain Land Transportation and Industrial Radio Services.⁵

Conclusion

11. In consideration of the foregoing, it is our determination that amendment of our rules, essentially as proposed with certain modifications as discussed herein, is in the public interest, necessity, and convenience. The amended rules would provide as follows:

A. In addition to other authorized operations, the use of F2 or F9 emission will be authorized on the frequencies 155.325, 155.340, 155.355, 155.385, and 155.400 MHz in the Special Emergency Service for bio-medical telemetry systems.

B. These bio-medical telemetry operations may be conducted at all locations beyond fifty miles of the center of urbanized areas of 600,000 or more population as set forth in the U.S. Census of 1970.⁶

C. The continuous transmission of bio-medical telemetry signals on these frequencies is permitted for periods up to two-minutes duration, following which a break in the carrier for at least a one-minute period is required.

12. Accordingly, it is hereby ordered, that, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 90 of the Commission's Rules IS AMENDED, effective May 15, 1981, as set forth in the attached Appendix B. It is further ordered That this proceeding is terminated.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Parties who submitted formal comments and reply comments in response to the Notice of Proposed Rule Making in Docket 80-422 are as follows:

Comments

American Hospital Association
Department of Human Services, Augusta,
Maine

California Public Safety Radio Association
Community Hospital, Ottawa, Illinois
Connecticut Department of Health Services
EMSOR Inc., Charleston, West Virginia

⁵ See § 90.93(c)(ii) of the Commission's Rules.

⁶ We are including in this category as one area the cities of Tampa and St. Petersburg, Florida because of their proximity to each other and their combined population of some 863,000, as per the U.S. Census of 1970.

Daniel J. Graff, Marion, Illinois
Hawaii Department of Defense
Dr. L. O. Hopperstead, Maine EMS Project
Illinois Department of Public Health
Johnnie Walker Medical Electronics,

Raytown, Mo.
Kansas City Area Hospital Association,
Kansas City, MO.

McHenry Hospital, McHenry, Illinois
Memorial Hospital, Chester, Illinois
Mid-Mo Ambulance District, Missouri
Missouri Department of Social Services
University of Missouri—Columbia
National Ski Patrol
Herman W. Pfeiffer, Voorheesville, New York
Saint Francis Hospital, Litchfield, Illinois
Salata Ambulance Inc., Gurnee, Illinois
Texas Department of Health
Advisory Council on EMS of Virginia
Daniel W. Von Berg, Springfield, Illinois

Reply Comments

National Association of Business and
Educational Radio
National Ski Patrol

Appendix B

Part 90 of the Commission's Rules is amended as follows:

1. The table in § 90.53(a) is amended by the addition of Limitation 26 on the frequencies shown as follows:

**Special Emergency Radio Service
Frequency Table**

Frequency or band	Class of station(s)	Limitations
155.325	• • • • •	8, 9, 26
155.340	• • • • •	10, 26
155.355	• • • • •	8, 9, 26
155.385	• • • • •	8, 9, 26
155.400	• • • • •	8, 9, 26

2. Paragraph (b)(26) is added to § 90.53 to read as follows:

§ 90.53 Frequencies available.

(b) * * *

(26) In addition to other authorized uses, the use of F2 or F9 emission is permitted on this frequency for the operation of bio-medical telemetry systems subject to the following limitations:

(i) Bio-medical telemetry operations may be conducted only in geographic areas beyond fifty miles from the centers of the following urbanized areas:

New York, N.Y.-Northeastern New Jersey
Los Angeles-Long Beach, California
Chicago, Ill.-Northwestern Indiana
Philadelphia, Pa.-N.J.
Detroit, Mich.
San Francisco-Oakland, Calif.
Boston, Mass.
Washington, D.C.-Md.-Va.
Cleveland, Ohio

St. Louis, Mo.-Ill.
Pittsburgh, Pa.
Minneapolis-St. Paul, Minn.
Houston, Tex.
Baltimore, Md.
Dallas, Tex.
Milwaukee, Wis.
Seattle-Everett, Wash.
Miami, Fla.
San Diego, Calif.
Atlanta, Ga.
Cincinnati, Ohio-Ky.
Kansas City, Mo.-Kans.
Buffalo, N.Y.
Denver, Colo.
San Jose, Calif.
New Orleans, La.
Phoenix, Ariz.
Portland, Oreg.-Wash.
Indianapolis, Ind.
Providence-Pawtucket-Warwick, R.I.-Mass.
Columbus, Ohio
San Antonio, Tex.
Louisville, Ky.-Ind.
Dayton, Ohio
Fort Worth, Tex.
Norfolk-Portsmouth, Va.
Memphis, Tenn.-Miss.
Sacramento, Calif.
Fort Lauderdale-Hollywood, Fla.
Rochester, N.Y.
Tampa-St. Petersburg, Fla.

(ii) The continuous carrier mode of operation may be used for telemetry transmissions on this frequency for periods up to two-minutes duration; following which there must be a break in the carrier for at least a one-minute period.

[FR Doc. 81-11868 Filed 4-17-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 1 and 95

[FCC 81-125]

Practice and Procedure, and Personal Radio Service; General Mobile Radio Service; Simplifying the Renewal Process

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting rules in the General Mobile Radio Service in order to simplify the renewal process. Substitution of FCC Form 405-A for FCC Form 400 will simplify authorization renewal for both the Commission and the applicants, and will homogenize the process for all land mobile services.

EFFECTIVE DATE: April 14, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR INFORMATION CONTACT:

John B. Johnston, Private Radio Bureau
(202) 632-4964.

SUPPLEMENTARY INFORMATION:

ORDER

Adopted: March 26, 1981.

Released: April 8, 1981.

By the Commission: Chairman Ferris not participating.

1. The Commission is amending the General Mobile Radio Service (GMRS) rules (Part 95, Subpart A) to change the form required to apply for renewal of station (or system) license from FCC Form 400 to FCC Form 405-A.

2. The amendments are as follows: Firstly, Rule § 95.15(a)(5) is deleted, thereby eliminating the use of FCC Form 400 for renewal of station licenses. Secondly, Rule § 95.15(b) (previously reserved) is amended to specify that Form 405-A be used for renewal of license. Finally, Rule § 1.926(b)(11), which requires that FCC Form 400 be used for application for renewal of a GMRS station license, is deleted.

3. In all stations where there is no need to simultaneously modify the license, the shorter, postcard type form should be used. The renewal process will be simplified for both the applicant and the Commission. This simplification of the renewal procedure will be beneficial to the licensee by reducing the burden in renewing a license. It will also be more administratively efficient for the Commission. This amendment will also serve to homogenize the renewal process for all land mobile services, since all the other land mobile services use FCC Form 405-A for renewal.

4. The amendment will only have the effect of altering the Commission's internal procedure. Accordingly, we are dispensing with the prior notice and procedure provisions of 5 U.S.C. 553.

5. In view of the foregoing it is ordered that pursuant to sections 303(r) and 4(i) of the Communications Act, Parts 1 and 95, are amended, effective April 14, 1981, as set forth in the Appendix.

6. For information concerning this document, you may contact John B. Johnston (202) 632-4964.

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

Federal Communications Commission.

William J. Tricarico,
Secretary.

1. Parts 1 and 95 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 1—PRACTICE AND PROCEDURE

§ 1.926 [Amended]

Section 1.926 is amended by removing subparagraph (11) of paragraph (b).

PART 95—PERSONAL RADIO SERVICE

§ 95.15 is amended by removing subparagraph (a)(5) and designating it reserved; adding a new paragraph (b) as follows:

§ 95.15 Standard Forms to be used.

- (a) * * *
- (5) Reserved.

(b) FCC Form 405-A shall be used to apply for a renewal of an existing authorization without modification of the station or system license.

[FR Doc. 81-11793 Filed 4-17-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-159]

Delegation of Authority To Make Determinations Under the Regulatory Flexibility Act

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This amendment delegates to the heads of the Department's operating administrations and appropriate Office of the Secretary officials the authority to make findings and determinations under the Regulatory Flexibility Act with regard to any rulemaking document for which issuance authority has already been delegated.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Samuel Podberesky, Office of the General Counsel, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, (202) 426-4723.

SUPPLEMENTARY INFORMATION: Since this amendment relates to Departmental management, procedures and practices, notice and public procedure on it are not required and it may be made effective in fewer than 30 days after publication in the Federal Register. For the same reasons, it is not subject to the requirements of Executive Order 12291 on Federal Regulations.

The Regulatory Flexibility Act, Pub. L. 96-354, which became effective on January 1, 1981, requires the Department to consider the effect of proposed and final rules on small entities, i.e., small businesses, organizations, and governments. In connection with these considerations, the Act requires agency heads to make findings and determinations in several instances. For

example, 5 U.S.C. 608(b), which was added by the Act, permits an agency head to delay the completion of a regulatory flexibility analysis (an analysis of the impact of a rule on small entities) for a final rule being issued in response to an emergency situation.

Much of the rulemaking authority of the Department has been delegated to the heads of the Department's operating administrations and to appropriate officials within the Office of the Secretary. These delegations are specified in 49 CFR Part 1. In order for these rulemaking functions to be carried out efficiently under this delegated authority, it is necessary for those delegated this authority to also be permitted to carry out the associated responsibilities under the Regulatory Flexibility Act. Accordingly, the authority to carry out Regulatory Flexibility Act responsibilities is being delegated to those officials who have already been delegated rulemaking responsibilities within the Department.

In consideration of the foregoing, § 1.45 of Title 49, of the Code of Federal Regulations is amended by adding a new paragraph (a)(13), and § 1.54 of Title 49, of the Code of Federal Regulations is amended by adding a new paragraph (b)(10) to read as follows:

§ 1.45 Delegations to all administrators.

(a) * * *

(13) Exercise the authority of the Secretary to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this part. This authority may be redelegated to those officials to whom document issuance authority has been delegated.

§ 1.54 Delegations to all secretarial officers.

* * *

(b) * * *

(10) Exercise the authority of the Secretary to make certifications, findings and determinations under the Regulatory Flexibility Act (Pub. L. 96-354) with regard to any rulemaking document for which issuance authority is delegated by other sections in this part. This authority may be redelegated to those officials to whom document issuance authority has been delegated. (49 U.S.C. 1657(e)(1))

Issued in Washington, D.C. on April 10, 1981.

Andrew L. Lewis, Jr.,
Secretary.

[FR Doc. 81-11863 Filed 4-17-81; 8:45 am]

BILLING CODE 4910-62-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1056

[Ex Parte No. MC-19 (Sub-No.36)]

Practices of Motor Common Carriers of Household Goods (Revision of Operational Regulations); Corrections

AGENCY: Interstate Commerce
Commission.

ACTION: Final rule; corrections.

SUMMARY: This document corrects the report on the Practices of Motor Common Carriers of Household Goods, the final regulations, and the consumer booklet which were published March 11, 1981. (46 FR 16200).

FOR FURTHER INFORMATION CONTACT:
Richard Lewis, (202) 275-7811.

The following corrections are made in the Federal Register, Vol. 46, No. 47, appearing on 16200 in the issue of March 11, 1981:

1. On page 16212 at the top of column 3 "Shipments subject to minimum weight and charges" is corrected to read "Shipments subject to minimum weight and volume charges."

2. On page 16213, columns, 1 and 2, times 8, 9 and 10 of the moving service questionnaire are corrected to read:

8. Were the final charges more ☐ less ☐ the same as the estimated charges ☐? (Check One)

9. Was your shipment picked up before ☐ on ☐ or after ☐ the agreed pickup date? (Check One)

10. Was your shipment delivered before ☐ on ☐ or after ☐ the agreed delivery date? (Check One)

3. On page 16213 at the top of column 3, line 5 "agreed" is corrected to read "agree."

4. On page 16215 in the middle of column 3 the phrase "may find that other movers" should be corrected to read "may find other movers."

5. On page 16216 in the middle of column 1 the phrase "prior to the delivery unless when the . . ." should be corrected to read "prior to delivery, unless the . . ." and the phrase "Movers are prohibited from having you to sign . . ." should be corrected to read "Movers are prohibited from having you sign . . ."

6. On page 16216 at the top of column 2 a period should be placed after the word "liability" and "beyond the 'released value' (which will be discussed below) or your shipment." should be deleted.

7. On page 16216 in the middle of column 2 the sentence "If you ship articles that are usually expensive, such as art or antiques, be sure to declare its full value." should be corrected to read "If you ship articles that are unusually expensive, such as art or antiques, be sure to consider their full value in your declaration of a specific amount."

8. On page 16216 in the middle of column 2 the sentence "The lease amount of liability a mover can assume when transporting your goods is the 'released value' referred to above." should be corrected to read "The least amount of liability a mover can assume when transporting your goods is called the 'released value.'"

9. On page 16216 in the middle of column 2 the phrase "and you had agreed to released value shipment," should be corrected to read "and you had agreed to a released value shipment,".

10. On page 16216 at the bottom of column 2 the following two sentences should be deleted:

"Your regular insurance company should be able to quote you a rate for your move. Some consumers have found this to be an inexpensive and satisfying alternative."

11. On page 16218 at the bottom of column 1 the comma appearing between the words "by" and "the householder" should be deleted.

12. On page 16218 in the middle of column 3 "49 CFR 1056.17" is corrected to read "49 CFR 1056.18."

13. On page 16219 at the top of column 3 in paragraph (8) the semi-colon appearing between the words "shipment" and "or" should be replaced with a comma.

14. On page 16219 at the bottom of column 3 in paragraph (3) the words "of the" should be placed between the words "transportation shipments."

15. On page 16221 at the top of column 1 "1056.4(b)" is corrected to read "1056.5(b)."

16. On page 16222 at the bottom of column 1 in paragraph (b) the word "retained" should be deleted.

17. On page 16223 at the bottom of column 2 in paragraph number "3." "Enter the total of all other shipments . . ." should be corrected to read "Enter the total number of shipments . . ."

18. On page 16223 at the top of column 3 in paragraph number "3." the word "dated" should be corrected to read

"date" and the phrase "picked up last regardless" should be corrected to read "picked up late regardless."

19. On page 16223 at the bottom of column 3 in paragraph number "7," a comma should be placed between the words "day or" and the corrected phrase should read "60th day, or on the 60th day following the date . . ." and in paragraph number "8." the word "claim" should be corrected to read "claims."

Dated: April 8, 1981
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11863 Filed 4-17-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1102

[Ex Parte No. 290 (Sub-2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce
Commission.

ACTION: Final rules.

SUMMARY: The Commission adopts a cost recovery index in accordance with the requirements of Section 203 of the Staggers Rail Act of 1980. This index revises existing rules and procedures for the filing of general rate increases by railroads. These rules are intended to simplify and expedite recovery of cost increases through the use of a zone of reasonableness, the top of which is based on an index of railroad costs.

EFFECTIVE DATE: May 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Richard Felder (202) 275-7656; or
Barry Harris (202) 275-0810

SUPPLEMENTARY INFORMATION:

Background

By advance notice of proposed rulemaking served April 28, 1980 (45 FR 29103, May 1, 1980), we indicated our intention to revise procedures for filing railroad general rate increases by an inflation index. This was followed by a notice of proposed rulemaking issued November 21, 1980 (45 FR 81217, December 10, 1980). In the interim, the Staggers Rail Act of 1980 (Rail Act) became law, giving the Commission new statutory duties and authority with respect to adjusting rail rates to reflect inflation. Three sections of the Rail Act affect Commission authority in the rail general increase area. Section 203 of the Rail Act provides that the Commission shall publish a "rail cost adjustment factor," at least quarterly, as a basis for a zone of rail rate flexibility for individual carrier rate changes. Section 206 of the Rail Act provides that the

Commission may prescribe a percentage rate increase or rate index for rail carriers in order to compensate for cost increases caused by inflation. Increases permitted under Section 206 would go into effect automatically unless carriers notify the Commission that they wish to exclude all or part of their rates from the increase. Any increases taken under Section 206 would limit the increases available under Section 203. Finally, Section 219(f) of the Rail Act provides that the Commission may not take any action to eliminate general rate increases before April 1, 1982.

In this proceeding, we are implementing the requirements of Section 203. Section 203 reads, in part, as follows:

Commencing with the fourth quarter of 1980, the Commission shall, as often as practicable but in no event less often than quarterly, publish a rail cost adjustment factor which shall be a fraction, the numerator of which is the latest published Index of Railroad Costs (which index shall be compiled or verified by the Commission, with appropriate adjustments to reflect the changing composition of railroad costs, including the quality and mix of material and labor), and the denominator of which is the same index for the fourth quarter of 1980

In addition, we have concluded that the Section 203 index should be used as a basis for collective rate increases as well as independent carrier actions. For this reason we are replacing our existing rules governing rail general increases [49 CFR 1102] with the rules discussed here. We think this is appropriate given that the index required by Section 203 is calculated on the basis of industry wide, rather than individual carrier cost increases.

As indicated in the notice, we have also decided, particularly in light of the discretionary nature of Section 206 of the Rail Act, not to implement it at this time. Given the permissive language of Section 206, it is clear that Congress did not intend it to be the exclusive means of implementing general increases. Section 206 requires that all rail rates be raised to the index level, unless a carrier notified the Commission that it wishes to exclude one or more of its rates. Since all parties to a joint rate must join in such a notice of exclusion, Section 206 is a less efficient means of cost recoupment than the Section 203.

Choice of an Index

As proposed in the notice, the Commission finds the most acceptable measure of changes in rail costs for our purposes to be the input price index compiled by the Association of American Railroads (AAR), as modified

by the Commission. These modifications include the augmentation of the AAR index with an index that measures changes in the cost of durable assets.

The modified index will be used until the AAR's all inclusive index is ready (as we anticipate it will be by mid-1981). When the new AAR index is available for analysis we will then determine if it should be employed, or whether an index developed by the Commission should be substituted. The modified AAR index is set forth in Appendix A.¹ It is designed to measure the impact of inflation on the labor, material, and service inputs required by railroads, and is available on a timely basis. The Commission will verify and closely monitor its effectiveness to ensure that inflation in rail cost is accurately measured.

Specifically, we will assist in the development of audit and investigative systems for future index calculations that will:

1. Determine that the methodology used by the AAR is mathematically and statistically sound and consistent from year to year.
2. Check for errors in application of the methodology including errors of calculations and transcription.
3. Audit underlying data at the railroad level to verify the factual integrity of the index at the data source. This step will include an investigation of data outliers and various cross-checks for internal consistency in the data.
4. Compare the AAR index with other data sources such as Bureau of Labor Statistics data and Commission cost data.

The initial analysis of the AAR index by the Commission has not disclosed any systematic bias that would make its use inappropriate in this initial determination, except that it does not reflect the current mix of input factors. We will remedy this deficiency by updating the weighting of each category of cost included in the AAR index. Categories of costs in the AAR index are currently weighted in proportion to their relative portion of total costs as reported by all Class I railroads in 1974. We shall apply instead the proportion each category represents of total costs as reported by all Class I railroads in their Annual Reports R-1 for 1979. We will work with the AAR during the next several months to improve further the

index and ensure equitable treatment of all component costs.

Many participants in this proceeding have opposed the use of the AAR index on the grounds that it is a "price" index as opposed to a "cost" index and is, therefore, incompatible with the intent of Congress as expressed in Section 203 of the Rail Act. Since a price index reflects inflationary increases in rail input prices, while a cost index reflects inflationary increases in cost per unit of rail service, the two are not always equivalent. This issue is closely related to the "productivity adjustment" issue addressed by many participants, and will be dealt with later in this decision.

Another objection to use of the AAR index raised by some of the participants (e.g., the National Industrial Traffic League) is that it is improper for the Commission to use an inflation index developed by the beneficiaries of that index—that is, the railroads themselves. The Commission does not believe this to be a valid criticism for the following reasons:

1. The AAR index is the only index that specifically reflects inflationary increases in rail costs and that is available to the Commission within the short time period allotted.

2. The Commission and others have often used the AAR index, or components of it, in the past, generally without challenge. (For example, the carload cost scales published by the Commission and often cited by shippers in rate cases, and escalator clauses, based on the AAR index and incorporated in at least two dozen rail/shipper contracts in the last year.)

3. As indicated above, the Commission will carefully monitor the index and correct any errors that may be found.

Since certain inflation-related increases in costs are not currently reflected in the AAR index (i.e., the cost of durable assets), we suggested in the Notice of Proposed Rulemaking that the producer price index (PPI) be used on an interim basis to measure these excluded items.

A number of participants have criticized the proposed use of the PPI for this purpose. The U.S. Department of Transportation (DOT), for example, proposed that we assume inflation to affect items not covered by the AAR index the same way it affects those items currently covered. We note, however, that the existing AAR index may overstate increases in capital costs due to the weight given to rapidly escalating fuel costs and reject the DOT proposal for that reason.

¹ Appendices A and B were filed as a part of the original document and are not published in the Federal Register. Copies of the complete decision may be obtained by writing to the Interstate Commerce Commission, Room 2227, 12th and Constitution Avenue NW., Washington, D.C. 20423, or by calling 800-424-5403.

On the other hand, several participants (for example the Western Coal Traffic League (WCTL) and other coal interests, the Edison Electric Institute and the Chemical Manufacturers Association) also believe the PPI overstates inflationary cost increases in the items not covered by the AAR index, but offer no feasible alternative treatment of those items not covered by the AAR index. Not to adjust those items for inflation at all would be to assume that they experience no cost increases as a result of inflation, which would clearly be unrealistic.

We again stress that the PPI will be used on an interim basis only. When the all-inclusive AAR index becomes available, we will use that in preference to the PPI. Alternatively, we are considering substituting a composite rail asset index developed by the Commission for measuring cost changes in durable asset accounts if implementation of the all inclusive AAR index is not feasible in a reasonable time period. This proposed Commission index is described in the next section of this decision. We expect to invite further comments on its merits as a substitute for the all inclusive index.

The table below illustrates the application of the modified AAR and PPI index for the year 1979. The weighting factors reflect the proportion of total costs attributable to each category of inputs, reported by Class I railroads in their 1979 Annual Reports R-1.

Composite AAR and PPI Index

[1967 unit index equals 100]

Category	1979 unit index (B)	Fac- tor (W)	1979 weight- ing W x I
Salaries, wages and supple- ments:	303.8	0.531	161.3
Fuel	606.4	.101	61.2
Other material and supplies	252.5	.133	33.6
Purchased service	235.6	.142	33.5
General	235.6	.060	14.1
Passenger	235.6	.033	7.8
Total			311.5

¹ Using PPI, annual average, all commodities.

ICC Composite Index

The ICC Composite Index mentioned above is a continuation of an index series for durable asset accounts that was published by the Commission prior to 1967. Values of the index from 1967 have been updated through the application of other well-known indices on a primary and investment account basis that have been reported continuously during this period. These accounts are described in Appendix B. The selection of such an index series was based upon matching each selected

index to the class of assets contained in the primary account. Each account index is weighted by the proportion of investment in that account to arrive at a calculated composite index for all durable accounts. Because accurate data are not available, this composite index excludes the land account.

After further consideration, we now believe the ICC composite index may better measure changes in rail asset costs than the PPI because: (1) the indices used to construct it are being used in other Commission proceedings, thereby providing consistency; (2) the indices were developed in consideration of railroad properties only, thereby providing uniformity of application; and (3) it uses the index components that are specifically matched to the contents of the primary account. In addition to those costs directly covered by the ICC composite index, there are certain residual costs that ideally should be reflected in the rail cost adjustment factor. The Commission proposes that such costs be developed and factored into the rail cost adjustment factor.

Productivity Adjustment

In our notice, we pointed out that the productivity adjustment issue had been extensively discussed in our earlier notice in this proceeding, but we again invited comments on our proposal not to adjust the rail cost adjustment factor for productivity increases. Once again, many parties contended that a productivity adjustment should be made. Their basic argument is that the AAR index, which is an index of the costs of railroad transportation inputs, necessarily overstates the increase in the cost of producing railroad outputs (transportation services), to the extent productivity increases occur. We do not dispute the fact that productivity increases cause the costs of outputs to rise less rapidly than the costs of inputs; this is true by definition. In the light of comments received, however, we would like to explain more fully our reasons for continuing to believe that an input cost index, such as the AAR index, rather than an output cost index (*i.e.*, one taking productivity into account), should be used for the purposes of Section 203 of the Rail Act.

At the outset, we note that the Rail Act does not specify whether an input cost index or an output cost index is to be used as the rail cost adjustment factor. Instead, the Act leaves this matter up to the Commission, as a matter of policy, to be determined in a manner consistent with the purpose of the Act as a whole. In broad terms, we believe that the purpose of Section 203

is to permit rail carriers to neutralize the effects of inflation through rate increases with minimal regulatory intervention. We see the rail cost adjustment factor as a reference point stabilized against inflation in the costs of goods and services the rail industry must purchase. From this reference point, the rail industry is to be free to make selective rate increases or decreases, as market conditions dictate, under the many other provisions of the Rail Act offering the railroads flexibility in changing their individual rates. Thus, while a rail cost adjustment factor based on an input cost index does not guarantee railroads full protection against inflation regardless of market conditions, it does remove unnecessary regulatory constraints on the attempts of railroads to cope with inflation. In keeping with this broad policy determination, several specific issues related to productivity adjustments must be addressed.

Several of the participants have disputed the initial view, presented in our notice, that rail productivity is impossible to measure due to a number of methodological problems. For example, the WCTL cites several studies of rail productivity some of which have apparently been accepted by the railroads. On further consideration, we now conclude that methodological problems of productivity measurement alone (although grave) do not preclude the development of productivity measures. We nevertheless question the reliability of such measures and as a matter of policy do not believe that their use is justified.

Some participants, particularly certain coal interests, disagree with the proposition, stated in our notice, that adjustment for rail productivity growth creates disincentives for rail efficiency. They contend that because the adjustment would reflect only average productivity growth, railroads with greater than average productivity gains would continue to benefit from their better than average performance. As far as it goes, this argument is correct, but we note that it cuts both ways. Although an adjustment based on average productivity gains would not entirely eliminate incentives to railroads with better than average performance, it might unfairly penalize railroads with worse than average performance, when the conditions of improved performance are beyond the carrier's control. (As a hypothetical example, suppose a productivity breakthrough occurred for bulk commodities such as coal and grain; such a breakthrough would improve industry average statistics, but

would be of little benefit to railroads whose traffic was predominantly nonbulk in nature.) This defect could be cured only by making the productivity adjustment on a carrier-by-carrier basis. However, it is uncontested in the record that a carrier-by-carrier productivity adjustment would itself undermine railroad incentives.

It is also argued by some participants that a productivity adjustment is appropriate because productivity gains are typically passed along to consumers under competitive (unregulated) market conditions. We agree that this will often happen, but there is an important exception. The exception occurs when the competitive firm's revenues fail to cover their economic costs. Economic costs include the cost of capital, as well as operating expenses. Our past findings in revenue adequacy proceedings have been that few railroads earn revenues sufficient to cover their full economic costs. Thus, cost savings from productivity gains would not be passed on to shippers to the extent that such savings were required by the railroads to cover economic costs. A forced pass-through of these cost savings via the index would not create the investment climate that Congress seeks to promote in the railroad industry.

In sum, we will not adjust the rail cost index to reflect productivity gains as long as the railroad industry continues to earn inadequate revenues. We believe that this position is consistent with the intent of Congress that the index be used solely for the purpose of neutralizing the effects of inflation on regulation of the railroad industry. We wish to note that this decision does not preclude any railroad from passing through any or all cost savings from productivity gains. If an individual carrier wishes to pass on some of these cost savings to shippers, it may do so by taking less than the full increases permitted by the index.

Treatment of Profit and Fixed Expenses

In our notice, we asked for comment on whether an adjustment should be made to the rail cost adjustment factor to take into account profits and nonrecurring costs. After consideration of the comments submitted in this proceeding, we find no convincing reason for making such an adjustment. For the reasons stated below, we believe that any such adjustment would be inconsistent with the intent of Congress that the index be used to neutralize the effects of inflation on the railroad industry, since it would frustrate the railroads' ability to earn normal profits.

So-called "normal" profit (that is, accounting profit including the cost of capital) and fixed (nonrecurring) costs representing long-lived used and useful capital assets are part of full economic costs, and must not be treated differently than those elements of cost that railroad accounting conventions classify as variable. It is a well-accepted principle of ratemaking that if revenues are not allowed to cover prospective costs of new assets, and to cover a normal profit on invested capital, the industry will be unable to attract necessary investment funds, to the ultimate detriment of shippers. To make a downward adjustment of the rail cost adjustment factor to exclude all profit and nonvariable expenses, would then, clearly be inconsistent with the principle of neutralizing the rail industry against the effects of cost inflation.

It has been suggested that while normal profit and long-term costs should be covered by the rail cost adjustment factor, profit in excess of normal, and return on investment not used and useful, should be excluded. There are legitimate controversies surrounding these issues. These controversies are being addressed fully in our proceeding *Ex Parte No. 393, Standards for Railroad Revenue Adequacy*. We believe that they need not be addressed here. Our findings in *Ex Parte No. 393* suggest that the total value of nonused and nonuseful plant, and the total value of excess profits, are both very small in relation to railroad costs. Any changes over time in the ratio of these items to total rail costs would have only a slight effect on the rate of change of the rail cost adjustment factor. To invite sustained litigation for so little obvious benefit seems to us dubious as a matter of regulatory policy.

Some participants in this proceeding contend that even though railroads may not be earning excess profits overall, they may be earning excess profits on particular rates, and that those rates should thus not be subject to escalation by the full rail cost adjustment factor. We do not agree. Even assuming for the sake of argument that some rail rates may generate excessive profits for carriers not earning adequate revenues overall (or that some rail rates may contain undesirable cross-subsidies), we do not see this proceeding as the proper forum for resolving the problem. As stated above, the sole issue in this proceeding is the rate at which rates can increase to neutralize cost inflation. If shippers or carriers believe certain individual rates are unreasonably high in the base period, the correct solution is to address the reasonableness of the

specific rate, rather than the method of adjusting rates. We will continue to assess the reasonableness of rates either on a case-by-case basis for individual rates or, in the case of broad categories of rates, by such proceedings as *Ex Parte No. 347 (Sub-No. 1)*.

Coal Rate Guidelines

Finally, it has been argued that the rail cost adjustment factor should be adjusted to exclude profits because the Rail Act provides other channels, such as selective rate increases, through which the real (inflation adjusted) value of profit can be maintained.² Quite aside from the theoretical argument that normal profit is in fact a component of economic cost, we reject the suggestion that profits be excluded from the rail cost adjustment factor on grounds of administrative burden. We have consistently encouraged selective rate adjustments, both upward and downward. Nonetheless, if the real value of rail profits could be protected against inflationary erosion only by selective rate adjustments, the number of adjustments that railroads would have to make just to stay even with inflation would greatly increase. This would result in unnecessary additional regulatory proceedings and attendant costs for shippers, carriers, and the Commission alike. Such a course would run counter to our intention, and that of Congress, to streamline regulatory procedures, and reduce regulatory lag and administrative costs.

Frequency of Adjustment

Section 203 of the Rail Act provides that the Commission shall publish the rail cost adjustment factor as often as practicable, but in no event less often than quarterly. Too long a period between adjustments can create a problem of regulatory lag. With regulatory lag, full cost recovery is never achieved because new cost increases occur before adjustment to past cost increases is permitted.

In our notice, we proposed permitting quarterly increases based on the rail cost adjustment factor as projected to the midpoint of the quarter to which the rate changes will be applicable. This proposal occasioned little opposition, but we think it important, nonetheless, to restate our reasons for proceeding in this way. We believe that quarterly

²The rate flexibility provided by these channels is intended to help the railroads to protect their profits from inflation. We believe, however, that Congress also intended that this additional flexibility be used, where appropriate, by the railroads to improve their real earnings. This issue is discussed above.

filings will provide a substantial administrative savings to shippers, carriers, and the Commission in comparison with monthly filings. At the same time, by employing a forecasted index, we will reduce regulatory lag to a level roughly equivalent to that which monthly change would achieve. In our notice, we recognized that under the forecasted quarterly index approach, rate increases in the first month of each quarter would slightly exceed those that would be allowed for the same month if we were using a monthly adjustment factor that did not involve forecasting. We also noted, however, that in the last month of the quarter, rate increases would fall slightly short of those obtainable under the monthly method. However, we see the lower costs and reduction in regulatory lag that result from the forecasting approach as outweighing these monthly, and ultimately counterbalanced, imprecisions.

As indicated in the notice, we find the forecasting method (autoregression without intercept) outlined by AAR witnesses Roberts and Kellman to be reasonable. The Commission will propose revision if any problems arise, and will entertain any specific suggestions for improvement of the forecasting method made by any interested party.

As explained in our order, to avoid the possibility of cumulative forecasting error, we will require that, for each quarter, the allowable percentage increase be calculated on the basis of the forecasted, rather than actual, cost increases for the previous quarter. This prevents any party from benefiting or being penalized by a forecast error in any quarter when the net change for the next quarter is calculated. In our notice, we offered the following example: assume that actual and forecasted cost indexes for the second quarter of a given year are 100 and 103 respectively, and that the forecasted index for the third quarter (using the second quarter actual as a base) is 105. The allowable increase for the third quarter would be $(105-103)/103 = .019$ (that is, 1.9 percent), rather than $(105-100)/100 = .05$ (that is, 5 percent). In this way, the difference between the forecasted and real cost increases of the second quarter would be offset in the third quarter index.

We have decided to require the AAR, no later than 20 days before the end of each quarter, to calculate and submit to the Commission the actual index as of the midpoint of the current quarter and the forecasted index for the mid-point of the next quarter. Thus, for example, on March 10 of any year, the AAR would

submit the actual index as it stood on February 15 of that year, together with the index as it is forecasted to stand as of May 15. The Commission would verify the index and make it available to the public at least ten days before the end of the quarter. Railroads would then be able to raise their rates—individually or collectively—up to the level of the index any time after the first day of the quarter to which the forecasted index applies. (In the example given above, railroads could, any time after April 1, take increases up to the level of the index as forecasted to May 15, using the forecasted February 15 index as a reference point to avoid cumulative forecasting error.)

In addition to directives governing the frequency of the index, subsection 203 (a) of the Rail Act also directs the Commission to make periodic adjustments in the index to reflect the changing composition of railroad costs. This adjustment would require that the weights applied to the various input prices used in calculating the index be updated to reflect any changes in the importance of each input as a percent of total railroad costs. Because of seasonal fluctuations in the composition of railroad costs, adjustments in these weights cannot be practicably made more frequently than annually. Therefore, the Commission has decided that such adjustments will be made on an annual basis.

As noted above, most of the participants in this proceeding did not protest these procedures. Those who did protest did not raise major issues. For example, DOT argues that ten days were insufficient for the Commission to verify the index. In response, we emphasize that all errors in any given index need not be corrected prior to this publication. Errors in earlier indices can be rectified through appropriate adjustments in later ones. We believe this approach superior to the alternative of a less frequent adjustment. Such an alternative would extend the regulatory lag that we are trying to reduce through this rulemaking.

In sum, the comments in this proceeding provided us with no strong justification for altering the procedures proposed in the notice of implementing the AAR index.

Averaging

The railroads continue to argue in favor of rules permitting them to submit a package of rate changes that average out to the allowed index—with some of the changes above and others below the increase permitted by the index. As stated in the notice, a central benefit of the rules established here, in

comparison with past general rate increase procedures, is to divorce the problem of inflationary cost recovery from that of changes in the rate structure. Both are necessary, but the mixing of the two in past general rate increase proceedings has, resulted in heavy procedural burdens.

We acknowledge that to the extent flag-outs and holdowns occur, carriers will not be able, through these procedures, to recover the full cost increase as measured by the index. For two reasons, however, we believe it is not necessary to offer an iron-clad guarantee of recovery of the full index under these new rules. Our first reason is that our proposal to reduce regulatory lag through forecasting of the index may well in itself be sufficient to ensure more complete cost recovery than has been possible under our existing general increase procedures. In addition, we believe that the Rail Act provides ample opportunities in addition to the index to raise individual rates by a factor exceeding the rail cost adjustment factor. We call attention particularly to the six percent annual adjustment permitted under section 10707a(c)(1). It is our goal in this and other proceedings not to guarantee through any set of rules or procedures a particular level of revenues for any railroad, but to assure that needless regulatory barriers do not prevent railroads from earning such revenues.

Regional Differences

The railroads proposed that carriers be permitted to increase their rates by the amount of the AAR index for the nation as a whole, or the index for their own region, whichever is greater. In our notice, we tentatively rejected this proposal, on the grounds that it would permit the actual national average level of rates to increase more rapidly than the national average of costs. Further, as one participant indicated, it would be equally rational to require the railroads to use the lower of the regional and national indices.

None of the comments offered new or persuasive reasons for abandoning this line of reasoning. We therefore, deny the railroad request for regional indices.

Collective Ratemaking Under the Proposed Rules

In our advance notice, we raised the possibility that increases under the index not be fully available for rate changes made collectively within the rate bureaus. In the subsequent notice we withdrew this possibility, and we continue to believe that it would be improper to use our rules covering

inflationary cost recovery as a means for effecting changes in collective ratemaking. Further, subsection 219(f) of the Rail Act states that, "the Commission may not take any action with respect to the elimination of general rate increases or decreases prior to April 1, 1982." As to the interaction between independent and collective rate adjustments, we must ensure that, pursuant to new section 10707a(b)(3), carriers do not use the index to increase individual rates to cover inflation after they have recovered these same inflation costs collectively. We will, in another proceeding, propose rules governing the tariff filing of rates under section 10707a, similar to the rules we have established for the motor carrier zone of rate flexibility filings. These rules require that a carrier clearly indicate that portion of the zone remaining available for use on individual rates. We believe that the timing of individual and collective inflation adjustments may not be used to effect double recovery. This position was not seriously contested.

Fuel Surcharge

As indicated in the notice, the procedures established in this decision will permit railroads to recover fuel cost increases along with other cost increases on a quarterly basis. Regulatory lag will be minimal under the proposed forecasting method. Maintaining a separate surcharge mechanism for fuel would, in our view, serve no useful purpose once these rules are in place, and would, in fact, only complicate the operation of the new

system. All parties will benefit from avoiding separate tariff supplements for fuel increases. Special permission 79-2620, which allows the filing of fuel cost surcharges on short notice, will no longer be available to railroads.

Railroad Cost Recovery Procedures

Title 49, Part 1102, § 1102.1 is amended by revising it to read as follows:

§ 1102.1 Railroad cost recovery procedures.

(a) Rail carriers may adjust rates and charges quarterly in order to compensate for inflationary cost increases. The quarterly adjustment shall not for any rate exceed the percentage change in the Association of American Railroads' Index of Railroad Material Prices and Wage Rates as supplemented by the Producer Price Index for those costs not covered by the AAR Index. The Commission will make modifications or revisions to the index, as necessary. Until at least April 1, 1982, these procedures are available for collective adjustment of rates.

(b) The allowable increase will be based on a projection of the index to the midpoint of the quarter to which the index will apply. In order to avoid cumulative forecasting error, the percentage change must be calculated from a comparison of the forecast index for the midpoint of the quarter during which the rates will be in effect with the forecast index for the midpoint of the previous quarter.

(c) The AAR must file with the Commission no later than 20 days

before the end of each quarter its calculation of the actual index as of the midpoint of the current quarter and the forecasted index for the midpoint of the next quarter.

(d) Tariffs containing adjustments under the provisions of this rule may be filed to become effective on not less than one day's notice.

(e) Increases in rates consistent with these standards will not be investigated or suspended by the Commission unless the filing results in a double recovery of inflation-based cost increases. X

Conclusion

This decision will not significantly affect the quality of the human environment or conservation of energy resources. Although this proceeding is not subject to Pub. L. No. 96-354, it is our opinion that it will not have a significant adverse impact on a substantial number of small entities. The AAR may immediately submit the actual index of the midpoint of the first quarter of 1981 and the forecasted index for the second quarter of 1981. As of the effective date of this decision, rail carriers may implement rate increases in accordance with the revised rules continued in 49 CFR 1102.1.

(49 U.S.C. 10321, 10701a, 5 U.S.C. 553)

Dated: April 8, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.
Agatha L. Mergenovich,
Secretary.

[FR, Dec. 81-17013 Filed 4-17-81; 8:45 am]

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Proposed Rules

Federal Register

Vol. 46, No. 75

Monday, April 20, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0356]

Depositors Eligible To Maintain NOW Accounts; Proposed Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed Interpretation.

SUMMARY: The Board of Governors is requesting comment from the public on a proposal to clarify the rules concerning the class of depositors eligible to maintain NOW accounts at member banks. Under Regulation Q at present, NOW accounts are available only to individuals and to organizations operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit. The Board proposes to issue an interpretation of the regulation under which the class of depositors eligible to maintain NOW accounts at member banks would include: (1) individuals, if the funds are not used primarily for business purposes, (2) nonprofit organizations that are described in section 501(c) (3) through (13) and (19) of the Internal Revenue Code, and (3) governmental units, if the funds are used for the purposes of schools, colleges, universities, libraries, or hospitals. However, all businesses that are operated for profit, including sole proprietorships, partnerships, corporations, and other organizations, and most governmental units would not be permitted to maintain NOW accounts. The Board believes that, under this approach, the eligibility criteria for NOW accounts would be more understandable, and would preclude the need for Board review of individual questions of eligibility.

DATE: Interested parties are invited to submit relevant data, views, and other comments. Comments must be received by June 15, 1981.

ADDRESS: Comments, which should refer to Docket No. R-0356, should be addressed to James McAfee, Assistant Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or should be delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m. except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), or Paul S. Pilecki, Senior Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96-221) ("Act") authorizes depository institutions (except credit unions which are authorized to offer share draft accounts) nationwide effective December 31, 1980, to permit the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)). Under the statute, NOW accounts are available only to individuals and to qualifying organizations (12 U.S.C. § 1832(a)(2)). Qualifying organizations must meet two separate tests of eligibility. First, they must be operated primarily for "religious, philanthropic, charitable, educational, or other similar purposes;" second, they must not be operated for profit. The Federal Reserve has advised member banks that the class of depositors eligible to hold NOW accounts is virtually identical to the class of depositors eligible to hold savings deposits without limit (with the exception of governmental units).¹ Interpretations and opinions issued in the past by the Board with respect to the class of depositors eligible to hold savings accounts without limit are

¹ Regulation Q explicitly permits fraternal organizations to maintain NOW accounts; however, the statute omits such group from the list of eligible NOW account depositors. Since the statutory provisions were based on Regulation Q, it is believed that the omission of the term "fraternal" was unintentional and without significance.

illustrative of the classes of depositors eligible to hold NOW accounts under the Act and the regulation. (See Release of October 20, 1980.)

The Federal Reserve has received a significant number of requests from member banks and their customers for rulings and opinions concerning NOW account eligibility since the enactment of the Act. In many instances these requests have required the consideration of subtle distinctions that are not altogether practical for application on a uniform basis by a large number of depository institutions. In order to alleviate problems that have arisen among member banks concerning the class of depositors eligible to hold NOW accounts, the Board believes it is appropriate at this time to simplify and clarify the rules concerning NOW account eligibility. Accordingly, the Board requests public comment by June 15, 1981, on a proposed interpretation of Regulation Q as described below.

Under the Board's proposal, all organizations, partnerships, corporations, and associations that are not organized for profit and are described in section 501(c) (3) through (13) and (19) of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) 501(c) (3) through (13), (19)) would be eligible to maintain NOW accounts at a member bank. In this regard, the Act extends NOW account eligibility to organizations not operated for profit if they are operated primarily for religious, philanthropic, charitable, educational or for other similar purposes. The Board believes that virtually all nonprofit organizations described in 501(c) (3) through (13) and (19) can be regarded as being operated primarily for purposes that are similar to religious, philanthropic, charitable, or educational in nature and that such provisions are comprehensive with respect to describing such organizations. The Board believes that this interpretation would facilitate compliance by depository institutions and greatly reduce the need for individual rulings on NOW account eligibility.

The Board also believes that NOW accounts should not be available for funds that represent deposits of an enterprise organized to make a profit. In this regard, the legislative history of the Act indicates that NOWs would be available to nonprofit organizations and to consumers as a means of providing an

additional return to household funds.* However, the Board has had a longstanding interpretation (*Published Interpretations* ¶ 3085; 1936 *Federal Reserve Bulletin* 120) which provides that deposits of funds of an individual used in his business, i.e. a sole proprietor, may be classified as savings deposits since it was viewed as impracticable to distinguish between funds of an individual used in a business and other funds of the individual. (However, funds of a corporation owned solely by an individual may not be held as NOW accounts since the corporation exists separate and apart from the individual.) This ruling has been extended to apply also in the case of NOW accounts and eligibility for the automatic transfer service (ATS). Continuation of the policy of permitting deposits of businesses owned by individuals to be held as NOW accounts could be regarded as contrary to Congressional intent in authorizing such accounts. Consequently, the Board proposes to modify the eligibility requirements for NOW accounts (as well as ATS accounts) to exclude entities organized or operated to make a profit regardless of whether they are corporations, partnerships, sole proprietorships, associations, or any other organization. This action also would eliminate the disparate treatment accorded sole proprietorships and closely held corporations. The Board requests comment on the desirability of distinguishing between funds of an individual used primarily for personal purposes and those of a sole proprietorship used primarily for business purposes as well as any operational difficulties presented by such an approach.

At present, certain governmental units are eligible for NOW accounts at member banks. These entities include independent school districts and state universities, redevelopment authorities, and public housing authorities. Because states and political subdivisions are regarded as serving governmental purposes, the Board believes that governmental units generally should not be permitted to maintain NOW accounts. However, under the Board's proposal, governmental units would be eligible to maintain NOW accounts if the funds are to be used exclusively by schools, libraries, colleges, universities, and hospitals or other medical facilities. The Board believes that funds used for such purposes should be permitted to be placed in NOW accounts in order to

accord equal treatment to public entities that perform functions similar to nonprofit entities in the private sector. Thus, if a governmental unit is organized for any one of the listed purposes or maintains an account exclusively for one of those purposes, such funds could be placed in a NOW account. All other governmental accounts would not be eligible for NOW accounts, including redevelopment authorities and public housing authorities. This approach will also eliminate the need for a determination of whether a particular governmental entity is independent or separately constituted as is required under current interpretations.

In order to provide for an orderly transition for NOW account and ATS customers, the Board proposes to provide for a phase-out period for existing NOW accounts that would not qualify under the revised eligibility criteria. Under the proposal, all NOW and ATS accounts that met the current NOW account eligibility criteria could continue in effect until December 31, 1981. After that date, NOW and ATS accounts would be limited to the new list of eligible depositors.

It should be noted that the Board does not propose to change the existing policy concerning eligibility for traditional passbook and statement savings accounts. In addition, the Board will coordinate its NOW account eligibility policy with the other Federal financial institution regulatory agencies.

Comment is invited from all parties on the issues raised by the proposal. The Board is particularly interested in views (1) on using section 501(c) (3) through (13) and (19) of the Internal Revenue Code as the criteria for determining which nonprofit organizations would be eligible for NOW accounts, (2) on excluding sole proprietorships from NOW and ATS account eligibility, (3) on prohibiting NOW accounts for governmental units except where the funds are used for the purposes of schools, colleges, universities, hospitals and libraries, (4) on the phase-out of existing NOW and ATS accounts that would no longer qualify under the proposed rules, (5) on the potential problems that could arise in attempting to distinguish whether funds of an individual are used primarily for personal rather than business purposes, and (6) on whether the proposed revised rules concerning NOW and ATS eligibility would be more understandable and easier to administer for member banks. Comment should be sent by June 15, 1981, to James McAfee, Assistant Secretary, Board of Governors

of the Federal Reserve System, Washington, D.C. 20551.

Pursuant to its authority under section 19(a) of the Federal Reserve Act (12 U.S.C. 461(a)), the Board proposes to amend Regulation Q 12 CFR Part 217 (Regulation Q) by adding a new § 217.157 as follows:

§ 217.157 Eligibility for NOW and ATS accounts.

(a)(1) Effective December 31, 1980, the Consumer Checking Account Equity Act of 1980 (Title III of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96-221; 94 Stat. 147) authorizes depository institutions nationwide to offer interest-bearing checking (NOW) accounts to depositors where the "entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit." (12 U.S.C. 1832(a)(2)). The purpose of the Act was to extend the availability of NOW accounts throughout the nation. Previously, as an experiment, NOW accounts were only authorized to be offered by depository institutions in New England, New York, and New Jersey.

(2) The NOW account experiment established by Congress in 1973 did not specify the types of customers that could maintain NOW accounts. In enacting the NOW account provision, Congress adopted virtually the same language concerning NOW account eligibility that previously had been adopted by the Board and the Federal Deposit Insurance Corporation with regard to the types of customers permitted to maintain NOW accounts in institutions located in the NOW account experiment region. (12 CFR 217.1(e)(3) and 12 CFR 329.1(e)(2)). This definition was based upon longstanding regulatory provisions concerning eligibility criteria for savings deposits.

(3) The Board has determined to clarify the types of entities that may maintain NOW accounts at member banks.

(b) *Individuals.* (1) Under current provisions, an individual may maintain a NOW account if the funds are used primarily for personal or business purposes. Since NOW accounts are generally not available to business organizations, the Board believes that it would be consistent with Congressional intent to permit individuals to maintain NOW accounts only if the funds in the account are to be used primarily for personal, not business, purposes.

* See 126 Cong. Rec. H2276, H2298, H2291 (daily ed. March 27, 1980).

Consequently, entities organized or operated to make a profit may not maintain NOW accounts regardless or whether they are corporations, partnerships, sole proprietorships, associations, or other form of organization.

(2) Under current provisions, funds held in a fiduciary capacity (either an individual fiduciary or a corporate fiduciary such as a bank trust department), particularly those awaiting distribution or investment, may be held in the form of NOW accounts if the beneficiaries are individuals. The Board believes that such a classification should continue since fiduciaries are required to invest even temporarily idle balances to the greatest extent feasible in order to responsibly carry out their fiduciary duties. The availability of NOW accounts provides a convenient vehicle for providing a short-term return on temporarily idle trust funds.

(3) Pension funds, escrow accounts, and security deposits, and other funds held under various agency agreements may also be classified as NOW accounts if the entire beneficial interest is held by individuals. The Board believes that these accounts are similar in nature to trust accounts and should be accorded identical treatment. Therefore such funds may be regarded as eligible for classification as NOW accounts.

(c) *Nonprofit Organizations.* Under the Act, a nonprofit organization that is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes may maintain a NOW account. The Board has determined that it is appropriate to regard all organizations that are not organized for profit and that are described in section 501(c)(3) through (13) and (19) and 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) 501(c)(3) through (13), (19), 528) as being operated for religious, philanthropic, charitable, educational, or other similar purposes. Accordingly, all such organizations that are not organized for profit may maintain NOW accounts.

(d) *Governmental Units.* Under the Act, governmental units generally may not maintain NOW accounts. The Board believes that some governmental units are operated for philanthropic, educational, or charitable purposes, and that with regard to their eligibility for NOW accounts, such entities should be regarded as being operated primarily for such purposes. Consequently, a governmental unit, regardless of form of organization, may maintain a NOW account if the funds are in the name of the used solely for school, universities

or colleges, libraries, or hospitals and other medical facilities.

(e) *Phase-out.* In order to avoid unduly disrupting existing account relationships, a NOW account established at a member bank prior to April 8, 1981, that represents funds of a nonqualifying entity that previously qualified to maintain a NOW or ATS account may be maintained until December 31, 1981.

By order of the Board of Governors, April 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

Appendix—Initial Regulatory Flexibility Analysis

The Board of Governors of the Federal Reserve System is requesting comment from the public on a proposal to clarify the class of depositors eligible to maintain NOW and ATS accounts at member banks. Public comment is requested by June 15, 1981. This statement describes the impact of the proposed rule on small entities in accordance with section 603 of the Regulatory Flexibility Act (5 U.S.C. 603; Pub. L. 96-354).

The Federal Reserve has received a significant number of requests from member banks and their customers for rulings and opinions concerning NOW account eligibility since the enactment of the Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96-221). In many instances, these requests have required the consideration of subtle distinctions implied by the existing interpretations that have proved to be impractical for application on a uniform basis by a large number of depository institutions. The Board's objective in issuing this proposal is to simplify and clarify the rules concerning NOW and ATS accounts. The Board's proposal is issued under its authority in section 19(a) of the Federal Reserve Act (12 U.S.C. 461(a)).

The proposed interpretation concerning NOW account eligibility will apply directly to all banks that are members of the Federal Reserve System. However, other regulatory agencies are expected to adopt similar interpretations; and, thus, nonmember insured commercial banks and thrift institutions likely would be effected. The interpretation would affect all small entities that desire to maintain NOW accounts at member banks; however, the number of affected entities cannot be estimated. The proposal is of particular interest to sole proprietorships, which would no longer be eligible to maintain NOW and ATS accounts at member banks under the new interpretation. As under existing interpretations, all other entities organized to make a profit also would not be eligible for NOW accounts. The proposed interpretation would generally expand the class of eligible nonprofit organizations and would permit governmental units to maintain NOW accounts for purposes of education, libraries, and hospitals.

The proposal will not require any additional reporting or recordkeeping requirements and the burden of compliance

will rest only with member banks. It is expected that a member bank would be able to demonstrate compliance with the information that it normally obtains upon the opening of a deposit account. The Board believes that the clarifications embodied in the proposal would facilitate compliance with the NOW account eligibility rules.

A second alternative to the approach chosen by the Board would be for the Federal Reserve to issue detailed lists of the types of organizations or other depositors eligible to maintain NOW accounts. This approach would be administratively burdensome in that the Board would continue to be required to consider a large volume of inquiries. Moreover, member banks would be required to maintain updated lists of the types of eligible depositors which could prove burdensome for smaller entities. As a third alternative, the Board could withdraw all existing interpretations and allow member banks to interpret the statutory language on their own. This approach would not seem feasible since 12 U.S.C. 1832(c) provides a \$1,000 per violation fine for violations of the NOW account provisions.

Comments on this regulatory flexibility analysis may be submitted to Barbara Lowrey, Assistant Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release Nos. 33-6309, 34-17720, and IC-11732; File No. S7-882]

Going Private Transactions by Certain Issuers or Their Affiliates

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to rule and schedule.

SUMMARY: The Commission is publishing for comment proposed amendments to the rule and schedule governing going private transactions by certain issuers or their affiliates. If adopted, certain of the proposals would codify staff positions with respect to existing exceptions for (1) transactions pursuant to a multi-step plan for the acquisition of a class of equity securities of an issuer by or on behalf of a person who becomes an affiliate of such issuer prior to the consummation of the last step, and (2) the use of a cash election in connection with certain transactions otherwise excepted from the operation of the rule. In addition, other proposals with respect to the rule and the schedule would make clarifying and technical

changes to improve the operation of the rule.

DATE: Comments must be received on or before June 19, 1981.

ADDRESSES: Comment letters should refer to File No. S7-882 and be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission 500 North Capitol Street, N.W., Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Joseph G. Connolly, Jr. (202) 272-3097 or David B. Myatt (202) 272-2707, Office of Tender Offers, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today published for comment proposed amendments to Rule 13e-3 (17 CFR 240.13e-3) and Schedule 13E-3 (17 CFR 240.13e-100) pursuant to Sections 17(a) and 19 of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq., as amended by the Small Business Incentive Act of 1980, Pub. L. No. 96-477 (October 21, 1980)] and Sections 3(b), 10(b), 13(e), 14(a), 14(c), 14(e) and 23(a) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq. (1976 and Supp. III 1979)]. If adopted, these proposals: would codify staff positions regarding exceptions from the operation of Rule 13e-3; would clarify the scope and operation of the rule; and would make revisions of a technical nature to conform the provisions of Rule 13e-3 and Schedule 13E-3 to other statutes, rules and regulations.

Specifically, one proposal would revise the exception in Rule 13e-3(g)(1), which currently relates to second-step, clean-up transactions occurring within one year of a tender offer by or on behalf of a non-affiliated bidder. The proposal would codify staff positions¹ concerning multi-step acquisition transactions which occur within one year of a binding agreement or any and all tender offer by a person not affiliated with the issuer, provided specific conditions are met. Another proposal would amend Rule 13e-3(g)(2), which currently excepts from the operation of the rule transactions in which security holders are offered or receive only a specified equity security. This proposal

would permit security holders to be offered a cash election under specified circumstances.

The proposed amendments to clarify the scope and operation of the rule include one to amend Rule 13e-3(a)(4)(i)(C) to make it clear that mergers, consolidations and similar multi-party reorganization transactions involving an issuer or one or more of its subsidiaries would not be subject to Rule 13e-3 unless another party to the transaction is an affiliate of the issuer. The second such proposal would amend Rule 13e-3(g)(2) to make clear that the exception is applicable only to transactions in which the security holders of an issuer are offered equity securities of the issuer, the acquiring entity or the parent of such issuer or acquiring entity.

The proposed technical revisions are: an amendment to Rule 13e-3(g)(5) to conform to changes in the bankruptcy laws; an amendment to Instruction 2(a) of Rule 13e-3(e) to correspond to proposed modifications of the registration requirements under the Securities Act; and an amendment to Item 17(d) of Schedule 13E-3 to correct an inaccurate reference.

Pursuant to Section 605(b) of the Regulatory Flexibility Act [5 U.S.C. 605(b)], the Acting Chairman of the Commission has certified that the amendments proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

I. Operation of Rule 13e-3

The application of Rule 13e-3 depends upon three factors.² First, is there a Rule 13e-3 transaction, that is, a transaction or series of transactions having the reasonable likelihood or purpose of causing (a) a class of securities as to which reporting is required under Section 12(g) or Section 15(d) of the Exchange Act to be held of record by less than 300 persons, or (b) securities to be neither listed on any exchange nor authorized to be quoted on any inter-dealer quotation system of any registered national securities association. Second, are the securities which are the subject of the Rule 13e-3 transaction equity securities of a class which is registered pursuant to Section 12 of the Exchange Act or of a class with respect to which the issuer is required to file periodic reports pursuant to Section 15(d) of the Exchange Act. Third, if there

is a Rule 13e-3 transaction for a covered class of securities, is an exception from the rule available.³

Rule 13e-3(g) sets forth five exceptions for transactions which would otherwise be defined as Rule 13e-3 transactions. Rule 13e-3(g)(1) excepts second-step, clean-up transactions which occur within one year of a tender offer by a bidder who, as a result of such tender offer, became an affiliate, provided that the equal consideration, disclosure and other requirements of the exception are met. Rule 13e-3(g)(2) provides an exception, subject to certain conditions, for transactions, including recapitalizations, in which security holders are offered or receive only an equity security having substantially the same attributes⁴ as the equity security which is the subject of the Rule 13e-3 transaction. Rule 13e-3(g)(3) excepts transactions by a holding company registered under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79 et seq. (1976 and Supp. III 1979)] in compliance with the provisions of that Act. Rule 13e-3(g)(4) excepts redemptions, calls or similar purchases of an equity security by an issuer pursuant to the instrument(s) creating or governing that class of equity securities. Rule 13e-3(g)(5) excepts certain solicitations by an issuer with respect to a plan of reorganization under Chapter X of the Bankruptcy Act [15 U.S.C. 501-676 (1976) (amended 1978)].

II. Proposals

The proposed amendments to Rule 13e-3 may be divided into three categories: (1) proposals that would codify and broaden staff positions with respect to the exceptions from the rule; (2) proposals that would clarify the scope and operation of certain provisions of the rule; and (3) amendments that are technical in nature. These proposals have resulted in part from the Commission's experience in administering the rule, changing practice in corporate acquisition and reorganization transactions and the Commission's re-examination of the application of the rule.

A. Amendments to Exceptions

1. Rule 13e-3(g)(1).

Since the adoption of Rule 13e-3, the Division of Corporation Finance (the

¹These staff positions are set forth in an interpretative release issued by the Commission concurrently with this release. See Release No. 34-17719 (April 13, 1981) (46 FR 22571).

²For a discussion of the reasons for Commission rulemaking in this area, see Release No. 34-14185 (November 17, 1977) (42 FR 60090, 60090-60092).

³For a more complete discussion of the operation of Rule 13e-3 and Schedule 13E-3, see Release No. 34-17719 and Release No. 34-16075 (August 2, 1979) (44 FR 46736, 46737-40).

⁴This requirement is deemed to be satisfied if unaffiliated security holders are offered common stock in the transaction. See footnote 18, *infra*, for a discussion of the other conditions of this exception.

"Division") has responded both formally and informally to requests for interpretive advice regarding the applicability of the rule to various transactions.⁵ Questions have frequently been raised as to the applicability of the exception in Rule 13e-3(g)(1) to transactions that involve multi-step acquisitions other than those described in the exception.

The exception currently provided by Rule 13e-3(g)(1) was designed to permit, under specified conditions,⁶ a second-step, clean-up transaction occurring within one year after a tender by a previously non-affiliated bidder for a class of equity securities. In adopting this exception, the Commission concluded that a going private rule should not apply where a non-affiliate contemplates the acquisition of the entire business in two steps pursuant to disclosed terms, at the same price for all security holders, and within a short time period. In these instances, there is no affiliation at the outset, and, if the specified conditions are met, the second-step does not present the potential for overreaching characteristic of going private transactions. Such acquisitions can properly be viewed as integrated, unitary transactions undertaken by non-affiliates, even though the second step may take the form of a transaction by an affiliate (the bidder already in control) which would otherwise be subject to Rule 13e-3.

Acquisition techniques have continued to evolve. Three-step techniques are now common means of acquiring an entire business, and there are an indefinite number of possible multi-step acquisitions.⁷ The

Commission has attempted to develop appropriate responses in connection with Rule 13e-3. Accordingly, the Division has taken a "no-action" position with respect to transactions involving the purchase, other than by means of a tender offer, of a controlling interest in a class of equity securities of an issuer and the subsequent acquisition of the remaining outstanding equity securities through a second-step, cash merger.⁸ The "no-action" position was premised on the observance by the acquiring entity of certain conditions in addition to those set forth in Rule 13e-3(g)(1).⁹

As a result of its experience, the Commission has re-examined the operation of the Rule 13e-3(g)(1) exception, and has determined to propose modifications codifying the staff's position and including additional transactions. As with the exception as adopted in 1979, the proposed amendment recognizes that other multi-step acquisitions pursuant to a plan or arm's-length agreement of a previously unaffiliated person may not involve the potential for abuse and overreaching or the adverse effects on investor confidence in the securities markets that Rule 13e-3 was designed to alleviate. No one would suggest that a one-step acquisition (*i.e.*, a merger) by a non-affiliate is a going private transaction. Similarly, a three-step acquisition which results in all security holders receiving the same consideration may be treated in the same way as a one-step merger, or a tender offer followed by a merger which is excepted by existing paragraph (g)(1) of the rule. The mere fact that such transactions occur in steps at different times does not distinguish them from one-step acquisitions, since the multiple steps are pursuant to an agreement or

commences a tender offer for the class of securities, and ultimately completes the acquisition with a merger eliminating the remaining publicly held securities. See Freund & Easton, *The Three-Piece Suit: An Alternative Approach to Negotiated Corporate Acquisitions*, 34 Bus. Law. 1679 (1979).

⁸ See, e.g., letters re *Federal Mogul Corporation* (August 27, 1980) and *HM Acquisition Corp.* (January 29, 1981).

⁹ These additional conditions are as follows:

(1) prior to the initial acquisition of securities, there was no affiliation between the issuer and the acquiring entity;

(2) the initial acquisition and the second-step transaction are made pursuant to an agreement or agreements for the acquisition of the entire class of securities at the same unit price;

(3) the intention to engage in the second-step transaction was publicly announced at the time of the initial acquisition, and the second-step transaction is effected within a relatively short period of time thereafter; and

(4) the acquiring entity will not change the management or board of directors, or otherwise exercise control, of the issuer prior to the completion of the second-step transaction.

plan, are on disclosed terms and provide substantially equivalent consideration, and since the acquiring person does not stand on both sides of the transaction.

Thus, the Commission believes that various types of multistep acquisitions may properly be treated in the same way as they would be if they occurred in one step. If such transactions are structured to comply with the conditions of the proposed amendment to Rule 13e-3(g)(1), they may be viewed as unitary transactions undertaken by non-affiliates and therefore not within the purview of Rule 13e-3. The following paragraphs discuss the specific provisions of the proposed amendment.

The proposal, if adopted, would amend Rule 13e-3(g)(1) to except from the operation of Rule 13e-3 any Rule 13e-3 transaction pursuant to an agreement or plan of a person or any affiliate of such person (hereinafter referred to as the "acquiring person"), other than the issuer, to acquire or offer to acquire in one or more transactions all of the issued and outstanding securities of a class, provided that specified conditions are met. The conditions relate to whether the acquiring person has a binding agreement or plan to acquire or offer to acquire all of the issued and outstanding securities of the class; whether the agreement or plan has been fully disclosed; whether the acquiring person was an affiliate of the issuer at the outset of the transaction; whether the consideration offered in the Rule 13e-3 transaction is at least substantially equivalent to or greater than the highest consideration paid by the acquiring person; whether the transaction is consummated in accordance with the agreement or plan as disclosed and within one year of the "Initial Date," that is, the date the series of transactions commenced;¹⁰ and whether the acquiring person complies with certain provisions regarding less-than-all tender offers and control of the issuer by the acquiring person.

Paragraphs (i) and (ii) of the proposed amendment to Rule 13e-3(g)(1) set forth the requirements for the existence of an agreement or plan and the disclosure thereof. The requirement that an agreement or plan exist and be disclosed at the commencement of a

¹⁰ The "Initial Date" is defined by proposed Rule 13e-3(g)(1)(iii) to be the earlier of (A) the first date the acquiring person entered into a binding agreement which obligates such person to acquire or offer to acquire all of the issued and outstanding securities of a class; or (B) the first date the acquiring person commenced a tender offer for any and all of the securities issued and outstanding, pursuant to which such person purchased all securities properly tendered.

⁵ As mentioned previously, the Commission has authorized, concurrently with this release, the publication of an interpretative release reflecting the views of the Division of Corporation Finance on various issues regarding Rule 13e-3 and related Schedule 13E-3 (Release No. 34-17719).

⁶ One of the conditions is that the consideration offered to unaffiliated security holders in the Rule 13e-3 transaction is at least equal to the highest consideration offered during the tender offer. In addition, if the tender offer was made for any or all securities of the class, the tender offer must disclose fully the bidder's intention to engage in a Rule 13e-3 transaction, the form and the effect of such transaction and, to the extent known, the proposed terms thereof; and the Rule 13e-3 transaction must be substantially similar to that described in the tender offer. If the tender offer was made for less than all the securities of a class, the tender offer must fully disclose a plan of merger, a plan of liquidation or similar binding agreement between the bidder and the issuer with respect to the Rule 13e-3 transaction; and the Rule 13e-3 transaction must occur pursuant to the plan of merger, plan of liquidation or similar binding agreement disclosed in the bidder's tender offer.

⁷ One three-step acquisition has been described as one in which an acquiring person first purchases a significant block of the class of securities from management or a large security holder, then

unitary transaction ensures that later steps are not based on the use of any control position resulting from the pendency or completion of any step in the unitary transaction and also relieves security holders of any pressure to sell due to uncertainty about later steps.¹¹

Paragraph (i)(A) requires that the acquiring person must have entered into a binding agreement or agreements¹² which obligate the acquiring person to acquire or offer to acquire all of the issued and outstanding securities of such class pursuant to a tender offer, merger, consolidation, liquidation or similar transaction or transactions. The acquiring person can enter into the agreement with either the issuer of the class of securities and/or any security holder or holders of such class. Paragraph (ii)(A) requires that, promptly after entering into the binding agreement or agreements specified in paragraph (i)(A), the acquiring person must make public disclosure of any acquisition or proposed acquisition of securities pursuant to the agreement, such person's obligation to engage in subsequent transactions to acquire or offer to acquire all of the issued and outstanding securities, the form and effect of each subsequent transaction, and the terms thereof (to the extent known).

Paragraphs (i)(B) and (ii)(B) of proposed Rule 13e-3(g)(1) closely parallel the current exception and apply to any and all tender offer which is commenced otherwise than through a binding agreement with the issuer and/or a security holder or holders of the issuer. Paragraph (i)(B) requires that the acquiring person has purchased all securities properly tendered pursuant to a tender offer by such person for any and all of the issued and outstanding securities. Paragraph (ii)(B) requires that the tender offer materials disseminated with the any and all tender offer described in paragraph (i)(B) disclose the acquiring person's plan or agreement to engage in transactions to acquire or offer to acquire all of the issued and outstanding securities of a class, the form and effect of such transaction, and the terms thereof (to the extent known).¹³

Similar to the current exception in Rule 13e-3(g)(1),¹⁴ a Rule 13e-3 transaction which is a less-than-all tender offer is subject to the additional requirement in proposed paragraph (v) that the acquiring person, on or after the Initial Date and prior to making such tender offer, has entered into a binding agreement with the issuer with respect to a merger, consolidation, liquidation or similar transaction. This proposal is not intended to alter the operation of the current exception with respect to a less-than-all tender offer. In addition, it will permit a less-than-all tender offer after the first step in a unitary transaction, provided an agreement as described in proposed paragraph (v) has been made.

Paragraph (iii) of the proposed amendment to Rule 13e-3(g)(1) requires that the acquiring person not be an affiliate at any time during the three months prior to the Initial Date. This requirement is designed to ensure that the excepted transactions are part of a unitary transaction to acquire all of the issued and outstanding securities of a class of an issuer pursuant to an agreement reached through arm's-length negotiations or a plan of acquisition disclosed in a tender offer for any and all securities of the class.¹⁵ The Commission specifically requests public comment on the appropriateness of the three-month period and whether a longer or shorter period would better implement the purposes of this condition.

Paragraph (iv) of the proposed amendment to Rule 13e-3(g)(1) contains the equivalent consideration requirement of the current exception. The phrasing in the proposal, however, differs from that of the current exception. Currently, Rule 13e-3(g)(1) provides that the consideration offered to unaffiliated security holders in the Rule 13e-3 transaction is at least equal to the highest consideration offered during the tender offer. Proposed paragraph (iv) provides that the consideration offered in the Rule 13e-3 transaction is at least substantially equivalent to or greater than the highest consideration for securities of the class paid by such person, on or after the Initial Date. This provision would have

the effect of maintaining a minimum price for any Rule 13e-3 transaction which is part of a multi-step transaction covered by the exception, that is, the consideration offered would have to be at least substantially equivalent to the consideration paid or payable in any prior step in the multi-step transaction. The Commission specifically requests comment on whether any alternative standard to that of "at least substantially equivalent to or greater than" should be used and whether there should be any exceptions to this or any alternative standard.

It should be noted that this standard will in some cases have an effect on open market purchases as a condition of the proposed exception. Where a multi-step transaction is commenced by the execution of a merger agreement with the issuer, and if the acquiring person in such a transaction is or becomes an affiliate, for example, by purchase of a controlling block (whether or not in connection with the merger agreement) or by a tender offer, then open market or other purchases as part of the unitary transaction and the merger, occurring after the person becomes an affiliate, would be subject to Rule 13e-3 unless an exception were applicable.¹⁶ As a condition of the proposed paragraph (g)(1) exception, such purchases by an affiliate as part of the unitary transaction would have to be at prices at least substantially equivalent to that provided for in the merger agreement (and in any other purchase after the merger agreement). However, if the acquiring person is not and does not become an affiliate prior to the merger, open market or other purchases between the agreement and the merger itself would not be subject to Rule 13e-3. Yet such purchases are part of a unitary transaction in that they are effected pursuant to an overall plan to acquire or to offer to acquire all of the securities of the class being sought. The Commission specifically requests comments on whether any purchase subsequent to the Initial Date should be subject to the equivalent consideration requirement for the unitary transaction exception. On the other hand, the equivalent consideration requirement may limit the acquiring person's ability to make open market purchases in a multi-step acquisition without complying with Rule 13e-3. While application of the equivalent consideration requirement to open market purchases is generally appropriate in connection with the unitary transaction exception, the Commission solicits comments on

¹¹ See Release No. 34-17719 (Question 7).

¹² The term "binding agreement" is discussed in Release No. 34-17719 (footnote 25).

¹³ Such disclosure is also required in a tender offer which is not a first step described in proposed paragraph (g)(1)(i)(B) of Rule 13e-3 but is a later step pursuant to a binding agreement described in proposed paragraph (g)(1)(i)(A) of the rule. The Schedule 14D-1 (17 CFR 240.14d-100) with respect to such tender offer must include information concerning any agreement or plan to acquire the class of securities, the form and effect of each transaction and the terms thereof pursuant to Items 3, 5, 7 and 10(f) of Schedule 14D-1.

¹⁴ Rule 13e-3(g)(1)(ii). See footnote 6, *supra*.

¹⁵ The three-month period is based on Rule 144 (17 CFR 230.144) under the Securities Act, which provides a safe harbor, without registration, for resales of restricted securities by non-affiliates and resales of any securities by affiliates. Specifically, Rule 144(k) includes a provision to the effect that the less stringent requirements of that rule applicable to non-affiliates are available only if the person seeking to sell under the rule has been a non-affiliate for the previous three months. See Release No. 33-6286 (February 6, 1981) (46 FR 12195).

¹⁶ See Release No. 34-17719 (Question 4).

whether, assuming that all other conditions of the proposed exception are satisfied, the equivalent consideration requirement should apply to open market purchases effected after the Initial Date that are part of a multi-step acquisition, including open market purchases by an unaffiliated acquiring person.

The requirement of proposed paragraph (vi) preserves the benefit to investors of prior disclosure of the steps in the unitary transaction. It requires that a Rule 13e-3 transaction must occur substantially as described in the agreement or agreements and as described in the public disclosure of such agreement or agreements and/or in the tender offer materials disseminated to security holders.

Proposed paragraph (vii) requires that the Rule 13e-3 transaction be consummated on or before the expiration of one year from the Initial Date. The one-year period, which is the same as under the current exception, is consistent with the unitary transaction approach and would provide certainty to persons planning such transactions. If the acquisition transaction involves a series of transactions, each transaction must be consummated on or before the expiration of one year after the Initial Date. Any transaction not consummated within the one-year period would not be within the purview of this exception and would be subject to the disclosure, dissemination and antifraud provisions of Rule 13e-3. The Commission requests specific public comment on whether a one-year period is too long, too short or an adequate period of time to consummate transactions which would be excepted by the proposed amendment to Rule 13e-3(g)(1).

Proposed paragraph (viii) represents a change in one of the conditions set forth in the "no-action" positions taken by the Division with respect to Rule 13e-3(g)(1).¹⁷ In view of the specific requirements of the proposed amendment relating to substantially equivalent consideration, a prior agreement or an any and all tender offer, specific prior disclosure of the steps in the unitary transaction, and consummation in accordance with the prior agreements and disclosure, the Commission is proposing to modify the prohibition on the exercise of control until consummation of the Rule 13e-3 transaction contained in the "no-action" positions. Specifically, the prohibition would be limited to those situations in which the exercise of control could present opportunities for overreaching by the acquiring person. Thus,

paragraph (viii) would not permit the acquiring person to exercise control, directly or indirectly, over the issuer or make or cause to be made any change in the issuer's board of directors or management prior to the earliest of three specified dates. The dates are as follows:

(1) The date of such person's entering into a binding agreement with the issuer with respect to a merger, consolidation, liquidation or similar transaction or with respect to a tender offer by such person for any and all shares of such class;

(2) If such person enters into an agreement with parties other than the issuer, obligating the person to make a tender offer for any and all securities of such class, the date the issuer's board of directors makes a favorable recommendation with respect to such tender offer; and

(3) The date such person has purchased all shares properly tendered pursuant to a tender offer by such person for any and all shares of such class of securities of the issuer.

This paragraph is designed to permit the acquiring person to exercise limited control over the issuer with respect to the business and operations of the issuer in order to protect the integrity of the agreement and such person's investment. However, the paragraph further provides that the acquiring person shall not, directly or indirectly, exercise any control over the issuer with respect to any material terms and conditions of any agreement with the issuer pursuant to which the Rule 13e-3 transaction is to occur. The final proviso is designed to prevent the acquiring person from being on both sides of the Rule 13e-3 transaction with the ability to waive conditions or terms that were arrived at as a result of arm's-length negotiations.

2. Rule 13e-3(g)(2).

Another question concerning the availability of exceptions to the operation of Rule 13e-3 has been whether a cash election feature will preclude the availability of Rule 13e-3(g)(2). Rule 13e-3(g)(2) currently excepts from the operation of the rule only transactions in which all security holders are offered or receive only an equity security having substantially the same attributes as the equity security which is the subject of the Rule 13e-3 transaction.¹⁸ The Commission found the

original exception in Rule 13e-3(g)(2) to be appropriate; the excepted transactions are outside the purposes of Rule 13e-3 since all holders of a class of security are on an equal footing and are permitted to maintain an equivalent or enhanced equity interest in the surviving entity.

The Division has taken the administrative position that the Rule 13e-3(g)(2) exception may be available even in transactions that have a cash election feature. The proposed amendment to Rule 13e-3(g)(2) would codify this administrative position and permit a person to offer security holders the option of receiving cash in lieu of the qualifying equity security. This proposal is designed to afford issuers and their affiliates greater flexibility in utilizing the Rule 13e-3(g)(2) exception. The Commission believes that the amendment is appropriate because, assuming an equivalent or enhanced equity interest is offered, a cash election feature of the sort permitted by the proposal merely gives security holders an additional opportunity to receive a different form of consideration of substantially equivalent value.¹⁹

The proposed amendment would not alter the existing conditions concerning the equity securities which can be offered pursuant to the exception²⁰ but would add a new paragraph (v) expressly to deal with cash election rights. The proposed amendment would permit a cash election in lieu of an equity security that was otherwise qualified provided that, at the time first offered, the cash is required to be substantially equivalent to the value of the security being offered. A second condition is that immediately after consummation of the transaction the number of holders of such class of equity securities being offered is at least (1) 500 if there are 500 or more holders of the class of securities which is the subject of the Rule 13e-3 transaction immediately prior to the transaction, or (2) 300 if there are more than 300 but less than 500 holders of the class of securities which is subject to the Rule

offered must be registered pursuant to Section 12 of the Exchange Act or the issuer thereof must be required to file reports pursuant to Section 15(d) of the Exchange Act.

¹⁷ To satisfy the requirement of Rule 13e-3(g)(2) that all security holders be treated equally, both an equivalent equity security and the cash election would have to be offered to all security holders. See Release No. 34-17719 (Question 9 and footnote 34).

¹⁸ An additional amendment to Rule 13e-3(g)(2) has been proposed to clarify the operation of Rule 13e-3(g)(2). This proposed amendment will constitute paragraph (iv) of Rule 13e-3(g)(2) and is discussed in Section II-B, *infra*.

¹⁷ See footnotes 8 and 9, *supra*.

¹⁸ These attributes include rights, such as voting, dividend, redemption and liquidation rights; the requirement that these attributes be substantially the same is deemed to be satisfied if common stock is offered to unaffiliated security holders. Attributes which must be substantially the same also include listing on a national securities exchange or the authorization for quotation on an interdealer quotation system of a national securities association, if the equity security subject to the Rule 13e-3 transaction is so listed or authorized for quotation. In addition, the equity security being

13e-3 transaction immediately prior to the transaction.

The first condition to the proposed amendment of Rule 13e-3(g)(2) is designed to ensure that the offer of an equivalent equity interest is a real and substantial one by requiring that the cash alternative, when first offered, be of equivalent (not greater) value. The right to receive cash in lieu of the equity security ordinarily would be deemed to be "first offered" on the effective date of the registration statement for the securities to be offered in the transaction.²¹ The Commission specifically requests comment whether another date would be more appropriate to fix the substantial equivalency of the cash and securities being offered, e.g., the date of the first public announcement of a merger agreement which describes the cash election feature. In addition, the Commission requests public comment on the standard that is used to determine the amount of cash which can be offered, and whether any alternative standards would better implement the purposes of the condition. For example, one alternative would be to state only that the cash must not substantially exceed the value of the securities being offered. Further, the Commission also solicits comment on whether the exception for the cash election feature should be expanded to permit other types of elections such as notes, convertible debt or preferred stock, not qualifying as equivalent equity securities, provided that all other conditions to the exception are satisfied.

The second condition to the proposed amendment of Rule 13e-3(g)(2) is designed to ensure that the equity security which is offered will have the same attributes as the equity security which is being exchanged, in that the cash election feature will not produce the same "going private" effects as would an otherwise non-excepted Rule 13e-3 transaction. The Commission believes that in most situations this condition will not be a cause of concern to an acquiring person, because such person would be offering a publicly held equity security which already has these attributes and therefore, even if a substantial number of offerees elected the cash alternative, the equity security offered would still satisfy this condition. Only where a newly issued class of equity securities was offered would this

condition become critical to the availability of the Rule 13e-3(g)(2) exception. The Commission specifically requests comment on whether another formulation of this condition would be appropriate to ensure that the cash election feature does not produce the effects of a Rule 13e-3 transaction.

B. Clarifying Amendments

Two amendments are proposed to clarify the scope and operation of certain aspects of Rule 13e-3. The proposed amendment to Rule 13e-3(a)(4)(i)(c) would make clear, by altering the structure of that provision, that mergers, consolidations and similar multi-party reorganization transactions of an issuer or one or more of its subsidiaries are not subject to the rule unless the other party to the transaction is an affiliate of the issuer. The proposed amendment to Rule 13e-3(g)(2) would make clear that the exception in Rule 13e-3(g)(2) is available only in transactions where the security holders of an issuer are offered or receive the equity securities of such issuer, the acquiring entity or parent (as defined in the rule) of such issuer or acquiring entity. This amendment would conform the availability of the exception to the Commission's intent exception, as expressed in the adopting release²² by adding a new condition to the exception denominated as paragraph (iv) of Rule 13e-3(g)(2).

C. Technical Amendments

Three other proposed amendments would make revisions of a technical nature to Rule 13e-3 and Schedule 13E-3. First, Instruction 2(a) to Rule 13e-3(e) would be revised to delete the reference to paragraph (e) of Guide 59 of the Guides for the Preparation and Filing of Registration Statements (the "Guides") for the preparation of summary financial information, and substitute a reference to paragraph (c) of proposed Item 41 of Regulation S-K.²³ This revision would conform to the changes to the Guides which are proposed as one part of the Commission's implementation of an integrated disclosure system.²⁴ Second, Rule 13e-3(g)(5) would be amended to conform to the provisions of the

Bankruptcy Code as enacted in 1978.²⁵ These revisions would not alter the availability of this exception to Rule 13e-3. Third, Item 17(d) of Schedule 13E-3 would be amended to correct the reference in Item 17(d) from Rule 13e-3(d) to Rule 13e-3(e).

III. Text of Proposals

Accordingly, 17 CFR Part 240 is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By amending § 240.13e-3 paragraphs (a)(4)(i)(C), Instruction 2(a) to paragraph (e), and paragraphs (g)(1), (2) and (5) to read as follows:

§ 240.13e-3 Going private transactions by certain issuers or their affiliates.

- (a) * * *
- (4) * * *
- (i) * * *

(C) A solicitation subject to Regulation 14A (§§ 240.14a-1 to 240.14a-103) of any proxy, consent or authorization of, or a distribution subject to regulation 14C (§§ 240.14c-1 to 240.14c-101) of information statements to, any equity security holder by the issuer of the class of securities or by an affiliate of such issuer, in connection with: a reclassification, recapitalization or similar corporate transaction of an issuer; a merger, consolidation, reorganization or similar corporate transaction between an issuer (or its subsidiary) and its affiliate; a sale of substantially all the assets of an issuer to its affiliate or group of affiliates; or a reverse stock split of any class of equity securities of the issuer involving the purchase of fractional interests.

- * * * * *
- (e) * * *

Instructions

2. * * *

(a) Summary financial information equivalent to that required by paragraph (c) of Item 41 of Regulation S-K for (i) the two most recent fiscal years and (ii) the latest year-to-date interim period and corresponding interim period of the preceding year;

* * * * *

(g) *Exceptions.* This section shall not apply to:

(1) Any Rule 13e-3 transaction pursuant to an agreement or plan of a person (which term, as used in this paragraph (g)(1), shall mean such person

²¹ Release No. 34-19075, 44 FR at 46738.

²² Release No. 33-6276 (December 23, 1980) (46 FR 78, 103); Release No. 33-6235 (September 2, 1980) (45 FR 63710).

²³ These aspects of the integrated disclosure system have not been adopted by the Commission at this time and, therefore, the requirements of paragraph (c) of Item 41 of Regulation S-K may be altered when adopted from those which were proposed. The proposed revision of Instruction 2(a) of Rule 13e-3(e) will incorporate the revisions, if any, to paragraph (c) of Item 41.

²⁴ In the circumstances where, because no registration is required under the Securities Act, e.g., the securities are exempt from registration pursuant to Section 3(a)(9) of the Securities Act, the time that the right to elect cash was first offered to security holders would be the date for determining substantial equivalence.

²⁵ Title I of the Bankruptcy Reform Act of 1978, Pub. L. No. 95-598, 92 Stat. 2549 (1978) (effective October 1, 1979), codified at 11 U.S.C. —.

or any affiliate of such person), other than the issuer, to acquire or offer to acquire in one or more transactions all of the issued and outstanding securities of a class of an issuer. *Provided, That:*

(i)(A) Such person has entered into a binding agreement or agreements, with either the issuer and/or any security holder or holders, which obligate such person to acquire or offer to acquire all of the issued and outstanding securities of such class pursuant to a tender offer, merger, consolidation, liquidation or similar transaction or transactions; or

(B) Such person has purchased all securities properly tendered pursuant to a tender offer by such person for any and all of the issued and outstanding shares of such class;

(ii)(A) Promptly after the entry into any agreement described in paragraph (g)(1)(i)(A) of this section, such person has made public disclosure of any acquisition or proposed acquisition of securities of such class pursuant to the agreement, such person's obligation to engage in subsequent transactions to acquire or to offer to acquire all the issued and outstanding securities of such class, the form and effect of such subsequent transaction, and the terms thereof (to the extent known); or

(B) The tender offer materials disseminated with respect to any tender offer described in paragraph (g)(1)(i)(B) of this section have disclosed such person's plan or agreement to engage in transactions to acquire or offer to acquire all the issued and outstanding securities of such class, the form and effect of each such transaction, and the terms thereof (to the extent known);

(iii) Such person was not an affiliate of the issuer at any time during the three months immediately prior to the "Initial Date" which shall be the earlier of:

(A) The first date such person entered into an agreement described in paragraph (g)(1)(i)(A) of this section; or

(B) The first date such person commenced a tender offer described in paragraph (g)(1)(i)(B) of this section;

(iv) The consideration offered in the Rule 13e-3 transaction is at least substantially equivalent to or greater than the highest consideration for securities of such class paid by such person, or payable pursuant to any agreement (whether or not described in paragraphs (g)(1)(i)(A) or (g)(1)(v) of this section) entered into by such person, on or after the Initial Date;

(v) If the Rule 13e-3 transaction is a tender offer for less than all of such class, such person, on or after the Initial Date and prior to making such tender offer, has entered into a binding agreement with the issuer with respect

to a merger, consolidation, liquidation or similar transaction;

(vi) The Rule 13e-3 transaction occurs substantially as provided in the agreement or agreements described in paragraph (g)(1)(i)(A) and (g)(1)(v) of this section, and substantially as described in any public disclosure of such agreement or agreements and/or in tender offer materials in accordance with paragraphs (g)(1)(i)(A) and (g)(1)(i)(B) of this section;

(vii) The Rule 13e-3 transaction is consummated on or before the expiration of one year from the Initial Date; and

(viii) Such person shall not, directly or indirectly, exercise control over the issuer or make or cause to be made any change in the issuer's board of directors or management prior to the earlier of

(A) The date of such person's entering into an agreement with the issuer with respect to a merger, consolidation, liquidation or similar transaction or with respect to a tender offer by such person for any and all shares of such class;

(B) If such person enters into an agreement with parties other than the issuer, obligating the person to make a tender offer for any and all shares of such class, the date the issuer's board of directors makes a favorable recommendation with respect to such tender offer; and

(C) The date such person has purchased all shares properly tendered pursuant to a tender offer for any and all shares of such class of securities of the issuer.

In addition, such person shall not, directly or indirectly, exercise any control over the issuer with respect to any of the material terms and conditions of any agreement with the issuer pursuant to which the Rule 13e-3 transaction is to occur.

(2) Any Rule 13e-3 transaction in which the security holders are offered or receive only an equity security. *Provided, That:*

(i) Such equity security has substantially the same rights as the class of securities which are the subject of the Rule 13e-3 transactions including, but not limited to, voting, dividends, redemption and liquidation rights except that this requirement shall be deemed to be satisfied if unaffiliated security holders are offered common stock;

(ii) Such equity security is registered pursuant to section 12 of the Act or reports are required to be filed by the issuer thereof pursuant to section 15(d) of the Act;

(iii) If the class of securities which are the subject of the Rule 13e-3 transaction was either listed on a national securities exchange or authorized to be quoted in an interdealer quotation system of a

registered national securities association, such equity security is either listed on a national securities exchange or authorized to be quoted in an interdealer quotation system of a registered national securities association;

(iv) Such equity security is issued by—

(A) The issuer of the class of securities which is the subject of the Rule 13e-3 transaction (or a successor issuer of such issuer pursuant to Rule 12g-3 (§ 240.12g-3) or Rule 15d-5 (§ 240.15d-5) under the Act).

(B) The surviving or resulting entity in a Rule 13e-3 transaction which is a merger or consolidation of the issuer (or one or more of its subsidiaries).

(C) The bidder or purchaser in a Rule 13e-3 transaction which is an exchange offer or other purchase of securities, or

(D) A parent of any of the entities referred to in paragraphs (g)(2)(iv)(A) through (C) of this section, which shall mean for purposes of this section a holder, directly or through its wholly owned subsidiary or subsidiaries, of all of the voting equity securities (including non-voting securities which represent rights to acquire or are convertible into voting securities) of such issuer, successor issuer, surviving or resulting entity, bidder or purchaser; and

(v) Security holders may be offered an election to receive cash in lieu of an equity security meeting the conditions set forth in paragraphs (g)(2)(i) through (g)(2)(iv) of this section. *Provided, That,* at the time first offered, the cash is substantially equivalent to the value of the security offered, and that, immediately after consummation of the transaction, the number of holders of such class of equity securities being offered is at least (A) 500 if there are 500 or more holders of the class of securities which is the subject of the Rule 13e-3 transaction immediately prior to the transaction, or (B) 300 if there are more than 300 but less than 500 holders of the class of securities which is the subject of the Rule 13e-3 transaction immediately prior to the transaction.

(5) Any solicitation by an issuer with respect to a plan of reorganization under Chapter X of the Bankruptcy Act, as amended, or under Chapter 11 of the Bankruptcy Code, as amended, if made after the entry of an order approving such plan pursuant to section 174 of that Act or pursuant to section 1125(b) of that Code and after, or concurrently with, the transmittal of information concerning such plan as required by section 175 of the Act or section 1125(b) of the Code.

2. By revising § 240.13e-100 Item 17(d) to read as follows:

§ 240.13e-100 Schedule 13E-3. Rule 13e-3 transaction statement pursuant to section 13(e) of the Securities Exchange Act of 1934 and rule 13e-3 [§ 240.13e-3] thereunder.

Item 17. * * *

(d) Any disclosure materials furnished to security holders in connection with the transaction pursuant to Rule 13e-3(e) [§ 240.13e-3(e)].

Specific Inquiries

Any interested person wishing to submit written comments on the proposals, as well as on other matters which might have an impact upon the proposals contained herein, is invited to do so. Mindful of its responsibilities to weigh with care the costs and benefits which result from its rules, the Commission specifically invites comments on the cost to registrants and others of these proposals.

Statutory Authority

The Commission hereby proposes amendments to Rule 13e-3 and Schedule 13E-3 pursuant to Sections 17(a) and 19 of the Securities Act and Sections 3(b), 10(b), 13(e), 14(a), 14(c), 14(e), 23(a), of the Exchange Act.

(Sec. 17(a), 19(a), 48 Stat. 84, 85; secs. 3(b), 10(b), 13(e), 14(a), 14(b), 14(e), 23(a), 48 Stat. 882, 894, 895, 891, 901; sec. 209, 48 Stat. 908; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 10, 68 Stat. 686; sec. 5, 78 Stat. 569, 570; secs. 2, 3, 82 Stat. 454, 455; secs. 1, 2, 3-5, 84 Stat. 1497; secs. 3, 18, 89 Stat. 87, 155; 15 U.S.C. 77q(a), 77s(a), 78c(b), 78j(b), 78m(e), 78n(c), 78n(e), 78e(a))

By the Commission.

Shirley E. Hollis,
Assistant Secretary.
April 13, 1981.

Regulatory Flexibility Act Certification

I, Philip A. Loomis, Jr., Acting Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments published in Release No. 34-17720, will not, if promulgated, have a significant economic impact on a substantial number of small entities. The reasons for such certification are that (i) the proposed amendments are technical and clarifying in nature or will expand the availability of certain of the exception provisions of Rule 13e-3 under the Securities Exchange Act of 1934 (17 CFR 240.13e-3), (ii) the proposed amendments are expected to result in a reduction in the number of persons (including small entities) required to incur the costs attendant to compliance with Rule 13e-3 and (iii) the Commission is not aware of any costs which will be imposed on any persons in connection with the proposed amendments. Thus, the

proposed amendments will not have a significant economic impact on a substantial number of small entities.

Dated: April 13, 1981.

Philip A. Loomis, Jr.,
Acting Chairman.

[FR Doc. 81-11744 Filed 4-17-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

Federal Old-Age, Survivors, and Disability Insurance Benefits; Supplemental Security Income for the Aged, Blind, and Disabled; Reduction of Retroactive Social Security Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Social Security Administration (SSA) is issuing proposed regulations to implement section 1127 of the Social Security Act as added by section 501 of Pub. L. 96-265. This provision will be effective with determinations of entitlement to monthly social security benefits that SSA makes after June 30, 1981. The provision will require SSA to reduce an individual's retroactive monthly social security benefits under certain conditions where the individual received supplemental security income (SSI) payments (including federally administered State supplementary payments) for the retroactive period. The amount of the reduction will equal the amount of the SSI payments (including federally administered State supplementary payments) that would not have been paid had the monthly social security benefits been paid when they were regularly due rather than retroactively.

DATES: Your comments will be considered if we receive them no later than June 19, 1981.

ADDRESSES: Send your written comments to: Social Security Administration, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments we receive in response to this notice will be available for public inspection at the Washington Inquiries Section, Office of Government Affairs, Department of Health and Human Services, Switzer Building, Room 1212, 330 C Street, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Larry Dudar, Room 4-H-10, West High Rise Building, 6401 Security Boulevard,

Baltimore, Maryland 21235, (301) 594-6629.

SUPPLEMENTARY INFORMATION: Though we administer both the SSI program and the social security program, sometimes when an individual applies for benefits under both programs, the individual's claim under one program might be adjudicated and paid sooner than under the other program. If the monthly social security benefit is delayed a windfall can occur since we cannot count unearned income in the SSI program until it is received. In effect, an individual would receive SSI payments that would not have been paid had the monthly social security benefits been paid when they were regularly due rather than retroactively.

Disability Amendments of 1980 (Pub. L. 96-265)

To prevent this windfall of SSI payments, the Congress enacted section 501 of Pub. L. 96-265 which added section 1127 to the Social Security Act. That section (effective with awards of social security benefits that we make after June 30, 1981) requires that we reduce an individual's retroactive monthly social security benefit if the individual received SSI payments (including federally administered State supplementary payments) for the same period. If an individual received SSI payments (including federally administered State supplementary payments) for any month in the period beginning with the first month for which monthly social security benefits are payable and ending with the month before the first month in which social security benefits are paid, the retroactive monthly social security benefits for the period will be reduced by the amount of the SSI payment (including federally administered State supplementary payments) that would not have been paid if the individual had received the monthly social security benefits when they were regularly due instead of retroactively.

The retroactive social security benefits withheld will be used first to reimburse the States for the amount of any federally administered State supplementary payments that would not have been made if the monthly social security benefits had been paid when regularly due instead of retroactively. The remainder, if any, shall be covered into the general fund of the U.S. Treasury for the Federal SSI benefits that would not have been paid.

These provisions explain when a reduction is required, the amount of the reduction and how and to whom we make reimbursement of the reduced

benefits. The provisions are incorporated in § 404.408b (a), (b) and (e).

Benefits Subject to Reduction

The only social security benefits subject to this reduction are monthly benefits. Social security benefits which are payable retroactively for any month after the individual has begun receiving recurring monthly social security benefits, and for which the individual did not have to file a new application, are not subject to reduction. The lump-sum death payment, which is not a monthly benefit, is not subject to reduction. This provision is in § 404.408b(c).

Recomputing the Reduction

After an initial determination, a subsequent claim action can change the amount of benefits or the number of months in the reduction period. A recomputation is generally required where there is a change in the individual's month of entitlement or the amount of the individual's social security benefits or SSI payments (including federally administered State supplementary payments) for the reduction period.

By recomputing the amount of the reduction where a subsequent change occurs, more or less social security benefits could be payable to the individual. Also a change in the month of entitlement could affect the number of months in the reduction period or the determination as to whether the case was subject to the reduction.

The rule describing when a recomputation will be made is in § 404.408b(d).

We considered a policy that the initial reduction would be final and not subject to change regardless of any subsequent claim actions. We rejected this because the effect would not be equitable; some people would be unfairly advantaged while others would be disadvantaged.

In addition, we considered recomputing the reduction only if it would be advantageous to the individual. This policy was rejected because it would still allow windfall payments in some cases and would thus contradict the intent of section 501 of Pub. L. 96-265.

Treatment of Retroactive Social Security Benefits for SSI Purposes

For purposes of the SSI program, the balance, if any, of the retroactive monthly social security benefits paid to an individual for the reduction months will not be considered income in a

subsequent quarter in which it is paid. Since the monthly social security benefits for the retroactive period will already have been considered in determining the amount of the SSI benefits that would have not been paid (that is the reduction amount), the balance of the monthly social security benefits for the reduction months will not be considered income again under the SSI program for a subsequent quarter in which it is paid. This is an exception to the general SSI rule of counting unearned income in the quarter when an individual receives it, regardless of the period for which it was due. However, any retroactive monthly social security benefits paid for periods prior to SSI entitlement are not subject to the reduction and are considered income when received.

These provisions are described in § 416.1123(d).

We have determined that this document is not a major rule as described by Executive Order 12291 because it does not meet any of the criteria set forth in Section 1 of the Executive Order.

In addition, we certify that this regulation does not have an adverse impact on small entities because the rule only affects individuals.

(Secs. 204, 1102, 1127 and 1631(b) of the Social Security Act as amended; 49 Stat. 624, 49 Stat. 647 as amended, 94 Stat. 469, and 86 Stat. 1475; 42 U.S.C. 404, 1302, 1327, and 1383(b))

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors Insurance; 13.807 Supplemental Security Income Program)

Dated: February 26, 1981.

Herbert R. Doggett, Jr.,
Acting Commissioner of Social Security.

Approved: April 2, 1981.
Richard S. Schweiker,
Secretary of Health and Human Services.

It is proposed that Part 404 and Part 416 of Chapter III of Title 20 of the Code of Federal Regulations be amended as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

1. A new § 404.408b is added to Subpart E of Part 404 to read as follows:

§ 404.408b Reduction of retroactive monthly social security benefits where supplemental security income (SSI) payments were received for the same period.

(a) When reduction is required. We will reduce your retroactive social

security benefits if—

(1) You are entitled to monthly social security benefits for a month or months before the first month in which those benefits are paid; and

(2) SSI payments (including federally administered State supplementary payments) which were made to you for the same month or months would have been reduced or not made if your social security benefits had been paid when regularly due instead of retroactively.

(b) Amount of reduction. Your retroactive monthly social security benefits will be reduced by the amount of the SSI payments (including federally administered State supplementary payments) that would not have been paid to you, if you had received your monthly social security benefits when they were regularly due instead of retroactively.

(c) Benefits subject to reduction. The reduction described in this section applies only to monthly social security benefits. Social security benefits which we pay to you for any month after you have begun receiving recurring monthly social security benefits, and for which you did not have to file a new application, are not subject to reduction. The lump-sum death payment, which is not a monthly benefit, is not subject to reduction.

(d) Recomputing the amount of the reduction. We will recompute the amount of the reduction if there are subsequent changes affecting your claim which relate to the reduction period described in paragraph (a) of this section. A recomputation is generally required where there is a change in your month of entitlement or the amount of your social security benefits or SSI payments (including federally administered State supplementary payments) for the reduction period.

(e) Reimbursement of reduced retroactive monthly social security benefits. The amount of the reduction will be—

(1) First used to reimburse the States for the amount of any federally administered State supplementary payments that would not have been made to you if the monthly social security benefits had been paid when regularly due instead of retroactively; and

(2) The remainder, if any, shall be covered into the general fund of the U.S. Treasury for the amount of SSI benefits that would not have been paid to you if

the monthly social security benefits had been paid to you when regularly due instead of retroactively.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

2. Section 416.1123 of Subpart K of Part 416 is amended by revising paragraph (a) and adding a new paragraph (d) to read as follows:

§ 416.1123 How we count unearned income.

(a) *When we count unearned income.* We count unearned income at the earliest of the following points: when you receive it or when it is credited to your account or set aside for your use. We determine your unearned income for each calendar quarter. We describe an exception to the rule on how we count unearned income in paragraph (d) of this section.

(d) *Retroactive monthly social security benefits.* When you file an application for social security benefits and retroactive monthly social security benefits are payable on that application for a period for which you also received SSI payments (including federally administered State supplementary payments), we count your retroactive monthly social security benefits as unearned income received in that period. Rather than reducing your SSI payments in quarters prior to your receipt of a retroactive monthly social security benefit, we will reduce the retroactive social security benefits by an amount equal to the amount of SSI payments (including federally administered State supplementary payments) that we would not have paid to you if your social security benefits had been paid when regularly due rather than retroactively (see § 404.408(b)). If a balance is due you from your retroactive social security benefits after this reduction, for SSI purposes we will not count the balance as unearned income in a subsequent quarter in which you receive it. This is because your social security benefits were used to determine the amount of the reduction. This exception to the unearned income counting rule does not apply to any monthly social security benefits for a period for which you did not receive SSI.

[FR Doc. 81-10871 Filed 4-17-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-100-78]

Creditability of Foreign Taxes; 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 the creditability of foreign taxes.

DATES: The public hearing will be held on May 28, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 14, 1981.

ADDRESS: The public hearing will be held in the I.R.S. 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-100-78), 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 sections 901 and 903 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Monday, November 17, 1980 (45 FR 75695).

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 hearing and the time they wish to devote to each subject by May 14, 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 of 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. 81-11968 Filed 4-15-81; 4:57 pm]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-65-75; LR-70-75]

Payments to Foreign Countries for Oil and Gas That Are Not Considered Taxes and Limitation on Foreign Tax Credit for Foreign Oil and Gas Taxes; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearings on proposed regulations.

SUMMARY: This document provides notice of public hearings on proposed regulations relating to payment to foreign countries for oil and gas that are not considered taxes and proposed regulations relating to the limitation on the foreign tax credit with respect to taxes paid on foreign oil related income.

DATES: The public hearings will be held on May 29, 1981, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by May 15, 1981.

ADDRESS: The public hearings will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C.

The outlines for oral comments on the proposed regulations relating to payments to foreign countries for oil and gas that are not considered taxes, should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-65-75), Washington, D.C. 20224. The outlines for oral comments on the proposed regulations relating to the limitation on the foreign tax credit with respect to taxes paid on foreign oil related income should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-70-75), 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, N.W., Washington, D.C., 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subjects of the public hearings are:

1. Proposed regulations relating to payments to foreign countries for oil and gas that are not considered taxes under section 901(f) of the Internal Revenue Code of 1954. These proposed regulations appeared in the *Federal Register* for Monday, November 17, 1980 (45 FR 75692). The deadline for submitting comments in response to the notice of proposed rulemaking was extended from January 16, 1981, to February 17, 1981, by a notice of extension that appeared in the *Federal Register* for Wednesday, January 21, 1981 (46 FR 6019).

2. Proposed regulations relating to the limitation on the foreign tax credit with respect to taxes paid on foreign oil related income under section 907 of the Internal Revenue Code of 1954. These proposed regulations appeared in the *Federal Register* for Monday, November 17, 1980 (45 FR 75695). The deadline for submitting comments in response to the notice of proposed rulemaking was extended from January 16, 1981, to February 17, 1981, by an notice of extension that appeared in the *Federal Register* for Wednesday, January 21, 1981 (46 FR 6018).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearings. Persons who have submitted written comments within the time prescribed in the respective notices of proposed rulemaking and who desire to present oral comments at the respective hearing on such proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by May 15, 1981. Each speaker will be limited to 10 minutes for an oral presentation on each of the above listed proposed regulations for which timely comments have been submitted, 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. 81-11890 Filed 4-16-81; 11:03 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E2218/P172; PH-FRL 1802-6]

Pesticides; Bentazon; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the herbicide bentazon and its metabolites. This proposal was submitted by the Interregional Research Project No. 4 (IR-4). This amendment will establish a maximum permissible level for residues of the subject herbicide on Bohemian chili peppers at 0.05 part per million (ppm).

DATE: Written comments must be received on or before May 20, 1981.

ADDRESS: Written comments to: Clinton Fletcher, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clinton Fletcher (703-557-7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 9E2218 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of North Carolina.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide bentazon, (3-isopropyl-1H-2,1,3-benzothiadiazin-4-(3H)-one-2,2-dioxide) and its 6- and 8-hydroxy metabolites in or on the raw agricultural

commodity Bohemian chili peppers at 0.05 ppm.

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed tolerance of 0.05 ppm in or on Bohemian chili peppers were a rat oral acute study with an LD₅₀ of 1,100 mg/kg; 90-day rat and dog feeding studies with no-observed-effect-levels (NOEL) of 70 ppm and 300 ppm, respectively; a three-generation rat reproduction study with a NOEL greater than 180 ppm; a 2-year rat feeding study with a NOEL of 350 ppm and negative for oncogenicity; an 18-month mouse feeding study with a NOEL of 350 ppm and negative for oncogenicity; and a rat teratogenicity study indicating no teratogenic effects at 66.7 mg/kg.

The acceptable daily intake (ADI), based on the rat feeding study (NOEL of 0.5 mg/kg/day) and using a 100-fold safety factor, is calculated to be 0.175 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60 kg human is calculated to be 10.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5 kg daily diet is calculated to be 0.0584 mg/day. Combined with all previous tolerances for bentazon on Bohemian chili peppers will use 0.56 percent of the ADI.

The metabolism of bentazon is adequately understood and an adequate analytical method (gas chromatography) is available for enforcement purposes. No secondary residues are expected in meat, poultry, or eggs, as no feed items are involved in this action. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the agency and the insignificance of Bohemian chili peppers in the diet, the tolerance established by amending 40 CFR Part 180 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request on or before May 20, 1981 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments

must bear a notation indicating both the subject and the petition and document control number, "[PP 9E2218/P172]." All written comments filed in response to this petition will be available for public inspection in the office of Clinton Fletcher from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

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

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Document Control Office, EPA, Rm. 107, 401 M St., Washington, D.C. 20460.

For information on Regulatory Flexibility Act requirements, see appendix to this proposed rule.

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

Dated: March 20, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart C of 40 CFR Part 180 be amended by alphabetically inserting the raw agricultural commodity "Bohemian chili peppers" in the table under § 180.355(a) to read as follows:

§ 180.355 Bentazon; tolerances for residues.

(a) * * *

Commodity	Parts per million
Bohemian chili peppers	0.05

Appendix to [PP9E2218/P172] Bentazon Proposed Tolerance

Certification Under Regulatory Flexibility Act:

Congress enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612) effective January 1, 1981. The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and-comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

This proposed regulation would establish a maximum permissible level for residues of the herbicide bentazon and its metabolites in or on Bohemian chili peppers at 0.05 part per million.

The only potential adverse impact on the proposed ruling would be that it would require some labeling changes by registrants. However, the number of affected registrants is relatively very small, the burden of amending the labeling would be slight, and any costs would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: March 11, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

[FR Doc. 81-11647 Filed 4-17-81; 9:45 am]

BILLING CODE 5560-32-M

40 CFR Part 180

[OPP-300047; PH FRL 1769-5]

Certain Inert Ingredients; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes the amendment of 40 CFR 180.1001(c) and (e) to expand the oxyalkylation range for the exempt inert ingredients alpha-(p-Nonylphenyl)-omega-hydroxypoly(oxyethylene) sulfate, ammonium, calcium, magnesium, potassium, sodium, and zinc salts from 4 moles (average) to an average of 4-14 or 30-90 moles ethylene oxide. It also proposes to add the monoethanolamine salt. This amendment was requested by Witco Chemical Corp.

DATE: Written comments must be received on or before May 20, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-577-7110).

SUPPLEMENTARY INFORMATION: At the request of Witco Chemical Corp., Organic Div., 3230 Brookfield St., Houston, TX 77045, the Administrator is proposing to amend 40 CFR 180.1001(c) and (e) by broadening the permissible poly(oxyethylene) content from 4 moles to 4-14 or 30-90 moles ethylene oxide for the inert ingredient(s) alpha-(p-Nonylphenyl)-omega-hydroxypoly(oxyethylene) sulfate, and (its) ammonium, calcium, magnesium, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4 moles. It also proposes to exempt the monoethanolamine salt of this group of compounds.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the

common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient	Name and address of requestor	Basis for approval
Alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene) sulfate, (and its) ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly (oxyethylene) content averages 4-14 or 30-90 moles of ethylene oxide.	Witco Chemical Corp. Organics Division, 3230 Brookfield St., Houston, TX 77045.	This minor change is not expected to be toxicologically significant.

Based on the above information, the chemistry of this substance, and review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains the inert ingredient may request, on or before May 20, 1981 that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear notation indicating both the subject and the petition and the document control number "OPP-300047." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514D, 1921

Jefferson Davis Highway, Arlington, VA 22202 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except holidays.

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

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Docket Control Office, EPA, Rm. 107, 401 M St., Washington, D.C. 20460.

For information on the Regulatory Flexibility Act requirements, see the Appendix to this proposed regulation.

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

Dated: February 18, 1981.

Douglas D. Campt,

Director, Registration Division Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by revising the entry "alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene) sulfate (and its) ammonium, calcium, magnesium, potassium, sodium, and zinc salts, the nonyl group is propylene trimer isomer and the poly (oxyethylene) content averages 4 moles" under § 180.1001 (c) and (e) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
Alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene) sulfate, (and its) ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly (oxyethylene) content averages 4-14 or 30-90 moles of ethylene oxide.		Surfactants, related adjuvants of surfactants.

(e) * * *

Inert ingredients	Limits	Uses
Alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene) sulfate, (and its) ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts; the nonyl group is a propylene trimer isomer and the poly (oxyethylene) content averages 4-14 or 30-90 moles of ethylene oxide.		Surfactants, related adjuvants of surfactants.

Appendix to [OPP-300047] Alpha-(P-Nonylphenyl)-Omega-Hydroxy Poly(Oxyethylene) and Salts Proposed Exemption from Tolerance

Certification Under Regulatory Flexibility Act:

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

Under sec. 408 and 409 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a, 348), the Agency is authorized to establish by regulation tolerance levels, exemptions from the requirements for a tolerance, or food additive levels, for pesticides whose use results in

residues on food or feed. The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has some beneficial economic impact on the producer, distributor, and professional applicator of the pesticide, as well as on the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide. Adverse impacts are usually non-existent or insignificant.

This proposed regulation would broaden the permissible poly(oxyethylene) content to an average of 4-14 or 30-90 moles. It would also add the monoethanolamine salt to the exempt salts. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: March 11, 1981.

Acting Administrator.

Walter C. Barber, Jr.,

[FR Doc. 81-11648 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-32-M

40 CFR PART 180

[OPP-300041; PH FRL 1769-6]

Certain Inert Ingredients; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This amendment proposes that four inert (or occasionally active) ingredients in pesticide formulations be exempted from the requirement of a tolerance when applied to animals. The four compounds are alpha cellulose, methyl paraben, propyl paraben, and glycerol. This amendment was requested by Bayvet Division, Cutter Laboratories.

DATE: Written comments must be received on or before May 20, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Bayvet Division, Cutter Laboratories Inc., the Administrator is proposing to amend 40 CFR 180.1001(e) by exempting alpha cellulose, methyl *p*-hydroxybenzoate (methyl paraben), propyl *p*-hydroxybenzoate (propyl paraben), and glycerol from the requirement of a tolerance when used in pesticidal formulations applied to animals.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply non-toxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Names of Inert Ingredients

Alpha cellulose (microcrystalline cellulose)

Methyl paraben (methyl *p*-hydroxybenzoate)

Propyl paraben (propyl *p*-hydroxybenzoate)

Glycerol (glycerin)

Name and Address of Requestor

Bayvet Division, Cutter Laboratories, Inc., Box 390, Shawnee, Kansas 66201

Basis for Approval

1. All four compounds are presently exempt from the requirement of a tolerance when applied to growing crops, or to raw agricultural commodities after harvest [40 CFR 180.1001(c) or (d)].

2. All four compounds are generally recognized as safe (GRAS) by the Food and Drug Administration (FDA): Alpha cellulose: Unpublished GRAS list (personal communication) Methyl paraben: 21 CFR 184.1490 Propyl paraben: 21 CFR 184.1670 Glycerol: 21 CFR 182.1320

Note 1.—21 CFR Part 184 requires that methyl paraben and propyl paraben meet specifications of the Food Chemicals Codex, and may not exceed 0.1 percent in food.

Note 2.—FDA considers alpha cellulose to be chemically equivalent to microcrystalline cellulose.

3. *Methyl paraben and propyl paraben.*—The Federation of the American Societies of Experimental Biology has recommended to FDA that the GRAS status of these compounds be reaffirmed, and states "the available information reveals that there are no short-term toxicological consequences in the rat, rabbit, cat, dog, or man, and no long-term toxicological consequences in

rats, of consuming the parabens in amounts greatly exceeding those currently consumed in the normal diet of the U.S. population. There is no evidence that consumption of the parabens as food ingredients has had an adverse effect on man in the 40 years they have been so used in the United States."

4. *Glycerol (glycerin).*—Glycerin constitutes about 10 percent of animal and vegetable fat as found in the human diet. The Federation of American Societies of Experimental Biology has recommended to the FDA that glycerin be reaffirmed as GRAS and has concluded that "Glycerin is a component of dietary fat. It has been subjected to extensive short-term and long-term toxicological study. The available information on acute and chronic effects of glycerin demonstrates that no pathological lesions or other adverse effects occur in experimental animals and man at oral levels of glycerin that are now consumed. The available information indicates that the incidence of allergic or hypersensitivity reactions to glycerin is low."

5. *Cellulose.*—Cellulose including alpha cellulose, is the chief constituent of many food crops.

Based on the above information, the chemistry of these substances, and review of their uses, it has been found that, when used in accordance with good agricultural practice, these ingredients are useful and do not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act, which contain any of the inert ingredients may request, on or before May 20, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear notation indicating both the subject and the petition and the document control number "[OPP-300041]." All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

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

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Document Control Office, EPA, Rm. 107, 401 M St., Washington, D.C. 20460.

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

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

Dated: January 30, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by alphabetically inserting the following terms: "alpha cellulose, methyl p-hydroxybenzoate, propyl p-hydroxybenzoate, and glycerol" under § 180.1001(e) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

(e) * * *

Inert Ingredients	Limits	Uses
Alpha Cellulose	Food Grade	Suspending agent.
Glycerol (glycerin).	Meets specifications of Food Chemicals Codex.	Solvent and thickener.
Methyl-p-hydroxybenzoate (Methyl paraben).	Meets specifications of Food Chemicals Codex; not to exceed 0.1 percent in formulations.	Preservative.
Propyl p-hydroxybenzoate (Propyl paraben).	Meets specifications of Food Chemicals Codex; not to exceed 0.1 percent in formulations.	Preservative.

Appendix to [OPP-300041] Alpha-Cellulose, Methyl Paraben, Propyl Paraben, and Glycerol Proposed Exemption From Tolerance

Certification Under Regulatory Flexibility Act:

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

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

This proposed regulation would establish an exemption from the requirement of a tolerance for alpha-cellulose, methyl paraben, propyl paraben, and glycerol, when used as inert ingredients, in pesticide formulations applied (topically) to animals. Any costs resulting from this rule would almost certainly be outweighed by the benefits to the registrants of being able to register this additional use.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant economic impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: March 11, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

[FR Doc. 81-11852 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

Provision of Abortion Services by the Indian Health Service

AGENCY: Public Health Service, HHS.

ACTION: Proposed rule.

SUMMARY: This proposed regulation adds a new Subpart F to 42 CFR Part 36, to make the Indian Health Service (IHS) policy on provision of abortion services consistent with that of other Department of Health and Human Services (DHHS) programs. The proposed amendment to the regulations will restrict abortion services to (1) cases where the life of the mother would be endangered if the fetus were carried to term; or (2) certain instances of rape or incest.

DATES: Comments must be received on or before June 19, 1981.

ADDRESSES: Prior to final adoption of the proposed regulation, consideration will be given to any comments submitted in writing to Mr. Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857. Copies of all comments received in response to this notice will be available for public inspection at this address from 8:30 a.m. to 5:00 p.m., Monday through Friday, beginning approximately two weeks after publication of this notice.

FOR FURTHER INFORMATION CONTACT: Richard J. McCloskey, Indian Health Service, Room 5A-39, 5600 Fishers Lane, Rockville, Maryland 20857, telephone (301) 443-1116.

SUPPLEMENTARY INFORMATION:

Provisions of Proposed Regulation

As proposed, § 36.53 would limit the use of IHS funds to provide abortion services in IHS-operated direct care facilities, at tribally operated facilities, and in private sector facilities where the IHS pays for the care of beneficiaries through its contract health services program.

Sections 36.54 and 36.55 describe the circumstances under which abortions may still be performed by the IHS or paid for with Federal funds. The former section would permit funding where a physician certifies in writing that the life of the mother would be endangered if the fetus were carried to term. The latter section would permit funding in cases of promptly reported rape and in cases of incest. Drugs and devices which prevent implantation of the fertilized ovum, and termination of ectopic pregnancies are excepted from the prohibition on funding by § 36.56.

Finally, §§ 36.57 and 36.58 establish recordkeeping requirements, and provide that any patient-identifying information contained in the records will be kept confidential except as required by DHHS to monitor program performance.

The proposed regulations are similar to the current Public Health Service regulations governing performance of abortions by PHS grantees (42 CFR Part 50).

Need for the Regulation

The current version of the "Hyde Amendment," which applies generally to programs conducted or supported by the Department, prohibits Federal funding of abortion except where required to save the life of the mother, in promptly reported cases of rape, or in cases of incest. However, that provision by its terms does not apply to IHS funds appropriated to the Department of Health and Human Services under the Department of the Interior and Related Agencies Appropriations Act. Consequently, the Department has until now imposed no broad restriction on the use of funds for abortion, but has instead left the decision to doctor and patient. Last year the IHS performed a total of 638 abortions, which includes both medically necessary and non-therapeutic procedures. Thus, the IHS is the only program administered by DHHS under which abortions are currently funded free of "Hyde Amendment" restrictions. In our view, this anomalous situation should not be allowed to continue. Congress has clearly manifested its intention that the Federal funding of abortions be limited. Further, such limitations are consistent with the obligations of the Secretary to maintain and operate Indian health facilities and generally to conserve the health of Indians. For these reasons, it is appropriate to make the IHS policy on abortion consistent with the general practice within the Department.

Source and Scope of HHS Authority To Provide Health Services to Indians

The authority of the Secretary of Health and Human Services to provide medical care to Indians is based upon clauses 2 and 6 of 25 U.S.C. 13 (commonly known as the Snyder Act) adopted in 1921. The pertinent provision of section 13 reads as follows:

Sec. 13. Expenditures of appropriations by Bureau of Indian Affairs—The Bureau of Indian Affairs, under supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of Indians throughout the United States for the following purposes:

• For . . . conservation of health.

• For employment of . . . physicians.

Section 1 of Pub. L. 83-568 (42 U.S.C. 2001, *et seq.*, approved August 5, 1954)

transferred the foregoing authority to the Department of Health, Education, and Welfare (now DHHS):

* * * All functions, responsibilities, authorities, and duties of the Department of the Interior, and the Commissioner of Indian Affairs relating to the maintenance and operation of hospitals and health facilities for Indians and the conservation of the health of Indians, are hereby transferred to, and shall be administered by, the Surgeon General of the United States Public Health Service, under the supervision and direction of the Secretary of Health, Education, and Welfare * * *

The Snyder Act is a broad grant of general authority. In reviewing this broad authority in the case of *Morton v. Ruiz*, 94 S. Ct. 1055 (1974), the Supreme Court concluded that the Snyder Act did not create a legal entitlement to services and that the Secretary of the Interior was authorized to establish reasonable limitations on the scope of the program. While the particular limitations challenged in *Ruiz* were upheld as a reasonable means of allocating insufficient funds, we believe that reasonable limitations may similarly be based on other relevant program considerations. Thus, for example, a ban on the sterilization of minors, which the Department adopted to protect the rights of beneficiaries in its other health care programs, has also been applied to the delivery of health care to Indians. (See 42 CFR Part 50.)

Authority to Establish Limitation on Abortion Services Provided Through the Indian Health Service

The purpose of the IHS programs, as expressed by Congress, is the "conservation of health" of Indians. In passing the "Hyde Amendment" for five successive years, Congress also has expressed to the Department a strong concern about the unrestricted use of Federal funds for abortion. With due regard to this congressional concern, and consistent with the IHS statutory purpose, the Department has determined that the potentiality of fetal life should be the paramount health consideration in all but the most extreme circumstances.

The congressional judgment concerning limitations of Federal funding of abortion was upheld by the Supreme Court in *Harris v. McRae*, 100 S. Ct. 2871 (1980). In that case, the Court determined that the constitutional constraint upon governmental interference with a woman's fundamental right to choose abortion—established in the earlier cases of *Roe v. Wade* (93 S. Ct. 705 (1973)) and *Doe v. Bolton*, (93 S. Ct. 762 (1973))—did not include a companion duty to fund

abortions. The Court also determined that it was reasonable for Congress to fund medical services generally, but to restrict funding for abortions, since "[a]bortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life." *McRae*, supra at 2692.

By expressing a preference for childbirth over abortion in the IHS programs, the Department advances its legitimate interest in the life (and health) of the fetus in the same manner as Congress effectuated its identical interest in the other Federal health programs administered by this Department. Accordingly, it is the decision of the Department to propose amendment of IHS program regulations to make the IHS policy on provision of abortion services consistent with that of other programs administered by the Department.

Determination Concerning Impact of the Proposed Rule

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that the regulation proposed in this notice of proposed rule making will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that the regulation will affect the type of medical services for which Federal funds are available to treat a pregnant woman, but not the availability of Federal funds for her treatment and, if she chooses to continue the pregnancy to term, the treatment of her child.

The Secretary has also determined, in accordance with Executive Order 12291, that the proposed rule does not constitute a "major rule" because it will not: have annual effect on the economy of \$100 million or more; result in a major increase in costs or prices for consumers, any industries, any governmental agencies or geographic regions; or have significant and 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.

The Department is required to submit to the Office of Management and Budget for review and approval the record keeping and reporting requirements in this regulation. The Department will obtain OMB approval before promulgating record keeping and reporting requirements in final regulations.

The Secretary of Health and Human Services proposes to amend Part 36 of Title 42 by adding a new Subpart F to read as follows:

Subpart F—Abortions and Related Medical Services in Indian Health Service Facilities and Indian Health Service Programs

Sec.

- 36.51 Applicability.
- 36.52 Definitions.
- 36.53 General rule.
- 36.54 Life of the mother would be endangered.
- 36.55 Rape and incest.
- 36.56 Drugs and devices and termination of ectopic pregnancies.
- 36.57 Recordkeeping requirements.
- 36.58 Confidentiality.

Subpart F—Abortions and Related Medical Services in Indian Health Service Facilities and Indian Health Service Programs

§ 36.51 Applicability.

This subpart is applicable to the use of Federal funds in providing health services to Indians in accordance with the provisions of Subparts A, B and C of this Part.

§ 36.52 Definitions.

As used in this subpart:

"Law enforcement agency" means an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction or Indian reservation.

"Medical procedures performed upon a victim of rape or incest" means any medical service, including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest.

"Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery at an Indian Health Service or tribally run facility, or by the State in which he or she practices.

"Public health service" means an agency of the United States or of a State or local government, including a tribal government, that provides health and medical services.

§ 36.53 General rule.

Federal funds may not be used to pay for or otherwise provide for abortions in the programs described in § 36.51, except under the circumstances described in §§ 36.54 and 36.55.

§ 36.54 Life of the mother would be endangered.

Federal funds are available for an abortion when a physician has found and so certified in writing to the appropriate tribal or other contracting

organization, or service unit or area director, that on the basis of his/her professional judgment the life of the mother would be endangered if the fetus were carried to term. The certification must contain the name and address of the patient.

§ 36.55 Rape and incest.

(a) Federal funds are available for medical procedures performed upon a victim of rape or incest. However, in cases of rape, funds will be provided only if the appropriate tribal or other contracting organization, or service unit or area director, has received signed documentation from a law enforcement agency or public health service stating:

(1) That the person upon whom the medical procedure was performed was reported to have been the victim of an incident of rape;

(2) The time and the date on which the incident occurred;

(3) The time and date on which the report was made, which must have been within 72 hours of the time when the incident occurred;

(4) The name and address of the victim and the name and address of the person making the report (if different from the victim); and

(5) That the report included the signature of the person who reported the incident.

(b) In cases of incest, funds will be available only when a physician has certified in writing to the appropriate tribal or other contracting organization, or service unit or area director, that the physician has been informed that the patient is a victim of incest.

(c) Federal funds are also available for medical procedures for victims of rape or incest under the circumstances described in § 36.54 without regard to the preceding requirements.

§ 36.56 Drugs and devices and termination of ectopic pregnancies.

Federal funds are available for drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

§ 36.57 Recordkeeping requirements.

All documents required by §§ 36.54 and 36.55 must be maintained for three years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 *et seq.*

§ 36.58 Confidentiality.

Information which is acquired in connection with the requirements of this subpart may not be disclosed in a form which permits the identification of an individual without the individual's consent, except as may be necessary for

the health of the individual or as may be necessary for the Secretary to monitor Indian Health Service program activities. In any event, any disclosure shall be subject to appropriate safeguards which will minimize the likelihood of disclosures of personal information in identifiable form.

Authority: Sec. 1, 42 Stat. 208, 25 U.S.C. 13; Sec. 1, 68 Stat. 674, 42 U.S.C. 2001; Sec. 3, 68 Stat. 674, 42 U.S.C. 2003.

Dated: March 26, 1981.

Richard S. Schweiker,
Secretary, Department of Health and Human Services.

[FR Doc. 81-10729 Filed 4-9-81; 6:45 am]

BILLING CODE 4110-85-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. 6033]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

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

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755-5585 or Toll Free Line (800) 424-8672 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood

Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or Regional entities. These proposed elevations will also be

used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
Arizona	Holbrook (city), Navajo County	Little Colorado River	Intersection of Arizona Street and 11th Avenue	*5,074	
			Intersection of Hopi Drive and First Street	*5,086	
		Whiting Creek	Intersection of Dewitt Road and Whiting Avenue	*5,072	
Maps available for inspection at City Offices, 465 1st Avenue, Holbrook, Arizona. Send comments to the Honorable Leo Hunt, P.O. Box 70, Holbrook, Arizona 86025.					
Arkansas	City of Alexander, Pulaski County	Crooked Creek	Just downstream of State Highway 111	*315	
Maps available for inspection at City Hall, Main Street, Alexander, Arkansas 72202. Send comments to Mayor Waymon King or Ms. Jackie Dillard, City Recorder, City Hall, Main Street, Alexander, Arkansas 72202.					
Arkansas	City of Pocahontas, Randolph County	Black River	Just downstream of U.S. Highway 67	*268	
			Just upstream of St. Louis-San Francisco Railway	*269	
		Mill Creek	At southern corporate limits and Mill Creek Road	*271	
		Town Creek	Just upstream of U.S. Highway 67	*268	
			Just upstream of South Marr St	*269	
		Mansker Creek	Just downstream of U.S. Highway 67	*270	
Just downstream of corporate limits					*279
Maps available for inspection at City Hall, 410 North Marr Street, Pocahontas, Arkansas 72455. Send comments to Mayor Jerry Burrow, City Hall, 410 North Marr Street or Mr. Edwin Cox, Jr., Chairman, Planning and Zoning Commission, 1507 North Marr Street, Pocahontas, Arkansas 72455.					
Arizona	Taylor (town), Navajo County	Silver Creek	Intersection of 5th Street and May Lane	*5,618	
		Railroad grade wash	130 feet upstream from the center of State Highway 77.	*5,625	
			Intersection of Railroad Grade Wash and Foothills Boulevard.	*5,732	
		Airport wash	Intersection of Airport Wash and Willow Lane	*5,675	
Maps available for inspection at Town Hall, 425 Paper Mill Road, Taylor, Arizona. Send comments to the Honorable L. A. Palmer, Box 158, Taylor, Arizona 85939.					
Colorado	Craig (city), Moffat County	Fortification Creek	Downstream side of 7th Street bridge over the channel.	*6,194	
			Downstream side of 10th Street bridge over the channel.	*6,198	
		Brotherton Gulch	Barclay Street over the channel	*6,232	
Maps available for inspection at City Clerk, City Hall, 300 West 4th Street, Craig, Colorado. Send comments to the Honorable Jerry Thompson, 300 West 4th Street, Craig, Colorado 81625.					
Iowa	(Uninc.), Des Moines County	Mississippi River	At downstream county boundary	*531	
			Just upstream of Lock and Dam No. 18	*538	
			At upstream county boundary	*543	
			About 2000 feet downstream of State Highway 99	*535	
		Flint Creek	Just upstream of State Highway 99	*537	
			About 200 feet upstream of County Road X 60	*549	
			Just downstream of U.S. Highway 61	*562	
			Just upstream of confluence of Little Flint Creek	*578	
		Little Flint Creek	Just downstream of County Road (about 2.4 miles upstream of confluence of Little Flint Creek)	*591	
			About 0.6 mile upstream of County Road H 50	*623	
			At confluence with Flint Creek	*578	
			Just upstream of County Road X 40	*594	
		Long Creek	Just upstream of County Road (about 1.7 miles upstream of County Road X 40).	*614	
			About 1.3 miles upstream of County Road (about 3.0 miles upstream of County Road X 40).	*641	
			Just upstream of County Road J 20	*687	
			Just downstream of County Road X 31 (about 0.7 mile upstream of County Road J 20).	*691	
		Knotty Creek	Just upstream of County Road X 31 (about 0.7 mile upstream of County Road J 20).	*698	
			About 450 feet upstream of County Road X 31 (near City of Danville).	*703	
			At mouth at Flint Creek	*562	
			About 2.0 miles upstream of mouth at Flint Creek	*585	
		Hawkeye Creek	About 1750 feet upstream of mouth	*672	
			Just downstream of County Road (about 0.8 mile downstream of Treatment Plant Road).	*699	
About 100 feet upstream of County Road (about 0.8 mile downstream of Treatment Plant Road).	*704				

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Just upstream of Treatment Plant Road	*735
		Spring Creek	At City of Mediapolis corporate limits	*744
			About 0.5 mile downstream of Great River Road	*534
			Just upstream of Great River Road	*543
			About 100 feet upstream of U.S. Highway 61	*547
			About 200 feet upstream of County Road (about 1.5 miles upstream of U.S. Highway 61)	*572
			About 0.25 miles upstream of County Road (about 2.1 miles upstream of U.S. Highway 61)	*578
		North branch Spring Creek	At mouth at Spring Creek	*543
			About 1.2 miles downstream of Haskell Road	*560
			Just upstream of Haskell Road	*637
Maps available for inspection at the Office of the County Engineer, Des Moines County Courthouse, Burlington, Iowa.				
Send comments to the Honorable Richard A. Lewis, Chairman of the County Board of Supervisors, Des Moines County, Des Moines County Courthouse, Burlington, Iowa 52601.				
Minnesota	(C) Mantorville, Dodge County	South branch middle fork Zumbro River	About 3000 feet upstream of eastern corporate limits	*1,117
		North tributary	Western corporate limits	*1,123
			Just upstream of Jefferson Street	*1,129
			Just downstream of 7th Street	*1,134
		South tributary	Just downstream of Stagecoach Road	*1,166
			Just upstream of Field Road (about 300 feet downstream of County Highway 12)	*1,128
			Just upstream of County Highway 12	*1,136
			Southern corporate limits	*1,140
Maps available for inspection at the City Hall, Mantorville, Minnesota.				
Send comments to Honorable Ronald D. Jones, Mayor, City of Mantorville, City Hall, Mantorville, Minnesota 55955.				
Montana	Bozeman (city), Gallatin County	Bozeman Creek	75 feet upstream from center of Ice Pond Road	*4,652
		East Gallatin River	Intersection of River and center of Bridger Drive (State Highway 293)	*4,710
			50 feet upstream from center of Story Hill Road	*4,851
		Bridger Creek	75 feet upstream from center of Story Hill Road	*4,728
		Mill ditch diversion	Intersection of ditch and center of East Main Street	*4,803
		Figgins Creek	Intersection of creek and center of Hoffman Drive	*4,892
		West fork of Figgins Creek	100 feet upstream from center of Kagy Boulevard	*4,900
		Spring Creek	At confluence with Bozeman Creek	*4,909
		Golf course irrigation ditch	At upstream limit of detailed study	*4,935
Maps available for inspection at City Hall, P.O. Box 640, Bozeman, Montana.				
Send comments to the Honorable Duncan McNab, P.O. Box 640, Bozeman, Montana 59715.				
New Jersey	Franklin, township, Gloucester County	Still Run	Upstream of downstream corporate limits	*77
			Upstream of Iona Lake Spillway Bridgton Road	*88
			Upstream of State Route 538	*96
			Downstream of Little Mill Road	*100
			Downstream of upstream corporate limits	*108
		Little Ease Run	Upstream of confluence with Still Run	*83
			Upstream of Conrail	*95
			Downstream of upstream corporate limits	*104
		Scotland Run	Upstream of downstream corporate limits	*78
			Upstream of Route 40	*85
			Upstream of Route 47	*94
			Downstream of Grant Avenue	*105
			Downstream of Washington Avenue	*109
Maps available for inspection at the Township Clerk's Office, Municipal Building, Delsea Drive, Franklinville, New Jersey.				
Send comments to Honorable Auster C. Giovannetti, Mayor of Franklin Township, Municipal Building, Delsea Drive, Franklinville, New Jersey 08322.				
New Jersey	Mullica, township, Atlantic County	Mullica River	Downstream Corporate Limits	*9
			Downstream State Route 542	*11
		Great Bay	3,050 feet downstream of State Route 542	*9
Maps available for inspection at the office of the Township Clerk, White Horse Pike, Elwood, New Jersey.				
Send comments to Honorable Ralph Condo, Mayor of the Township of Mullica, Municipal Building, Elwood, New Jersey 08217.				
New York	Newark Valley, village, Tioga County	East branch Owego Creek	Downstream Corporate Limits	*946
			Approximately 2,000' upstream of Silk Street	*956
			Approximately 1,015' upstream of upstream crossing of corporate limits	*969
Maps available for inspection at the Village Hall, Park Street, Newark Valley, New York.				
Send comments to Honorable Edna M. Steinkamp, Mayor of the Village of Newark Valley, Village Hall, Park Street, Newark Valley, New York 13811.				
New York	Windsor, town, Broome County	Susquehanna River	Downstream Corporate Limits	*913
			1,200' upstream of County Route 548 extended	*917
			Fordway Road extended	*926
			6,000' upstream of Owauga Bridge	*937
			Upstream corporate limits	*940
Maps available for inspection at the Town Hall, 35 Main Street, Windsor, New York.				
Send comments to Honorable Clarence Worden, Supervisor of the Town of Windsor, Town Hall, 35 Main Street, Windsor, New York 13865.				
New York	Windsor, village, Broome County	Susquehanna River	Downstream Corporate Limits	*920
			Upstream Corporate Limits	*924

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Village Hall, Main Street, Windsor, New York. Send comments to Honorable Clarence Mandigo, Mayor of the Village of Windsor, Village Hall, Main Street, Windsor, New York 13865.				
Oklahoma	City of Nichols Hills, Oklahoma County	Deep Fork Tributary 20	Just upstream of N.W. 83rd Street	*1,137
			Just upstream of Bedford Drive	*1,153
			Just upstream of Huntington Ave.	*1,162
Maps available for inspection at City Hall, 6407 Avondale Avenue, Nichols Hills, Oklahoma 73101. Send comments to Mayor John Mee or Mr. Douglas Henley, City Manager, City Hall, 6407 Avondale Avenue, Nichols Hills, Oklahoma 73101.				
Oklahoma	City of Poteau, LeFlore County	Poteau River	Just upstream of Old Highway 112	*447
		Polk Creek	Just upstream of Tarby Road	*472
			Just downstream of U.S. Highways 59 and 271	*510
		Town Creek North	Just upstream of Industrial Road	*448
			Just downstream of U.S. Highways 59 and 271	*475
		Town Creek South	Just downstream of Roanoke Avenue	*448
			Just downstream of Dewey Avenue	*456
		McMurtrey Creek	Just downstream of Airport Road	*455
			Just downstream of U.S. Highways 59 and 271	*514
		"C" Creek	Just upstream of West Boulevard	*467
Maps available for inspection at City Hall, 111 Off Front Street, Poteau, Oklahoma 74953. Send comments to Mayor Melvin Taylor or Ms. Launa Pate, City Clerk, City Hall, 111 Off Front Street, Poteau, Oklahoma 74953.				
Oklahoma	Town of Roland, Sequoyah County	Stream A	Just upstream of U.S. Highway 64	*434
			Just upstream of Interstate Highway 40	*445
			Just upstream of Dorcus Street	*473
		Stream B	Just downstream of corporate limits	*450
Maps available for inspection at Town Hall, Roland Road, Roland, Oklahoma 74954. Send comments to Mayor Carl Wilson or Ms. Faye Chandler, Town Clerk, Town Hall, P.O. Box 221, Roland, Oklahoma 74954.				
Pennsylvania	Franconia, township, Montgomery County	East branch Perkiomen Creek	Downstream Corporate Limits	*219
			Dam (upstream side) located 2,200 feet upstream from Corporate limits.	*224
			Fretz Road bridge (upstream side)	*234
			Camp Road bridge (upstream side)	*243
			Allentown Road bridge (upstream side)	*257
			Dam (upstream side) located 4,700 feet upstream from Allentown Road bridge.	*268
			Upstream Corporate limits and County Line Road bridge (downstream side)	*276
		Skippack Creek	Downstream Corporate limits	*226
			2,400 feet upstream from Schoolhouse Road	*236
			700 feet downstream from Allentown Road bridge	*246
			Allentown Road bridge (upstream side)	*253
			2,850 feet upstream from Allentown Road bridge	*263
			Cowpath Road bridge (upstream side)	*278
			1,900 feet upstream from Cowpath Road bridge	*300
			Upstream Corporate limits	*313
		Indian Creek	Downstream Corporate limits	*225
			Orchard Lane Road bridge (upstream side)	*236
			Indian Creek Road bridge (upstream side)	*247
			Clemens Road bridge (downstream side)	*255
Maps available for inspection at the Township Building, Allentown Road, Franconia, Pennsylvania. Send comments to Honorable Merrill H. Bergey, Chairman of the Franconia Board of Supervisors, P.O. Box 128, Franconia, Pennsylvania 18924.				
Pennsylvania	Lansdowne, borough, Delaware County	Darby Creek	Downstream Corporate Limits	*99
			Upstream Hilldale Road	*48
			Downstream Conrail	*57
			Upstream Corporate Limits	*71
Maps available for inspection at the Borough Building, 12 East Baltimore Avenue, Lansdowne, Pennsylvania. Send comments to Honorable William Johnston, Mayor of Lansdowne, 12 East Baltimore Avenue, Borough Building, Lansdowne, Pennsylvania 19050.				
Pennsylvania	Luzerne, township, Fayette County	Monongahela River	Downstream Corporate Limits	*773
			Maxwell Lock and Dam (upstream)	*776
			Upstream Corporate Limits	*787
		Dunlap Creek	Township Route 561 (upstream)	*943
			State Route 166 (upstream)	*951
			Upstream Corporate Limits	*954
Maps available for inspection at the Luzerne Municipal Building, 415 Hopewell Road, Brownsville, Pennsylvania. Send comments to Honorable William Bake, Chairman of the Luzerne Board of Supervisors, 415 Hopewell Road, Brownsville, Pennsylvania 15417.				
Pennsylvania	Perkiomen, township, Montgomery County	Perkiomen Creek	Downstream Corporate Limits	*123
			Graterford Road	*129
			Confluence of East Branch Perkiomen Creek	*138
			Upstream Corporate Limits	*146
		East branch Perkiomen Creek	Confluence with Perkiomen Creek	*138
			Approximately 4,100' upstream of confluence with Perkiomen Creek	*145
			Upstream Corporate Limits	*154

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Township Building, Perkiomen, Pennsylvania. Send comments to Honorable Claire S. Olson, Chairwoman of the Perkiomen Board of Supervisors, P.O. Box 458, Schwanksville, Pennsylvania 19473.				
Pennsylvania	Salford, township, Montgomery County	East branch Perkiomen Creek	Moyer Road bridge (upstream side) and downstream Corporate Limits	*220
			Dam (upstream side) located approximately 1,700' above Moyer Road bridge.	*224
			Fritz Road bridge (upstream side)	*234
			Camp Road bridge (upstream side)	*243
			Allentown Road bridge (upstream side)	*257
			Dam (upstream side) located approximately 4,750' above Allentown Road bridge.	*268
			County Line Road bridge (downstream side) and upstream Corporate Limits.	*276
Maps available for inspection at the Township Building, Salford, Pennsylvania. Send comments to Honorable Donald R. Lodge, Chairman of the Salford Board of Supervisors, P.O. Box 54, Tylersport, Pennsylvania 18971.				
Pennsylvania	South Abington, township, Lackawanna County	Leggetts Creek	Downstream Corporate Limits	*982
			(Upstream side) Routes 6 and 11	*1,013
			Upstream of downstream dam	*1,032
			Bucherman Avenue (upstream side)	*1,055
			Upstream of confluence of Lackawanna Trail Tributary	*1,067
			Approximately 1,250' upstream of confluence of Lackawanna Trail Tributary	*1,081
			Approximately 2,400' upstream of confluence of Lackawanna Trail Tributary	*1,097
		Summit Lake Creek	Approximately 3,300' downstream of Pennsylvania Turnpike (northeast extension)	*1,253
			Approximately 1,700' downstream of Pennsylvania Turnpike (northeast extension)	*1,262
			Approximately 150' downstream of Pennsylvania Turnpike	*1,288
		Lackawanna Trail Tributary	Confluence with Leggetts Creek	*1,066
			Interstate 6-11 Ramp (downstream crossing)	*1,067
			Approximately 13' downstream of Pennsylvania Turnpike (northeast extension)	*1,100
			Pennsylvania Turnpike (northeast extension)	*1,121
			Corporate Limits	*1,142
Maps available for inspection at the South Abington Township Building, 104 Shady Lane Road, Chinchilla, Pennsylvania. Send comments to Honorable William Cole, Chairman of the South Abington Board of Supervisors, 104 Shady Lane Road, Chinchilla, Pennsylvania 18410.				
South Dakota	Deadwood (city), Lawrence County	Whitewood Creek	Intersection of Creek and center of Charles Street	*4,596
			40 feet upstream from center of Dunlop Street	*4,484
		Deadwood Creek	50 feet upstream from center of U.S. Highway 14A	*4,630
Maps available for inspection at City Hall, 3 Siever Street, Deadwood, South Dakota. Send comments to Honorable Ed Keene, Box G, Deadwood, South Dakota 57732.				
Texas	Town of Manvel, Brazoria County	Mustang Bayou	Approximately 200 feet downstream of Masters Street (FM 1128)	*54
			Just upstream of County Road 876	*57
			Just downstream of a Private Drive which is located 1200 feet above County Road 88 (Chocolate Bayou Road)	*59
			Just upstream of County Road 736	*61
			Approximately 600 feet downstream of Brook Parkway	*64
		Chocolate Bayou	Just upstream of County Road	*67
			Just upstream of County Road 81	*54
Maps available for inspection at Town Secretary's Office, Town Hall, 6615 FM 1128, Manvel, Texas 77578. Send comments to Mayor Frank LeVoy or Mr. Ron Kitchens, Town Councilman, P.O. Box 187, Manvel, Texas 77578.				
Utah	Harrisville (city), Weber County	Coldwater Gulch	Upstream edge of Union Pacific Railroad over channel	*4,267
			Upstream edge of U.S. Highway 30, 89, 91 over channel	*4,291
		Jumpoff Gulch	Approximately 200 feet southeast of intersection of U.S. Highway 30, 89, 91 and 675 N.	#1
Maps available for inspection at City Recorder, City Hall, 1350 North Hwy. 89, Harrisville, Utah. Send comments to the Honorable Duane Poulsen, 1350 North Hwy. 89, Harrisville, Utah 84404.				
Utah	Riverdale (city), Weber County	Weber River	Approximately 1300 feet upstream of confluence with Burch Creek at the corporate limits	*4,334
			Intersection of channel and Riverdale Road (U.S. Highway 91)	*4,350
			Confluence with Riverdale Bench Canal	*4,385
		Burch Creek	Upstream side of Pacific boulevard over channel	*4,340
			Upstream side of Riverdale Road (U.S. Highway 91) over channel	*4,370
Maps available for inspection at City Hall, 4458 South 700 West, Riverdale, Utah. Send comments to the Honorable Leon Poulsen, 4458 S. 700 West, Riverdale, Utah 84403.				
Virginia	Falls Church, City	Tripps Run	Downstream Corporate Limits	*281
			Upstream West Westmoreland Avenue extended	*289

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fourmile Run	Downstream South Oak Street Downstream Corporate Limits Downstream North Washington Street	*298 *290 *289
Maps available for inspection at the City Hall in the Planning Department and Public Works Office and at the Public Library, Falls Church, Virginia. Send comments to Honorable Carol W. DeLong, Mayor of Falls Church, City Hall, 300 Park Avenue, Falls Church, Virginia 22046.				
Washington	Fircrest (town), Pierce County	Leach Creek	Intersection of Drake Street (38th Street West) and El Dorado Avenue	#196
Maps available for inspection at Town Hall, 115 Ramsdell, Fircrest, Washington. Send comments to Honorable Wallace Ramsdell, 115 Ramsdell, Fircrest, Washington 98466.				

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

Issued: April 8, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-11615 Filed 4-17-81; 8:45 am]

BILLING CODE 6118-03-M

44 CFR Part 67

[Docket No. FEMA-5778]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Gloucester, Camden County, New Jersey.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the Federal Register at 45 FR 9040 on February 11, 1980, and hence supersedes those previously published rules.

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

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Township Building, Gloucester, New Jersey. Send comments to: Honorable Nan A. Mullen, Mayor of the Township of Gloucester, P.O. Box 8, Blackwood, New Jersey 08012.

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

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Gloucester, Camden

County, New Jersey, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

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

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Gloucester, Township Camden County	Big Timber Creek	100' upstream of State Route 41 (Clements Bridge Road)	*10
		South Branch Big Timber Creek	100' upstream of State Route 42	*10
			50' upstream of Almonesson Road	*10
			Approximately 3,600' upstream of Almonesson Road	*10
			50' upstream of Good Intent Road	*18
			100' upstream of West Church Street	*24
			Approximately 125' upstream of Lakeland Road	*29
			Approximately 25' downstream of Central Avenue	*35
			Approximately 25' upstream of State Route 168 (Black Horse Pike)	*47
			Approximately 30' upstream of Turnerville Sickerville Road	*53
			Approximately 30' downstream of Lake Access Road	*56
			Approximately 75' upstream of Lake Access Road	*68

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground elevation in feet (NGVD)
			50' downstream of Private Road	*76
			Approximately 60' upstream of Atlantic City Expressway	*87
			Approximately 1,700' upstream of Atlantic City Expressway	*92
			Confluence of Slab Bridge Branch	*103
			Dam (downstream side)	*118
			Redwood Street (upstream side)	*125
	North Branch Big Timber Creek		100' upstream of confluence with South Branch of Big Timber Creek	*10
			Approximately 50' upstream of Abandoned Railroad	*12
			Approximately 40' upstream of Black Horse Pike	*14
			Approximately 50' upstream of second crossing of Chews Landing on Clementon Road	*16
			25' upstream of confluence of Signey Run	*17
			Confluence of Mason Run (Corporate Limits)	*19
	Signey Run		Approximately 1,100' upstream with North Branch Big Timber Creek	*17
			Approximately 2,500' upstream of confluence with North Branch Big Timber Creek	*26
			Approximately 40' downstream of Corporate Limits	*32
	Mason Run		Approximately 25' upstream of confluence with North Branch Big Timber Creek	*19
			1,750' upstream of confluence with North Branch Big Timber Creek	*20
	Pines Run		Approximately 40' upstream of Lower Landing Road	*10
			Approximately 75' upstream of Lakeview Drive	*14
			50' downstream of Abandoned Railroad	*18
			50' upstream of Abandoned Railroad	*25
			70' upstream of State Route 168 (Black Horse Pike)	
			50' downstream of Golf Course Access Road	*35
			50' upstream of Golf Course Access Road	*42
			Approximately 15' upstream of 4th Footbridge crossing	*45
			40' upstream of Little Gloucester Road	*52
			50' upstream of Hinder Lane	*54
			20' downstream of Private Road	*56

Maps available at the Township Building, Gloucester, New Jersey.

Send comments to Honorable Nan A. Mullen, Mayor of Gloucester, Gloucester Township, P.O. Box 6, Blackwood, New Jersey 08012.

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

Issued: April 6, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-11014 Filed 4-17-81; 8:45 am]

BILLING CODE 6716-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 81-215; RM-3742; FCC 81-120]

Talk-Around in the Private Land Mobile Radio Services on Shared Conventional Channels Above a Specific Frequency Band

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In response to a rulemaking petition the FCC has proposed to amend its rules to allow users of shared conventional channels above 806 MHz in the Private Land Mobile Radio Services to operate in the "talk-around" mode. "Talk-around" allows a mobile

unit in a paired-frequency operation to talk to another mobile station without going through the base station. Under current rules, only licensees having exclusive use of a channel may use talk-around in this band. The Commission proposes to allow licensees on shared conventional channels in this band to use talk-around also. The proposed change would allow licensees greater flexibility, and should not cause any significant interference problems.

DATES: Comments must be received by June 4, 1981 and reply comments must be received by May 11, 1981.

ADDRESSES: Send comments to: Secretary, Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Neal Goldfarb, Federal Communications Commission, Private Radio Bureau, Rules Division, (202) 634-2443.

In the matter of amendment of the Commission's Rules and Regulations to Permit Talk-around in the Private Land Mobile Radio Services on Shared Conventional Channels above 806 MHz, PR Docket No. 81-215; RM-3742.

Notice of Proposed Rulemaking

Adopted: March 26, 1981.

Released: April 9, 1981.

By the Commission: Chairman Ferris not participating.

1. The Special Industrial Radio Service Association (SIRSA) has petitioned¹ the Commission to amend Subpart M of Part 90 of our Rules to

¹ The petition was filed August 18, 1980. Supporting comments were received from the Central Committee on Telecommunications of the American Petroleum Institute, the Manufacturers Radio Advisory Committee, Forest Industries Telecommunications, and Motorola, Inc. SIRSA and the National Association of Business and Educational Radio, Inc., filed reply comments.

permit mobile stations operating in the private services on conventional shared frequencies above 806 MHz to transmit mobile-to-mobile by employing the assigned paired base-station frequency.

2. Frequencies in the 800 MHz bands are assigned in pairs. Mobiles and control stations transmit on frequency A and receive frequency B; base stations transmit on frequency B and receive frequency A. See 47 CFR § 90.365(a)(3). In a mobile relay system, the relay is the base station. Thus, all communications between mobiles or between a mobile and control station must ordinarily go through the relay, since the only frequency the mobile or control station can receive is the relay transmit frequency. "Talk-around" allows a mobile unit in a paired-frequency operation to talk to another mobile station without going through the base station. The mobile does this by using the base channel to transmit. (Although this capability primarily benefits users of mobile relay systems, it also applies to two-frequency simplex systems.)²

3. Under existing Rules, talk-around is permitted below 806 MHz.³ Above 806 MHz, however, only those licensees whose systems are large enough for them to be assigned exclusive use of a frequency-pair currently may engage in talk-around.⁴ This restriction is intended to permit other base station users on the same frequency to operate free from mobile station interference. See *Land Mobile Service, Memorandum Opinion and Order in Docket 18262*, 51 FCC 2d 945, 981 (1975).

4. The petition and the supporting comments, however, contend that allowing talk-around will not result in a significant interference problem to co-channel base frequency licensees, and would benefit the public interest. Specifically, they argue that mobile transmissions on the base transmit frequency are unlikely to overpower mobile-relay or base transmissions, because the maximum effective radiated power (ERP) of mobile units is normally

much less than that of base stations.⁵ The only interference that can be anticipated, SIRSA contends, is interference suffered by users operating in the talk-around mode.

5. The petition also points out the advantages SIRSA believes are afforded by talk-around operation. Talk-around allows mobiles to communicate with each other in areas where it is hard to access the mobile-relay—at the fringes of the mobile relay's coverage area, for example, or in hilly terrain. Access to the base station is often unnecessary where the licensee uses radio for communication within one localized site. Allowing talk-around will thus ease congestion on the repeater.

6. We are proposing to amend our rules to allow talk-around on a secondary basis on shared conventional frequencies above 806 MHz as SIRSA suggests because it appears that the arguments it makes regarding allowing such a capability have merit. There also appears to be little likelihood of a serious interference problem from such a use. Our action here, however, does not address trunked frequencies. SIRSA did not request talk-around capability for trunked frequencies. Different considerations may be present as to talk-around on trunked systems, and the record before us is silent on this point. We invite comments on whether talk-around should be authorized on trunked frequencies, and on what special problems would be associated with doing so.

7. For purposes of this nonrestricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered covered in any previously-filed written comments for the

proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served; and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 C.F.R. § 1.1231.

8. Accordingly, notice is hereby given of rulemaking to amend Part 90 of the Commission's Rules, in accordance with the proposal set forth in the Appendix.

9. The proposed amendment to the Rules is issued pursuant to authority contained in Sections 4(i), 303(b), 303(f), 303(g), and 303(r) of the Communications Act, as amended.

10. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rulemaking proceeding because the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. There should be no adverse economic impact, because authorizing talk-around is unlikely to create interference problems. The rule will have a small beneficial economic impact on licensees, in that it will allow somewhat greater operating flexibility, but this impact will not be significant.

11. Pursuant to procedures set out in Section 1.415 of the Commission's Rules, 47 CFR 1.415, interested persons may file comments by June 4, 1981 and reply comments by May 11, 1981. The Commission will consider all relevant and timely comments before taking final action in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

12. In accordance with the provisions of Section 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the public who wish to express their interest by participating informally may do so by

² Two frequency simplex is a system where the mobile transmits on one frequency and the base on a different frequency; neither the base, nor mobiles, may both transmit and receive simultaneously because each station's receiver is muted when its associated transmitter is activated. This is contrasted to two frequency duplex, where either the base, or mobile, or both may both transmit and receive simultaneously.

³ Talk-around is explicitly authorized in the 450-512 MHz band, 47 CFR Section 90.173(i), and has been permitted as a matter of administrative policy in the bands below 450 MHz.

⁴ The prohibition on talk-around is implicit in the rules governing selection and assignment of frequencies, 47 CFR Section 90.365(a)(3). The exception for frequencies licensed exclusively to a single person is found in 90 CFR Section 90.385(e).

⁵ See 47 CFR Section 90.379(a) and (d).

submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

13. For further information contact Neal Goldfarb, Federal Communications Commission, Private Radio Bureau, Rules Division, Washington, D.C. 20554, (202) 634-2443.

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

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

It is proposed that 47 CFR, Part 90, be amended as follows:

1. Section 90.365 is amended by revising paragraph (a)(3) to read as follows:

§ 90.365 Selection and assignment of frequencies.

(a) * * *

(3) For conventional systems, mobile station transmitting frequencies, as well as those for use by control stations, will be selected from those allocated in the 806-821 MHz band. Mobile and control station transmitting frequencies will commence with Channel No. 1 at 806.0125 MHz, followed by Channel No. 2 at 806.0375 MHz, and proceed to the band end with uniform 25 kHz channeling. Base station transmitting frequencies will be selected and assigned from those allocated in the 851-866 MHz band, with Channel No. 1 commencing at 851.0125 MHz, followed by Channel No. 2 at 851.0375 MHz, and proceed to the band end with uniform 25 kHz channeling. The spacing between associated mobile and base station frequencies shall be, uniformly, 45 MHz. A mobile station is authorized to transmit on a secondary basis on any frequency assigned to its associated base station.

[FR Doc. 81-11870 Filed 4-17-81; 8:45 am]

BILLING CODE 6712-01-M

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: The Order extends the comment and reply comment period in Docket 81-110, amendment of Subpart H of Part 90 of the rules to facilitate interservice sharing of frequencies in the private land mobile service below 470 MHz from April 3 and April 20, 1981, to May 15 and May 29, 1981. The filing time for comments is being extended to allow organizations time to solicit comments from their members prior to filing comments in the proceeding.

DATES: Comments are now due May 15, 1981 and replies May 29, 1981.

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

FOR FURTHER INFORMATION CONTACT: Neal Pike, Private Radio Bureau, Washington, D.C. 20554, Room 5202, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

Adopted: April 2, 1981.

Released: April 6, 1981.

In the matter of amendment of Subpart H of Part 90 of the Commission's Rules and Regulations to facilitate interservice sharing of frequencies in the private land mobile service below 470 MHz; order extending the time for filing comments. See also 46 FR 16104, March 11, 1981.

The Central Committee on Telecommunications of the American Petroleum Institute (API) on March 25, 1981, filed a motion requesting the Commission to extend the dates for filing comments and reply comments in the above-captioned proceeding. A similar request was submitted by the Association of American Railroads on March 31, 1981. Presently comments are due April 3, and reply comments April 20, 1981.

In support of these motions petitioners note that the text of the Notice of Proposed Rule Making was not released until March 9, 1981, and not published in the *Federal Register* until March 11, 1981, thereby providing less than four weeks for the preparation of comments. They also point out that in preparation of their comments they must distribute the Notice by mail to their members, collect the various views, prepare drafts and circulate them to their membership and then prepare the final comments. They stress that to accomplish this in less than a month is very strenuous.

We have considered these requests and we believe the public interest is served by giving interested parties sufficient time to comment on the rules the Commission has proposed. Accordingly, we are granting the requests and extending the comment

period to May 15, 1981, and the reply comment period to May 29, 1981.

Federal Communications Commission,
Martin Sicker,
Acting Chief, Private Radio Bureau.

[FR Doc. 81-11872 Filed 4-17-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Transmission Systems, Ignition Switches

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking filed by Mr. John W. Maus. Part of the petition concerns Safety Standard No. 102, *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*. Mr. Maus petitioned NHTSA to require a starter interlock on all vehicles equipped with manual transmissions. At present, the regulation requires a starter interlock only for cars that have an automatic transmission. Mr. Maus also urged the agency to require that the accessory and starter positions on a vehicle's ignition switch be located on opposite sides of the "off" or "lock" position. There are currently no regulations concerning the location of the accessory and starter positions. The agency denies Mr. Maus's petition in this notice because there is no demonstrable safety need warranting such amendments.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Erickson, Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: This notice denies a petition for rulemaking filed by Mr. John W. Maus. The first part of the petition concerns Safety Standard No. 102, *Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect*. This rule requires a starter interlock on all cars equipped with an automatic transmission. The standard requires that the engine starter be inoperative when the transmission shift lever is in a forward or reverse drive position. The purpose of these provisions is to reduce

47 CFR Part 90

[PR Docket No. 81-110, RM-3389]

Interservice Sharing of Frequencies in the Private Land Mobile Service Below 470 MHz

AGENCY: Federal Communications Commission.

the possibility of accidentally starting the vehicle when the transmission is in "drive." At present, Standard No. 102 does not require vehicles having a manual transmission to be equipped with a starter interlock. Mr. Maus petitioned NHTSA to adopt such a requirement. He suggests that the agency require an interlock switch that will prevent the starter from operating unless the transmission is in "neutral" or unless the clutch pedal is depressed. Mr. Maus's car, a 1978 Ford Fiesta equipped with a manual transmission, does not have such a starter interlock.

The second part of Mr. Maus's petition is concerned with ignition switches. The petition urges NHTSA to require "that the accessory position on the ignition switch be in the opposite [sic] direction of the starting position." Thus, starting the car would require a clockwise turn of the key, while putting the vehicle into the accessory mode would require a counterclockwise movement, or vice versa. The ignition switches on most domestic cars are

aligned in this fashion. On some vehicles such as the Fiesta, however a clockwise turn of the key will reach either the accessory or the start position, depending on how far the key is turned.

Mr. Maus believes that regulations concerning ignition switches and starter interlocks on manual transmissions are necessary if accidents such as the one involving his wife and daughter are to be avoided. Mr. Maus's wife was injured when their Fiesta was inadvertently started by their daughter when she attempted to place the ignition in the "accessory" mode. The car knocked down and ran over Mrs. Maus.

After careful consideration of all relevant facts, NHTSA has decided to deny the petition. The agency agrees with Mr. Maus that the design of the Ford Fiesta is deficient from a safety standpoint. However, it appears that the type of accident reported by Mr. Maus occurs very rarely. Examination of the agency's defect files of the 1978 Ford Fiesta and other vehicles equipped with a manual transmission, but with no

interlock, revealed few if any complaints of accidental starting. No complaints of inadvertent start-up due to the design of the ignition switch have been filed concerning Fiesta-type ignition switches. In light of this lack of accident data, NHTSA is denying Mr. Maus's petition. However, NHTSA recognizes that the type of accident Mr. Maus describes may occur with greater frequency in the future in light of the increasing trend toward small, fuel efficient vehicles such as the Fiesta. Thus, the agency intends to monitor the incidence of accidents caused by inadvertent or accidental starting. NHTSA will initiate rulemaking on this subject should the data so warrant.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on April 8, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-11468 Filed 4-15-81; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 46, No. 75

Monday, April 20, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Performance of Uncompleted Timber Sale Contracts by Third Party; Final Policy

AGENCY: Forest Service, USDA.

ACTION: Final policy

SUMMARY: This proposal revises agency policy relating to the completion of timber sale contracts by qualified third parties. The primary purpose of the revision is to ensure that speculation in National Forest timber sales will not occur, and to clarify when completion of timber sale contracts by third parties will be approved. The policy revision has been issued as Interim Directive No. 70 to FSM 2430, dated April 7, 1981.

EFFECTIVE DATE: May 4, 1981.

FOR FURTHER INFORMATION CONTACT:

Marlin Hughes, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, DC 20013, (202) 447-4051.

SUPPLEMENTARY INFORMATION: On June 24, 1980, Federal Register, Vol. 45, No. 123, page 42359, the Chief, Forest Service, published a proposal to clarify the conditions when an agreement between a purchaser and third party may be considered to ensure that speculation in National Forest timber sales will not occur.

Revisions were made in the proposed policy to reflect written comments and are discussed in the following summary of comments:

Comments received on the proposal were generally favorable, although there were some concerns that the policy was too restrictive and others that favored more lenient conditions for approval of third-party agreements.

Several commenters expressed the opinion that the revised policy would not significantly help control speculation in National Forest timber sales.

Although the adoption of the revised policy will not eliminate speculation, it will ensure that the third-party agreement policy will not contribute to speculation pressures.

There was objection to the wording that third-party agreements shall not be approved for the convenience of purchasers. The policy was changed to ensure that the public interest is protected.

It was argued that language should be changed requiring approval of third-party agreements when guidelines are met, rather than consideration of approval. The policy has been changed to require approval when guidelines for consideration and all the other listed requirements are met.

The revised policy was changed to apply to sales sold, extended, or third-partied for a second time, after the effective date of this amendment as suggested by many commenters.

Several commenters thought 2433.34.1a should read "The purchaser disposes of or ceases operations," rather than "The purchaser loses or disposes of." This change was made.

A change was made in 2433.34.2c to clarify when a purchaser of National Forest timber would be financially eligible for award of a third-party agreement.

Changes were included to require EEO compliance checks and to meet small business requirements.

Several commenters thought the requirement to examine the need for contract modifications at the time of third-party agreement should be dropped. Modifications were restricted to those needed to prevent unacceptable resource damages.

The alternative to prepare and sign a new contract, rather than a third-party agreement, has been eliminated as suggested by commenters.

All written submissions are available for public inspection in the office of the Timber Management Staff, Room 3207, South Agriculture Building, 12th and Independence Avenue, S.W., Washington, D.C., during regular business hours.

Revised Forest Service Manual (FSM 2433.34) procedures read as follows: 2433.34—*Performance of Uncompleted Contract by Third Party.* Speculation in National Forest timber sales will not be permitted. Purchasers are expected to complete contracts in accordance with

their terms. There is specific legislation which generally prohibits the transfer of Government contracts without written approval by the Government. (Rev. Stat. 3737; 41 U.S.C. 15.) See also Comptroller General Decision A-28090 (9 Comp. Gen. 72) and B-111876 (32 Comp. Gen. 227).

When assignment of a contract is permitted, the original purchaser is not relieved of responsibility.

Department of Agriculture Regulation 36 CFR 223.8(e) provides that the contracting officer may approve third-party agreements so long as they are subject to such conditions as are necessary to protect the public interest. The following guidance is designed to guide contracting officers in making a determination that the public interest is protected.

1. *When Agreement between Purchaser and Third Party May Be Considered.* For sales sold, extended, or third-partied for a second time after (the effective date of this amendment), third-party agreements may be considered when:

a. The purchaser disposes of or ceases all or a portion of its operations in an area and can no longer process the timber as contemplated at time of purchase; or

b. The purchaser provides evidence that because of a change in its financial circumstances since the time of purchase, it cannot now successfully complete the contract. (Note: In such circumstances, the party involved would probably be ineligible for award of other sales until new evidence of ability to meet financial requirements was verified); or

c. The purchaser becomes unable to complete the contract and operation of the sale by a third party is requested by Surety as a means of mitigating liability; or

d. The contracting officer determines that such approval will expedite the removal of timber in urgent need of harvest.

On sales sold prior to the above date, third-party agreements may be considered when the circumstances or the proposal meets Regional policies on approval of such agreements which were in effect at the time the sale was sold.

2. *Acceptance of a Third Party.* When an application is received for an agreement between the purchaser and a

third party for operation of an uncompleted timber sale contract by said third party and one of the above conditions is met, the application shall be approved if affirmatively documented responses to the following can be made:

a. All contractual obligations are complete to date or the third party specifically agrees to complete such obligations.

b. The third party is acceptable as a purchaser of National Forest timber, i.e., the third party would be eligible for award under current conditions and requirements in effect for similar timber sales. (Note: In examining the financial ability of the third party, the contracting officer should recognize that cash needs may be greater due to transfer of purchaser credit).

c. If the timber was set aside for small business, the third party has certified its status as a small business.

d. If the purchaser had elected construction of specified roads under section 14(i) of the National Forest Management Act, the third party, in accordance with applicable contract conditions, has certified its status as a small business.

e. The proposed action will give both the original purchaser and the third party an opportunity to utilize effective purchaser credit, in manner compatible with the intent of 36 CFR 223.3 paragraph (m).

f. The original purchaser and the third party are in agreement on the disposition of effective purchaser credit.

g. If the remaining current contract value plus required deposits exceeds \$1 million, clearance for award has been received from the Labor Department following a request for an EEO compliance check (FSM 2431.78).

h. The third party has provided an acceptable Plan of Operations showing how he proposes to complete operations during the remainder of the sale period.

While third-party assignments to large business firms may not be approved for set-aside sales or sales where the purchaser elected Government road construction, such contracts may be assumed by a large business successor in interest to the purchaser's business when the successor agrees to assume all obligations, including those related to manufacture of timber subject to preferential award.

3. *Procedure for Processing Third-Party Agreements.* The assignment to a third party of an uncompleted timber sale contract does not relieve the original purchaser of liability to the United States for the performance thereunder. The original purchaser will be notified when a third-party

agreement has been approved, but no statement will be made that he is relieved of responsibility. This is analogous to the action taken in notifying a Surety that a sale is closed (FSM 2432.49, item 4). The contracting officer may approve a third-party agreement for an uncompleted timber sale contract, subject to prior clearance by the field office of the General Counsel.

When third-party operation is proposed, the contracts shall be examined and any modification needed to prevent unacceptable resource damage shall be made. The rates to be paid under the contract may be changed through rate redetermination if such action is justified by the modification.

Signature and approval of form FS-2400-12, Third Party Agreement, are sufficient in most cases to allow operation of the contract by a third party. It combines in one document (1) the agreement between the purchaser and the third party under which the third party agrees to complete the timber sale contract, and (2) recognition and approval of such agreement by the Forest Service. If the purchaser and the third party desire to furnish the agreement between them in a form other than that given on form FS-2400-12, the other form shall be satisfactory to the Forest Service (FSM 2433.36).

4. *Application by Subsequent Party.* When an application is received for operation of an uncompleted timber sale contract by a fourth or subsequent party, the same consideration will be given it as are given to third-party applications. All actions involving operation of uncompleted contracts by fourth party will be on form FS-2400-12, except for the following changes:

a. The agreement will be changed to read: "The purchaser and previous third party shall not, by reason of the requested recognition and approval, be released from any obligations to the United States of America under the aforesaid timber sale contract."

b. In part 2b of the agreement, the words "and previous third party" will be added after "purchaser."

c. Space should be provided for signature of previous third party, its witnesses, and date.

Dated: April 9, 1981.

R. M. Housley,
Deputy Chief.

[FR Doc. 81-11775 Filed 4-17-81; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Members of Performance Review Boards

AGENCY: Department of Agriculture.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the persons appointed to serve on the various Department of Agriculture Performance Review Boards.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT:

Earl C. Hadlock, Chief, Executive Resources, Performance Appraisal and Merit Pay Staff, Office of Personnel, Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, D.C. 20250 (202-447-2830).

SUPPLEMENTARY INFORMATION: 5 U.S.C. 4314(c) requires each agency to establish one or more Performance Review Boards. It also requires that notice of the appointment of Board members be published in the *Federal Register*. In the past, the names of the members of the various Boards have been published in the *Federal Register* along with the respective Board each member served on. When a vacancy on a Board occurred it necessitated the publication of the name of a new Board member before that Board could conduct business. The publication below of the names of the persons appointed to serve on the various Performance Review Boards of the Department of Agriculture are not restricted to a particular Board, thus giving the Secretary latitude to name one of persons listed to a particular Board without requiring further publication in the *Federal Register*. This Notice supersedes the Notices published November 7, 1980, 45 FR 73998, and December 12, 1980, 45 FR 81801.

John R. Block,
Secretary of Agriculture.
April 15, 1981.

The names of the Performance Review Board members are:

1. Richard E. Lyng
2. Charles M. McMillan
3. Joan S. Wallace
4. Anson R. Bertrand
5. James H. Starkey
6. John W. Fossum
7. Dean K. Crowther
8. James Frazier
9. Kenneth R. Farrell
10. Stephen B. Dewhurst
11. J. Dawson Ahalt
12. Jerome A. Miles
13. Charles A. Bucy
14. James O. Lee, Jr.
15. John S. Bottum
16. William T. Cherry
17. Richard L. Fowler

18. Clare I. Harris
19. Donald L. Houston
20. John G. Stovall
21. Lawrence Wachs
22. William T. Manley
23. David R. Galliat
24. Randall E. Torgerson
25. Harry C. Mussman
26. J. B. Penn
27. Eddie F. Kimbrell
28. Luverne L. Gast
29. James Michael Kelly
30. Richard E. Smith
31. Quentin M. West
32. Thomas C. Nelson
33. Keith Shea
34. Thomas N. Shiflet
35. Douglas R. Leisz
36. Melvin L. Cotner
37. David G. Unger
38. Robert E. Buckman
39. R. Max Peterson
40. Barry R. Flamm
41. Weldon B. Denny
42. Norman A. Berg
43. Ralph J. McCracken
44. Edward L. Hastey
45. Raymond D. Lett

[FR Doc. 81-11842 Filed 4-17-81; 8:45 am]

BILLING CODE 3410-01-M

CIVIL RIGHTS COMMISSION

Wisconsin Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on May 14, 1981, at the United Community Center, 1028 South Ninth Street, Milwaukee, Wisconsin 53204. The Committee will also convene at 1:00 p.m. and will end at 6:00 p.m., on May 15-16, 1981, at the John Bryant Center, 601 21st Street, Racine, Wisconsin 53403. The purpose of the meeting on May 14 is a briefing session. On May 15-16, the purpose is to assess Bilingual Education in Wisconsin.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Herbert M. Hill, 2127 Van Hise Avenue, Madison, Wisconsin 53705, (608) 263-1642; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., April 15, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-11828 Filed 4-17-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

New York University Medical School, et al.; Applications for Duty-Free Entry of Scientific Articles

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

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

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

Docket No. 81-00155. Applicant: New York University Medical School, Department of Biochemistry, 550 First Avenue, New York, New York 10016. Article: Electron Microscope Model EM 10CA and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of biological specimens, including viruses, RNA, DNA, proteins, complex carbohydrates and complexes composed of these macromolecular structures and interactions involved in the structure of the chromosome, viral structures, DNA synthesis, RNA transcription, RNA processing, RNA translation and the intercellular matrix. The objectives of these investigations are to gain an understanding at the molecular level of the nucleic acid-nucleic acid, nucleic acid-protein and protein-protein interactions responsible for the transmission, expression and control of genetic information.

Application received by Commissioner of Customs: March 4, 1981.

Docket No. 81-00156. Applicant: The Research Foundation of State University of New York, SUNY College of Environmental Science and Forestry,

P.O. Box 9, Albany, New York 12201. Article: KRK Experimental Fiber Refiner with Accessories. Manufacturer: Kumagai Riki Kogyo Co., Ltd., Japan. Intended use of article: The article is intended to be used to study phenomena related to the mechanical separation of wood fibers at elevated temperature and pressure to papermaking pulps. The objectives of this research are:

i. To determine how wood properties and process conditions relate to energy consumption in fiber separation.

ii. To devise ways of reducing energy consumption using the information collected under i.

iii. To study process conditions which will lead to improved fiber and pulp properties for the purpose of expanding the use of such pulp in papermaking, thus conserving wood raw material.

iv. To devise means of using hardwood for mechanical fiber separation, thus expanding the wood raw material base.

The experiments would typically involve the preparation of fibers (pulp) in the refiner, followed by evaluation of the fiber with respect to mechanical, geometric, and optical properties. In addition, the article will be used in graduate and undergraduate courses of:

PSE 302. Pulp and Paper Processes

Laboratory

PSE 461. Pulping Technology

ERE 670. Principles of Pulping and Bleaching.

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

Docket No. 81-00158. Applicant: University of Alaska, Anchorage, 3211 Providence Drive, Anchorage, Alaska 99504. Article: Microcalorimeter, Model KB 2107-011. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article is intended to be used for studies of the thermodynamics of the subunit association-dissociation and ligand binding of high molecular weight hemoglobins. Such questions as what are the heats involved in the dissociation of a multi-subunit hemoglobin by different dissociating agents, changes of pH, ionic strength and concentration will be addressed. Likewise, a correlation between molecular weight studies and calorimetric studies to obtain quantitative information as to the type and order of magnitude of the energies of interaction will be investigated. The article will also be used in Physical and Biophysical Chemistry laboratory sessions.

Application received by
Commissioner of Customs: March 10,
1981.

Docket No. 81-00159. Applicant:
National Institute of Neurologic and
Communicative Disorders and Stroke,
9000 Rockville Pike, Building 10, Room
4N248, Bethesda, MD 20205. Article:
Tachophor with Accessories.
Manufacturer: LKB Produkter AB,
Sweden. Intended use of article: The
article is intended to be used for studies
of biological molecules which include
complexes and individual species of
glycoproteins, proteins, lipids, and
carbohydrates. The specific mobilities,
interactions of individual (sub) species,
and physicochemical properties of the
above noted substances are to be
determined. Experiments will include
the specific determinations of
composition of mixture from extractions
of synthetic and naturally occurring
solutions and tissues.

Application received by
Commissioner of Customs: March 10,
1981.

Docket No. 81-00160. Applicant:
University of Pennsylvania, 3400 Walnut
Street, Franklin Building, Philadelphia,
PA 19104. Article: Human Limb ³¹P NMR
System, TMR-32. Manufacturer:
Oxford Instruments, United Kingdom.
Intended use of article: The article is
intended to be used for studies of the
creatine phosphate and inorganic
phosphate content of the human arm
and leg together with that of animal
models. The nuclear magnetic resonance
absorption of creatine phosphate and
inorganic phosphate are to be estimated
quantitatively in normal and
pathological conditions. The patient's
arm or leg will be inserted into the
sensitive volume of the instrument, and
the radiofrequency pulses will be
applied to excite the nuclei and to
observe by a sensitive receiver the
resonances. These will be plotted as a
function of frequency and quantitatively
evaluated for health and disease.
Quantitative analyses of creatine
phosphate along the leg of a patient with
peripheral vascular disease will be
employed to determine whether
vascular surgery is necessary or whether
amputation is necessary.

Application received by
Commissioner of Customs: March 10,
1981.

Docket No. 81-00161. Applicant:
University of Wisconsin, Nuclear
Engineering Department, 1500 Johnson
Drive, 205 Engineering Research
Building, Madison, WI 53706. Article:
Spectrum Analyzer, Model W1745.
Manufacturer: MESL-RACAL, Ltd.,

United Kingdom. Intended use of
Article: The article is intended to be
used for the investigation of fluctuation
spectrum of the plasma in a mirror
confinement device.

Application received by
Commissioner of Customs: March 10,
1981.

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

Frank W. Creel,

Acting Director, Statutory Import Programs
Staff.

[FR Doc. 81-11767 Filed 4-17-81; 8:45 am]

BILLING CODE 3510-25-M

Certain Textiles and Textile Products From Pakistan; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade
Administration, Department of
Commerce.

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

SUMMARY: On February 19, 1981, the
Department of Commerce ("the
Department") published in the Federal
Register a notice of "Preliminary Results
of Administrative Review and of
Revocation of Countervailing Duty
Order" with respect to certain textiles
and textile products from Pakistan. The
notice stated that the Department had
tentatively determined that the net
subsidy given under the programs cited
in that order was *de minimis* from July
13, 1979, through April 2, 1980, the period
during which the order was in effect.
Interested parties were given an
opportunity to present written or oral
comments. The Department received no
comments. Therefore, the Department
determines that the rate of net subsidy
was *de minimis* for that period.

EFFECTIVE DATE: April 20, 1981

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

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 13, 1979, a notice of "Final
Countervailing Duty Determination"
with respect to exports of textile mill
products and men's and boys' apparel
from Pakistan was published in the
Federal Register as T.D. 79-188 (44 FR
40884). The International Trade
Commission ("ITC") published a

negative material injury decision with
regard to this merchandise in the
Federal Register of July 24, 1980 (45 FR
49398). On February 19, 1981, the
Department published a notice of
preliminary results of administrative
review and revocation of countervailing
duty order (46 FR 12955). The
revocation, in light of the negative injury
determination, was made effective on
April 3, 1980.

Scope of the Review

For purposes of this notice, "textile
mill products" include yarns, fabrics,
household textiles, miscellaneous
products of textile mills, and certified
handloomed and folklore products,
made of cotton, wool and man-made
fibers as specified in U.S. bilateral
textile agreements and described by the
Tariff Schedules of the United States
Annotated (TSUSA) set forth in the
appendix to the Federal Register notice
published on October 13, 1978 (43 FR
47340). "Men's and boys' apparel"
includes those items described by
TSUSA item numbers in the appendix to
the above-cited Federal Register notice.
The order excluded cotton towels. The
countervailable programs under the
order were: (1) reduction in the total
income tax liability of firms that export,
and (2) preferential short-term export
financing. The notice of preliminary
results of the review indicated that for
the period July 13, 1979 (the date of
suspension of liquidation) through April
2, 1980, the *ad valorem* benefits for the
products were (1) cotton thread, cotton
yarn, cotton cloth—0.47%; (2) cotton
hosiery—0.33%; and (3) cotton garments
and other madeups—0.39%. The
Department considers these rates of net
subsidy to be *de minimis* in this case.

Interested parties were afforded an
opportunity to furnish oral or written
comments. The Department received no
such comments.

Final Results of the Review

As a result of this review, we
determine that the imported
merchandise has not benefitted from a
net subsidy for the period under
consideration. Therefore, the
Department will instruct Customs
officers to liquidate all unliquidated
entries of this merchandise from July 13,
1979, through April 2, 1980, without
regard to countervailing duties.

This administrative review and notice
are in accordance with sections 751
(a)(1), (c) of the Tariff Act of 1930 (19

U.S.C. 1675 (a)(1), (c) and § 355.41 of the Commerce Regulations (19 CFR 355.41),
John D. Greenwald,
Deputy Assistant Secretary for Import Administration.

April 14, 1981.

[FR Doc. 81-11706 Filed 4-17-81; 8:45 am]

BILLING CODE 3510-25-M

Spirits From Ireland; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of administrative review of countervailing duty order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on spirits from Ireland. The review is based upon information for the period January 1, 1980, through December 31, 1980. As a result of this review, the Department has preliminarily determined the net amount of the subsidy to be 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2104).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 25, 1914, in T.D. 34466, the Department of the Treasury imposed countervailing duties, under section 4 of the Tariff Act of 1913, on certain classes of spirits imported directly or indirectly from the United Kingdom of Great Britain and Ireland. The additional duties, equivalent in value to export bounties paid by the Government of the United Kingdom, were 3 pence per gallon on "plain British spirits" and "spirits in the nature of spirits of wine" and 5 pence per gallon on "British compounded spirits".

On June 20, 1935, in T.D. 47753, the Department of the Treasury stated that countervailing duties continued to be applicable to spirits from Ireland, because the export bounties set forth in T.D. 34466 had been paid continuously since the date of the notice, notwithstanding the establishment of the Irish Free State.

On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). On April 3, 1980, the International Trade Commission ("the ITC") notified the Department that an injury determination has been requested under section 104(b) of the TAA. Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of spirits from Ireland (as defined below) entered, or withdrawn from warehouse, for consumption on or after that date. The Department published in the Federal Register of May 13, 1980 (45 FR 31455) a notice of intent to conduct administrative reviews of all outstanding countervailing duty orders. As required by section 751 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"), the Department has conducted an administrative review of the order on spirits from Ireland.

Scope of the Review

Imports covered by this review are plain spirits and compounded spirits from the Republic of Ireland. These imports are currently classifiable under items 168.96, 168.98, 169.19, 169.20, 169.46 and 169.47, Tariff Schedules of the United States. The review is based on information for the period January 1, 1980, through December 31, 1980.

Preliminary Results of the Review

As a result of our review, we preliminarily conclude that the imported merchandise benefits from a subsidy of 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits. The Department has received official confirmation from the Government of Ireland that the subsidy amounts have remained unaltered apart from being denominated in decimal form and in pounds per liter of alcohol in the spirits. The Department intends to instruct the Customs Service to assess countervailing duties at the rates stated above on all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption prior to April 3, 1980. In addition, should the ITC find that there is injury or likelihood of injury to an industry in the United States, the Department intends to instruct the Customs Service to assess countervailing duties at these rates on all unliquidated entries of plain and compounded spirits entered, or withdrawn from warehouse, for

consumption from April 3, 1980, through December 31, 1980.

Further, as required by § 355.36(c) of the Commerce Regulations, a cash deposit of the estimated countervailing duties listed above shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

Pending publication of the final results of the present review, a deposit of estimated duties of 0.004 Irish pounds per liter of alcohol in plain spirits and 0.008 Irish pounds per liter of alcohol in compounded spirits, shall be required on each entry, or withdrawal from warehouse, for consumption of this merchandise, and liquidation shall continue to be suspended until the Department is notified of a ruling by the ITC.

Interested parties may submit written comments on or before May 20, 1981, and may request disclosure and/or a hearing on or before May 5, 1981. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

John D. Greenwald,
Deputy Assistant Secretary for Import Administration.

April 13, 1981.

[FR Doc. 81-11705 Filed 4-17-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; Notices of Systems of Records: Deletions

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletions of system notices.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notices for five systems of records: DCOMP 01, "Personnel Roster"; DCOMP MS11, "List of Female Employees of OSD/OJCS"; and DCOMP PB01, "Personnel File/Biography", DCOMP PBO2, "Personnel Roster"; and DCOMP PBO3, "Personnel Roster," subject to the Privacy Act of 1974. All these systems of records are adequately covered by OPM/GOVT-1, with the exception of

record system DCOMP 01, which is adequately covered by DWHS P17.

DATE: These deletions shall be effective May 20, 1981.

ADDRESSES: Send any comments to the System Managers identified in the system notices.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the Federal Register.

FR Doc. 81-987 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12771) February 16, 1981

FR Doc. 81-6246 (46 FR 14031) February 25, 1981

FR Doc. 81-6491 (46 FR 14154) February 28, 1981

FR Doc. 81-7597 (46 FR 16114) March 11, 1981

FR Doc. 81-8041 (46 FR 16926) March 16, 1981

FR Doc. 81-8127 (46 FR 17074) March 17, 1981

FR Doc. 81-8281 (46 FR 17243) March 18, 1981

FR Doc. 81-8282 (46 FR 17243) March 18, 1981

FR Doc. 81-10201 (46 FR 20260) April 3, 1981

These proposed deletions are not within the purview of the provisions of 5 U.S.C. 552a(e) of the Act which requires the submission of new or altered system reports.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services
Department of Defense.*

April 15, 1981.

[FR Doc. 81-11809 Filed 4-17-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

National Advisory Council on Continuing Education; Meeting

AGENCY: National Advisory Council on Continuing Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings 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.

DATES: May 20, 21 and 22, 1981.

ADDRESS: Holiday Inn, 550 C Street SW., Washington, D.C. 20024.

FOR FURTHER INFORMATION CONTACT: William G. Shannon, Executive Director, National Advisory Council on

Continuing Education, 425 Thirteenth Street NW., Room 529, Washington, D.C. 20004, telephone: (202)376-888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Continuing Education is established under Section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and,

(c) activities that will lead to changes in the legislative provisions of this title and other federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The full Council will begin its meeting at 2:00 p.m. on May 20, break at 5:00 p.m. and resume with a dinner meeting at 7:30 p.m. The meeting will continue on May 21 from 9:00 a.m. until 5:00 p.m., and on May 22 from 9:00 a.m. until 12:00 Noon.

Topics for discussion will include:

- The Chairperson's Report
- The Executive Director's Report
- Congressional Update
- Council Mandate—1981 Projects
- Administrative Matters

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteenth Street, Room 529, Washington, D.C.

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

William G. Shannon,
Executive Director.

[FR Doc. 81-11822 Filed 4-17-81; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Indian Education; Amendment to Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Amendment to Meeting.

SUMMARY: Notice is hereby given of the amendment of a closed meeting of the

National Advisory Council on Indian Education. The meeting recessed on Monday, April 6, 1981, and is to be continued on April 17, 1981, for the purpose of the Search Committee to conduct interviews for the position of Deputy Assistant Secretary for Indian Education, as published in the Federal Register on March 24, 1981, volume 46, No. 56.

Dated: April 14, 1981. Signed at Washington, D.C.

Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 81-11753 Filed 4-17-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95-621), signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective May 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Ave., N.W., Rm 4121, Washington, D.C. 20461 (202) 633-9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings

for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Per million BTU's
Alabama	\$3.90
Arizona ¹	3.50
Arkansas ¹	3.98
California	3.43
Colorado ¹	3.62
Connecticut ¹	5.17
Delaware ¹	4.61
Florida	4.41
Georgia	4.48
Idaho ¹	3.62
Illinois	3.09
Indiana ¹	3.91
Iowa ¹	4.04
Kansas ¹	4.04
Kentucky ¹	3.91
Louisiana	3.70
Maine ¹	5.17
Maryland ¹	4.61
Massachusetts	5.03
Michigan ¹	3.91
Minnesota ¹	4.04
Mississippi	4.29
Missouri	3.86
Montana ¹	3.62
Nebraska ¹	4.04
Nevada ¹	3.50
New Hampshire ¹	5.17
New Jersey ¹	4.61
New Mexico	3.76
New York	4.53
North Carolina ¹	4.58
North Dakota ¹	4.04
Ohio	3.87
Oklahoma ¹	3.98
Oregon ¹	3.50
Pennsylvania ¹	4.61
Rhode Island ¹	5.17
South Carolina ¹	4.58
South Dakota ¹	3.97
Tennessee	4.19
Texas ¹	3.98
Utah ¹	3.62
Vermont ¹	5.17
Virginia ¹	4.58
Washington ¹	3.50
West Virginia ¹	3.91
Wisconsin	3.52
Wyoming	3.14

¹ Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM79-21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during February 1981 was \$42.45 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the

incremental pricing threshold for high cost natural gas, effective May 1, 1981, is \$9.51 per million BTU's.

Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of December 1980, January 1981, and February 1981.¹ All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of volume-weighted average price:* The prices which will become effective May 1, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, December 1980, January 1981, February 1981. Reported prices for sales in December 1980 were adjusted by the percent change in the nationwide volume-weighted average price from December 1980 to February 1981. Prices for January 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from January 1981 to February 1981. The volume-weighted 3-month average of the adjusted December 1980 and January 1981 prices was then computed for each State.

(2) *Adjustment for price variation:* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price

¹ Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

(as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of ceiling prices:* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag adjustment:* the EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a

weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending April 10, 1981, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of February 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut New Hampshire
Maine Rhode Island
Massachusetts Vermont

Region B

Delaware New York
Maryland Pennsylvania
New Jersey

Region C

Alabama North Carolina
Florida South Carolina
Georgia Tennessee
Mississippi Virginia

Region D

Illinois Ohio
Indiana West Virginia
Kentucky Wisconsin
Michigan

Region E

Iowa Nebraska
Kansas North Dakota
Missouri South Dakota
Minnesota

Region F

Arkansas Oklahoma
Louisiana Texas
New Mexico

Region G

Colorado Utah
Idaho Wyoming
Montana

Region H

Arizona Oregon
California Washington
Nevada

Issued in Washington, D.C. on April 16, 1981.

Albert H. Linden, Jr.,

Acting Administrator Energy Information Administration.

[FR Doc. 81-11074 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of action taken on consent orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed concerning selling prices alleged to be in excess of the maximum lawful selling price for motor gasoline. The Consent Orders do not address or limit any liability with respect to the consenting firm's prior compliance with the Mandatory

Petroleum Price and Allocation Regulations. Among other matters, the consenting firms agree to make proper restitution for overcharges on each grade of gasoline and otherwise comply with applicable law. For further information regarding these Consent Orders, please contact Thomas M. Holleran, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street, N.W., Washington, D.C. 20461, telephone number 202-653-3517.

Issued in Washington, DC on the 14th day of April 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Consent Orders Issued Northeast District

Name	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Traveler's Rental Inc.	230 Porter Street, East Boston, MA 02128	12/31/80	18.7	\$8,398.44

Consent Orders Issued Southeast District

Name	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Avis Rent-A-Car Co., Inc.	507 Franklin St., Richmond, VA 23223	11/13/81	4.2	\$7,593.67
Groome Transportation, Inc.	5500 Lewis Road, Sandston, VA 23150	12/11/80	2.0	3,862.40

Consent Orders Issued Southwest District

Name	Address	Issue date	Highest cents gallon violation	Total violation and penalty
Holiday Lincoln Mercury	Forest Park Blvd at West Freeway, Fort Worth, TX 76101	1/13/81	7.9	\$361.92

[FR Doc. 81-11785 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-01-M

Action Taken on Consent Orders

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Action Taken on Consent Orders.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice that Consent Orders were entered into between the Office of Enforcement, ERA, and the firms listed concerning selling prices alleged to be in excess of the maximum lawful selling price for motor gasoline. The Consent Orders do not address or limit any liability with respect to the consenting firm's prior compliance with the Mandatory Petroleum Price and Allocation

Regulations. Among other matters, the consenting firms agree to make proper restitution for overcharges on each grade of gasoline and otherwise comply with applicable law. For further information regarding these Consent Orders, please contact Thomas M. Holleran, Program Manager for Product Retailers, Department of Energy, Economic Regulatory Administration, Enforcement Program Operations, 2000 M Street NW, Washington, DC 20461, telephone number 202-653-3517.

Issued in Washington, DC on the 14th day of April, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Consent Orders Issued Western District

Name	Address	Issue date	High-est cents gallon violation	Total violation and penalty
Whittier Marina Fuel Dock	P.O. Box 607, Whittier, AK 99502	2/12/81	10.0	\$610.00

(FR Doc. 81-11786 Filed 4-17-81; 8:45 am)

BILLING CODE 6450-01-M

Pyrofax Gas Corp; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATE: March 23, 1981.

COMMENTS BY: May 20, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235 (Phone) (214) 767-7745.

SUPPLEMENTARY INFORMATION: On March 23, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Pyrofax Gas Corporation, of Houston, Texas. Under 10 CFR 205.199(b), a proposed Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Pyrofax Gas Corporation, is a firm engaged in the sale of propane, and is subject to the Mandatory Petroleum Price and Allocation 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 sales of propane, the Office of Enforcement, ERA, and Pyrofax Gas Corporation, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was November 1973 through January 27, 1981, and it included all sales of propane which were made during that period.

2. Pyrofax Gas Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subpart F, when determining the prices to be charged for its propane, and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Pyrofax Gas Corporation have agreed to a settlement in the amount of \$2,750,000. The terms of the Consent Order specify that Pyrofax Gas Corporation shall, on or before 30 days following the effective date of the Consent Order refund the settlement amount to the DOE for deposit in a suitable escrow account. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Pyrofax Gas Corporation.

4. In addition to the negotiated settlement above, Pyrofax shall within 30 days pay to the Department of Energy \$100,000 in compromise of civil penalties.

5. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Pyrofax Gas Corporation 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 \$2,750,000 in the manner specified in I.3. above. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded

overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to Wayne I. Tucker, Southwest District Manager, U.S. Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767-7745.

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 Pyrofax Gas Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time on . You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 6th day of April, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-11784 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP81-51-000]

Border Gas, Inc.; Petition for Rate and Request for Passthrough

April 13, 1981.

Take notice that on March 26, 1981, Border Gas, Inc. (Border) filed a petition, pursuant to Section 4 of the Natural Gas Act, wherein it requests that the Commission permit Border under its tariff presently on file with the Commission to pass through to its pipeline purchases an increased price of \$4.94 per MMBtu for the importation of natural gas from Mexico, effective April 1, 1981. Border also states that it authorized to request that the Commission grant similar passthrough approvals to Border's pipeline purchasers.

Border states that it has concurrently filed at the Economic Regulatory Administration its petition requesting authorization to pay Petroleos Mexicanos an increased price of \$4.94 per MMBtu, effective April 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 Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 20, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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. 81-11623 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA81-1-23-001]

Eastern Shore Natural Gas Co.; Revised Tariff Filing

April 14, 1981.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 3, 1981, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff:

To Be Effective March 1, 1981

Substitute Seventeenth Revised Sheet No. 5

Substitute Seventeenth Revised Sheet No. 6

Substitute Seventeenth Revised Sheet No. 10

Substitute Seventeenth Revised Sheet No. 11

Substitute Seventeenth Revised Sheet No. 12

Eastern Shore states that the purpose of this filing is to reflect a Purchased Gas Cost Current Adjustment. This filing is being made in accordance with Section 21 of Eastern Shore's FERC Gas Tariff and the Purchased Gas Cost Adjustment reflects rates payable to Eastern Shore's supplier during the period March 1, 1981 through August 31, 1981.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, 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 Apr. 24, 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 available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11624 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP74-122 and Docket No. CP73-148]

Energy Terminal Services Corp. and Energy Pipeline Corp.; Extension of Time

April 13, 1981.

By letter dated March 17, 1981, Congressman Guy V. Molinari requested an extension of time to file comments on the Draft Environmental Impact Statement prepared for the Staten Island LNG Project (Docket No. CP74-122). The request states additional time is needed in order for all important data relative to the EIS draft to be adequately commented upon and considered. Notice is hereby given that an extension of time for the filing of comments is granted to and including April 30, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-11625 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI77-41 and CI77-41-001]

Mobil Oil Exploration & Producing Southeast Inc.; Petition for Declaratory Order and Application for Temporary Amendment of Certificate of Public Convenience and Necessity

April 13, 1981.

Take notice that on March 9, 1981, Mobil Oil Exploration & Producing Southeast Inc. (MOEPSI), Nine Greenway Plaza, Suite 2700, Houston, Texas 77046, filed in Docket No. CI77-41 a petition for declaratory order pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)). MOEPSI requests that the Commission clarify whether MOEPSI is required to obtain authorizations from the Commission in order to deliver natural gas from the offshore Louisiana Federal Domain to Sea Robin Pipeline Company (Sea Robin) at the delivery levels required by a production plan and a unitization ordered by the United States Geological Survey (USGS).

MOEPSI states that it makes sales of natural gas to Sea Robin from Eugene Island Block 330, offshore Louisiana Federal Domain, pursuant to a gas sales contract dated September 20, 1976, and pursuant to a certificate of public convenience and necessity granted to MOEPSI's predecessor-in-interest by Commission order issued in Docket No. CI77-41 on November 24, 1978, as modified by order issued May 15, 1980. MOEPSI further states that production

from two of the reservoirs underlying Eugene Island Block 330, the OI Sand Fault Block C and the JD Sand Fault Block A, has recently been subject to reduction as the result of a production plan and a unitization order by the USGS. According to MOEPSI, under the USGS production plan MOEPSI has been required to reduce its average daily deliveries to Sea Robin from the OI Sand Fault Block C from approximately 1862 Mcf to approximately 250 Mcf, subject to further adjustments. Average daily deliveries from the JD Sand Fault Block A are expected to be reduced from 5400 Mcf to 1500 Mcf until overdeliveries are balanced, and then to approximately 3000 Mcf, subject to future changes, under a unitization agreement required by the USGS.

In its petition for declaratory order, MOEPSI requests that the Commission declare that the operation by MOEPSI of its lease in conformance with the production plan and unitization required by the USGS, resulting in reduced deliveries of gas to Sea Robin, is a production function not subject to the Commission's jurisdiction under Section 1(b) of the Natural Gas Act, and that MOEPSI therefore is not required to obtain authorization from the Commission in order to change delivery levels to Sea Robin consistent with the production plan and unitization. In the alternative, should the Commission determine that such authorization is required, MOEPSI requests that the Commission declare that its existing certificate issued in Docket No. CI77-41 already authorizes MOEPSI to change the delivery levels to Sea Robin consistent with the production plan and unitization.

Take further notice that on March 9, 1981, MOEPSI filed in Docket No. CI77-41-001 pursuant to Section 7 of the Natural Gas Act an application for temporary amendment of its certificate issued in Docket No. CI77-41 authorizing the sale to Sea Robin. MOEPSI requests that the Commission amend its certificate temporarily to authorize MOEPSI to make deliveries to Sea Robin in conformance with the production plan and the unitization pending a Commission determination on its petition for declaratory order.

MOEPSI states that it is requesting the temporary amendment of its certificate in order to ensure that MOEPSI will not be in violation of the Natural Gas Act should the Commission adversely determine the issues presented in its petition for declaratory order. MOEPSI requests that the temporary amendment be made effective for a period beginning

with the effective date of the production plan and unit, and ending with (i) the ultimate resolution of the issues presented in the petition for declaratory order or, if necessary, (ii) the granting of any permanent authorization MOEPSI may ultimately be required to obtain in order to operate in conformance with the production plan and the unitization.

Any person desiring to be heard or to make any protest with reference to said petition 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 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. 81-11826 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RP80-97 and RP77-62]

Tennessee Gas Pipeline Co.; Consolidating Proceedings

April 13, 1981.

On March 13, 1981, Tennessee Gas Pipeline Company filed a motion to sever the reserved issue on the treatment of certain separation charges from Docket No. RP77-62 and to consolidate this issue with the proceeding in Docket No. RP80-97.

Delegated authority of the Secretary to sever applies only to cases previously consolidated. It appears that the reserved issue is the only matter pending in Docket No. RP77-62, and that consolidation of that docket with Docket No. RP80-97 would accomplish Tennessee's objectives without severance. Tennessee may renew its motion to sever with the Commission if necessary.

Upon consideration, notice is hereby given that Docket No. RP77-62 is consolidated with Docket No. RP80-97.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-11827 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of March 16 through March 20, 1981

During the week of March 16 through March 20, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Squire, Sanders & Dempsey, 3/18/81, BFA-0611

Squire, Sanders & Dempsey filed an Appeal from a partial denial by the Deputy General Counsel for Programs of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that portions of the document initially withheld under exemption 5 should be released to the public.

Remedial Order

Getty Oil Company, 3/18/81, DRO-0382

Getty Oil Company, Tosco Corporation, and the DOE Office of Special Counsel filed Motions for Rescission of a Proposed Remedial Order which the Pacific District Office of Special Counsel had issued to Getty. In considering the Motions, the DOE held that good cause had been shown for the rescission of the PRO and that no prejudice to third parties would result from the PRO's rescission. Accordingly, the Motions were granted, and the PRO was rescinded.

Request for Modification and or Rescission

Union Carbide Caribe, Inc. 3/18/81, BER-0080

Union Carbide Caribe, Inc. filed an Application for Modification of a Decision and Order issued to the firm on July 23, 1980, in which the DOE had granted the firm exception relief from the provisions of the Naphtha Entitlements Program, 10 CFR 211.67(d)(5). Union Carbide sought modification of the terms of the July 23 Order with regard to the manner in which the firm's entitlements exception relief was calculated each month. In considering the Application, the DOE found that Union Carbide had failed to demonstrate that the requested modification was necessary to prevent serious hardship or gross inequity or to ensure that the intent of the July 23 Decision and Order would not be frustrated. Accordingly, Union Carbide's Application for Modification was denied.

Requests for Exception

Fletcher Oil and Refining Company and Ergon Refining, Inc., 3/18/81, BEE-1611, BEE-1620

Fletcher Oil and Refining Company and Ergon Refining, Inc. filed Applications for Exception from the provisions of 10 CFR

211.67 in which the firms sought compensation for entitlements that they were unable to sell as a result of purchase defaults by other firms. In considering the requests, the DOE found that exception relief was necessary in order to prevent the two firms from suffering an unfair distribution of burdens and to enable them to obtain the entitlements benefits which they should have received. Accordingly, exception relief was granted.

Hunt Oil Company, 3/16/81, BEE-0078

Hunt Oil Company filed an Application for Exception from the provisions of 10 C.F.R. § 211.67. In its Application, Hunt states that one of its crude oil suppliers had advised the firm that certain volumes of crude oil which Hunt had previously purchased were improperly classified at the time of sale. As a result of the reporting of the corrected crude oil certifications, Hunt incurred additional entitlements obligations. Hunt requests exception relief from the portion of these entitlements obligations which involve periods of time in which Hunt was exempt from entitlement purchase obligations under the DOE Regulations. In considering the request, the DOE found that in the absence of exception relief Hunt would be required to incur entitlements obligations from which similarly situated firms were exempt, merely because its supplier originally had not correctly certified the crude oil which it sold to Hunt. The DOE concluded that such a result constituted a gross inequity and an unfair distribution of the burdens of the DOE Entitlements Program. Accordingly, exception relief was granted.

Laketon Asphalt Refining, Inc., 3/20/81, DXE-6986

Laketon Asphalt Refining, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought exception relief from the Entitlements Program. In considering the request, the DOE found that Laketon was unable to increase the selling prices for its refined products to reflect its entitlement purchase obligation. The DOE determined that \$1,463,251 per month of exception relief was necessary to relieve Laketon of its net entitlement purchase obligation for the firm's 1979 fiscal year. Accordingly, exception relief was granted.

Monsanto Company, 3/19/81, BEE-1502 through BEE-1505

Monsanto Company filed an Application for Exception from the provisions of 10 C.F.R. § 212.131 in which the firm sought to recertify crude oil produced from four properties during March 1980. In considering Monsanto's exception request, the DOE determined that Monsanto had made a good-faith effort to comply with the DOE's crude oil certification requirements and had acted promptly when it became aware that its purchaser has not received Monsanto's crude oil certifications. The DOE concluded that Monsanto would incur a gross inequity in the absence of exception relief. Accordingly, Monsanto's request for retroactive exception relief was granted.

Palm Oil Company, 3/19/81, DXE-7461

Palm Oil Company filed an Application for Exception from the provisions of 10 C.F.R.

Part 211 in which the firm sought an increased allocation of unleaded gasoline for the purpose of blending and marketing gasoline. In considering the request, the DOE found that the firm has made a substantial capital investment to purchase and refurbish an existing motor gasoline retail outlet. The DOE further found that DOE regulations prevented Palm from realizing the intended benefits of its capital investment. Accordingly, exception relief was granted.

Plateau, Inc., 3/19/81, BEE-1049

Plateau, Inc. filed an Application for Exception from the provisions of 10 C.F.R. § 211.67 in which the firm sought entitlement exception relief under the Delta standards. In considering the request, the DOE found that exception relief was necessary to enable the firm to achieve its historical profit margin. Accordingly, exception relief was granted.

Pryor Enterprises, Inc., 3/20/81, DEE-5441

Pryor Enterprises, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which the firm sought an increased allocation of unleaded gasoline for the purpose of blending and marketing gasoline. Pryor stated that it wanted the DOE to reach a final determination on the merits of its Application because it believed that gasoline allocation controls might be reimposed. In considering the request, the DOE concluded that it was very unlikely that the DOE's Mandatory Petroleum Allocation Regulations would be reinstituted. Accordingly, Pryor's Application was dismissed.

South Florida Gasohol, Inc., 3/18/81, BEE-0932

South Florida Gasohol, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which it sought an assignment of unleaded motor gasoline for the purpose of blending and marketing gasoline. The DOE concluded that the case should be dismissed as moot, notwithstanding the firm's objections to that course of action, because the terms of the January 28, 1981 Executive Order decontrolling the allocation of petroleum products made it extremely unlikely that allocation controls would be reimposed.

Southland Oil Company/VGS Corporation, 3/19/81, BXE-1476

Southland Oil Company/VGS Corporation filed an Application for Exception from the provisions of 10 C.F.R. 211.67 in which the firm sought to be excused from its obligations under the DOE Crude Oil Entitlements Program. In considering the request, the DOE found that Southland qualified for relief under the agency's Delta standards. Accordingly, exception relief was granted to relieve Southland of its remaining net entitlement purchase obligation for the 1980 fiscal year.

Thriftway Company, 3/18/81, DEE-5535

Thriftway Company filed an Application for Exception from the provisions of 10 C.F.R. 211.65 (the Buy-Sell Program), in which it requested to be listed as a refiner-buyer of crude oil. In considering the Application, the DOE determined that the President's decontrol order of January 28, 1981 eliminated the regulatory program from which Thriftway

sought relief. Accordingly, the Thriftway Application was dismissed.

Welsh Oil, Inc., 3/18/81, BXE-1583

Welsh Oil, Inc. filed an Application for Exception from the provisions of 10 C.F.R. Part 211 in which it sought an extension of exception relief which had increased the firm's base period allocation of motor gasoline for the purpose of blending and marketing gasoline. In considering the Application, the DOE determined that the regulations from which Welsh was seeking relief were no longer in effect, due to the January 28, 1981 Executive Order which decontrolled the allocation of petroleum products. The DOE also concluded that it did not have the authority to grant exceptions from the Executive Order. Accordingly, Welsh's Application was dismissed.

Request for Temporary Exception

Energy Cooperative, Inc., 3/18/81, BEL-1624

Energy Cooperative, Inc. filed an Application for Temporary Exception for the provisions of 10 C.F.R. § 211.67 in which the firm sought additional entitlement benefits for the month of January 1981. In considering the request, the DOE found that the firm had failed to demonstrate that it would suffer irreparable injury in the absence of temporary exception relief or that there was a strong likelihood that the firm would succeed on the merits of its underlying exception request. Accordingly, exception relief was denied.

Requests for Stay

Gary Energy Corporation, 3/16/81, BRS-1344

Gary Energy Corporation filed an Application for Stay from the requirement that it file a Statement of Objections to a Proposed Remedial Order which was issued to the firm. In considering the Application, the DOE determined that Gary had not satisfied the criteria for the granting of Stay relief set forth at 10 C.F.R. § 205.125(b). Specifically, the DOE found that Gary could seek access to the documents which it claimed it needed to prepare its Statement of Objections by filing a Motion for Discovery in the enforcement proceeding. Gary's stay request was therefore denied.

Site Oil Company, Flash Petroleum Corporation, 3/20/81, BRS-0111, BRT-0111, BRS-0120

Site Oil Company and Flash Petroleum Corporation filed Applications for Temporary Stay and Stay from the requirement that they respond to the Notices of Probable Violation which had been issued to the firms (10 C.F.R. § 205.191). In considering the Applications, the DOE determined that the claims raised by Site and Flash were not ripe for adjudication but should instead be raised in the NOPV proceedings. Accordingly, the Stay requests were denied.

Motion for Discovery

Mallard Resources, Inc., 3/18/81, BED-0537

Mallard Resources, Inc. filed a Motion for Discovery in connection with a pending exception proceeding in which the firm seeks

to be released from the obligation to purchase entitlements for its starting inventory crude oil. In considering the Motion, the DOE determined that the discovery sought by Mallard was not relevant to dispute factual issues in the exception proceeding. Accordingly, Mallard's Motion for Discovery was denied.

Interlocutory Order

Louisiana Land and Exploration Company, Texaco Inc., 3/18/81, BRZ-0086, BRZ-0087

Louisiana Land and Exploration Company (LL&E) filed a document styled "Motion to Dismiss or Remand the Proposed Remedial Order issued to Texaco Inc. or, in the Alternative, Petition for Special Redress or Other Relief." In its submission, LL&E requested that an order be issued dismissing or remanding a Proposed Remedial Order which the Office of Special Counsel for Compliance issued to Texaco Inc. on May 1, 1979. Texaco subsequently filed its own request for the dismissal of the PRO.

In considering the request, the DOE determined that the LL&E submission failed to meet applicable jurisdictional requirements for Petitions for Special Redress, since there was a more appropriate mechanism for resolving the issues presented in the submission. The DOE further determined that LL&E and Texaco had failed to demonstrate that the Texaco PRO was based on a clearly erroneous application of legal standards or that remanding the PRO would contribute to administrative efficiency. The DOE also held that the PRO stated a *prima facie* case of regulatory violations and was not subject to dismissal. Accordingly, the LL&E and Texaco requests were dismissed.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Orders submitted by the firms. The DOE granted the following applications and issued the requested Protective Orders as Orders of the Department of Energy:

Company Name and Case No.

Energy Cooperative, Inc., Marathon Oil Co., BEJ-0189
Indiana Farm Bureau Cooperative Assoc., Mobil Oil Corp., BEJ-0191
Office of Special Counsel; Gulf Oil Corp., BRJ-0193

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued Decisions and Orders which determined that the requests be dismissed without prejudice:

Company Name and Case No.

M. R. S. SERVICE CENTER, DEO-0262
New Jersey Highway Authority, BXE-1556
New York State Police, BEE-0286

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Chronister Oil Co., et al., BMR-0018, BEJ-0018
Commonwealth Oil Refining Co., BEL-1575
County Sanitation Districts of Orange County, BEE-1605
Dave Clark Chevron, BRO-1157
Depco, Inc., BEE-0967
Getty Oil Co./Tosco Corp., BRJ-0146
J. M. Reeves Chevron, BEE-1643
Lincrest Exxon, DRO-0338
Pester Refining Co., BEE-1285
Philip T. Sharples Oil Properties, DEE-2143
Puerto Rico Water Resources Authority, BEE-0271
Ralston Motor Service, BEO-0730
Rhyne Lumber Co., DEO-0114
Sound Refining Co., Marlex Oil & Refining, Inc., BEL-0077, BEL-0076
Standard Oil Co. (Indiana), DEA-0497
Theodore I. Leben, DEE-2112
Tosco Corporation, BEJ-0053, BED-0053
Tosco Corporation/Office of Special Counsel, BEJ-0153
Wolf Development, Inc., BEE-1498

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 13, 1981.

[FR Doc. 81-11788 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of March 27 Through April 4, 1981

During the week of March 27 through April 3, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 13, 1981.

Submission of Cases Received by the Office of Hearings and Appeals

[Week of Mar. 27, through Apr. 4, 1981]

Date	Name and location of applicant	Case No.	Type of submission
March 30, 1981	Diamond Shamrock Corp., et al., Washington, D.C.	BEA-0641, BEA-0644	Appeal of the Entitlements Notice. If granted: The February 26, 1981, Entitlements Notice would be modified with respect to the entitlements purchase obligations of Diamond Shamrock Corp., Kerr-McGee Corp., Texaco, Inc., and Exxon Company, U.S.A.
Do	Elmwood Service Station, Holyoke, Maine	BRW-0091	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Elmwood Service Station on June 9, 1980 would be issued as a final Remedial Order.
Do	George's Standard, Westchester, Illinois	BRW-0089, BRW-0090	Proposed Remedial Order Finalization. If granted: Proposed Remedial Orders issued to George's Standard on November 4, 1980 and September 8, 1980 would be issued as final Remedial Orders.
Do	Howard's Exxon, Jacksonville, Florida	BRW-0092	Proposed Remedial Order Finalization. If granted: A Proposed Remedial Order issued to Howard's Exxon on July 15, 1980 would be issued as a final Remedial Order.
Do	La Gloria Oil & Gas Company, Houston, Texas	BEE-1653	Exception from the Entitlements Program. If granted: La Gloria Oil & Gas Co. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Do	Marathon Oil Company, Findlay, Ohio	BEA-0640	Appeal of the Entitlements Notice. If granted: The December 1980 Entitlements Notice would be modified with respect to Marathon Oil Company's entitlements purchase obligations.
Do	MGPC, Inc., Los Angeles, California	BED-0183	Motion for Discovery. If granted: Discovery would be granted to MGPC, Inc. (McCulloch Gas Processing Corp.) in connection with the March 3, 1981, Order issued by the Temporary Emergency Court of Appeals.

Submission of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Mar. 27, through Apr. 4, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Do	North Eastham Exxon, E. Orleans, Massachusetts	BEE-1652	Request for Exception. If granted: North Eastham Exxon would receive retroactive exception relief from the provisions of 10 CFR Part 212 which would permit the firm to sell motor gasoline at a price above the applicable ceiling prices.
Do	Office of Special Counsel, Washington, D.C.	BRZ-0092	Motion for Interlocutory Order. If granted: The Office of Hearings and Appeals would deem established certain factual findings in the Proposed Remedial Order (Case No. DRO-0199) issued by the Office of Special Counsel to Texaco, Inc.
Do	Office of Enforcement, ERA, Washington, D.C.	BRZ-0091	Request for Interlocutory Order. If granted: The Office of Hearings and Appeals would accept jurisdiction regarding special refund procedures in connection with the consent orders relating to:
	BEF-0008	Office of Enforcement	(H. Helum).
	BEF-0009	do	(Bota).
	BEF-0010	do	(PGP Gas).
	BEF-0011	do	(J.R.P.).
	BEF-0012	do	(Vaughn).
	BEF-0013	do	(Lundell).
	BEF-0014	do	(Belndge).
	BEF-0015	do	(Graner).
	BEF-0016	do	(Hexon).
	BEF-0017	do	(Newsmon).
	BEF-0018	do	(Tipper).
	BEF-0019	do	(Crystal).
	BEF-0020	do	(Michaux).
	BEF-0022	do	(S.R.C.).
	BEF-0023	do	(McFar).
	BEF-0024	do	(Little).
	BEF-0025	do	(Union).
	BEF-0026	do	(Westla).
	BEF-0027	do	(Texas).
	BEF-0028	do	(McCull).
	BEF-0029	do	(Liquid).
	BEF-0030	do	(Tagadaud).
	BEF-0031	do	(C.P.).
	BEF-0032	do	(OKC).
	BEF-0033	do	(Lowtex).
	BEF-0035	do	(O'Donnel).
	BEF-0036	do	(Colive).
	BEF-0037	do	(Natomas).
	BEF-0038	do	(Triton).
	BEF-0039	do	(Shawne).
	BEF-0040	do	(Hendr).
Do	Southland Oil Company, Houston, Texas	BEX-0186	Request for Supplemental Order. If granted: Southland Oil Company would receive an exception from the provisions of 10 CFR 211.67 which would permit the firm to receive additional entitlements for the fiscal year 1977.
Do	Union Oil Company of California, Washington, D.C.	BEA-0639	Appeal of Entitlements Notice. If granted: The December 1980 Entitlements Notice would be modified with respect to the Union Oil Company of California's entitlements purchase obligations.
March 31, 1981	Energy Cooperative, Inc., Washington, D.C.	BEA-0645	Appeal of Entitlements Notice. If granted: The February 1981 Entitlements Notice would be modified with respect to Energy Cooperative, Inc.'s entitlements purchase obligations.
Do	Kendall Associates, Berkeley, California	BFA-0646	Appeal of Information Request Denial. If granted: The March 19, 1981, information Request Denial issued by the Office of Procurement and Assistance management would be rescinded, and Kendall Associates would receive access to certain DOE information.
Apr. 1, 1981	Ginsburg, Feldman, Weil, and Bress	BFA-0647	Appeal of Information Request Denial. If granted: The March 10, 1981, information Request Denial issued by the Office of General Counsel would be rescinded, and Ginsburg, Feldman, Weil, and Bress would receive access to documents relating to Mobil Oil Corp. v. DOE, 610 F.2d 796 (1979).
Apr. 2, 1981	Cooper and Brain, Inc., Washington, D.C.	BEX-0188	Supplemental Order. If granted: The December 3, 1980 Decision and Order (Case No. DSG-0056) issued to Cooper and Brain, Inc. would be modified.
Do	Miller & Chevalier (Huffman), Washington, D.C.	BFA-0648	Appeal of Information Request Denial. If granted: The February 24, 1981, information Request Denial issued by the Office of Special Counsel for Compliance would be rescinded, and Miller & Chevalier would receive access to certain DOE information.
Do	Stephen M. Shaw, La Jolla, California	BFA-0649 to BFA-0653	Appeal of Information Request Denial. If granted: The March 18, 1981 and March 19, 1981, information Request Denials issued by the Division of FOI and Privacy Acts Activities would be rescinded, and Stephen M. Shaw would receive access to certain DOE information.

Notices of Objection Received

[Week of Mar. 27, 1981, through Apr. 3, 1981]

Date	Name and Location of Applicant	Case No.
3/27/81	Farmers Union Central Exchange, St. Paul, Minn.	BEE-1340.
3/27/81	Winston Refining Co., Washington, D.C.	BEE-1284.

Notices of Objection Received—Continued

[Week of Mar. 27, 1981, through Apr. 3, 1981]

Date	Name and Location of Applicant	Case No.
3/31/81	Crude Co., The, Washington D.C.	BEE-1015.
3/31/81	Powerline Oil Co., Los Angeles, Calif.	DEE-2099.
3/31/81	Powerline Oil Co., Los Angeles, Calif.	BEE-1619.

Dismissed Cases Reopened

[Week of March 30, 1981 through April 3, 1981]

Date	Case name	Case No.	Location city/state
March 30, 1981	Gasol, Inc.	BEE-0961	Hillsboro, Oreg.
Do	Zack Hadri, Exxon Service	BEO-0624	Anaheim, Calif.
Apr. 2, 1981	Highway Petroleum Sales, Inc.	BEE-1203	Washington, D.C.

[FR Doc. 81-11780 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement, United States and Canada

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves annual transfer of an amount not to exceed 850 grams of Uranium-235 or Uranium-233 between the Atomic Energy of Canada Limited test reactor facility at Chalk River, Ontario and Department of Energy facilities in the United States. The material will be in the form of encapsulated fuel rods and will be irradiated in the Canadian test reactors and returned to the United States for examination as part of continuing U.S. civilian reactor development work.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Purchase Order 73-360089 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 5, 1981.

For the Department of Energy.

Dated: April 14, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-11787 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for Conservation and Renewable Energy
National Energy Extension Service
Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby

given of the following advisory committee meeting:

Name: National Energy Extension Service Advisory Board.

Date and Time: Tuesday, May 19, 1981—1:00 p.m.—4:30 p.m. Wednesday, May 20, 1981—9:00 a.m.—12:00 noon.

Place: Department of Energy, Forrestal Building, Room 4A110, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Contact: Georgia Hildreth, Deputy Advisory Committee Management Officer, Department of Energy, Forrestal Building, Room 8C087, 1000 Independence Avenue, SW., Washington, D.C. 20585. Telephone: 202-252-5187.

Purpose of Committee: The Board was established to carry on a continuing review of the comprehensive Energy Extension Service program and approved plans of the Governors of each State for implementing Energy Extension Service activities.

Tentative Agenda: Tuesday, May 19, 1981

- ESS Service to Low-Income Clients
- Review of the 1981 Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities
- Update on International Extension Activities
- EES Relationship with the Cooperative Extension Service
- Prospective Termination of EES for FY 1982
- Public Comment (10 minute rule)

Wednesday, May 20, 1981

- Review of Follow-up on the FY 1980 Advisory Board Report
 - Status of the FY 1981 Advisory Board Report
 - Public Comment (10 minute rule)
- Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive Summary: Available approximately 30 days following the

meeting from the Advisory Committee Management Office.

Issued at Washington, D.C., on April 10, 1981.

Georgia Hildreth,

Deputy Advisory Committee Management Officer.

[FR Doc. 81-11856 Filed 4-17-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50534; PH FRL 1807-4]

Pesticides; Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has issued experimental use permits to the following applicants. Such permits are in accordance with and subject to the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT:

The product manager cited in each petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

279-EUP-82. FMC Corp., Agricultural Chemical Sprays, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 62.5 pounds of the active ingredient of the insecticide carbosulfan on rangeland to evaluate control of grasshoppers. A total of 250 acres are involved. The program is authorized only in the State of Montana. The experimental use permit is effective from February 23, 1981 to February 23, 1982. The permit is issued under the condition that the treated rangeland will not be grazed. (PM 12, Jay S. Ellenberger, Rm. 400, CM #2, 703-557-7024).

279-EUP-87. FMC Corp., Agricultural Chemical Sprays, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 216 pounds of the active ingredient of the insecticide carbosulfan on sorghum to evaluate control of the greenbug, chinchbug, sorghum midge, corn leaf aphid, European corn borer, and the Southwestern corn borer. The program is authorized only in the States of Arizona, California, Colorado, Kansas, Missouri, Nebraska, New Mexico,

Oklahoma, South Dakota, and Texas. The experimental use permit is effective from February 23, 1981 to February 23, 1982. This permit is issued under the condition that all treated crops are destroyed or used for research purposes only. (PM 12, Jay S. Ellenberger, Rm. 400, CM #2, 703-557-7024).

359-EUP-59, Rhone-Poulenc, Inc., P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08852. This experimental use permit allows the use of 46 pounds of the fungicide 3-(3,5-dichlorophenyl)-N-(1-methyl)-2,4-dioxo-1-imidazolidine carboximide on almonds to evaluate control of Monolinia brown rot blossom blight. A total of 16 acres are involved. The program is authorized only in the State of California. The experimental use permit is effective from February 19, 1981 to December 31, 1983. A temporary tolerance has been established for residues of the fungicide in or on almonds. If the established tolerance is exceeded, the crop must be destroyed or used for research purposes only. (PM 21, Henry M. Jacoby, Rm. 418, CM #2, 557-7060).

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended (21 U.S.C. 136))

Dated: April 9, 1981.

Robert V. Brown,
Acting Director, Registration Division, Office
of Pesticide Programs.

[PR Doc. 81-11797 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51250; TS FRL 1807-6]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5

working days after receipt. This notice announces receipt of three PMN's and provides a summary of each.

DATE: Written comments by:
PMN 81-124, May 10, 1981.
PMN 81-126, 81-127, May 15, 1981.

ADDRESS: Written comments to:
Document Control Officer (TS-793),
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:

For PMN No., Notice Manager, Telephone,
and Room No.

81-124, David Dull (202-382-2277), E-229
81-126, 81-127, Carrie Berlin (202-426-2532),
E-711C

Mail address of notice managers:
Chemical Control Division (TS-794),
Office of Toxic Substances,
Environmental Protection Agency, 401 M
St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 20604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing 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 Initial Inventory were published in the Federal Register of May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for a new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substances, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data

submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "Dates", submit to the 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, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51250]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address 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.

PMN 81-124

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted anisole. *Use.* The manufacturer states that the PMN substance will be used as a manufacturing solution additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—100°C.

Solubility at 20°C:

Water— 10^{-4} – 10^{-2} g/l.

Ethanol—1–10 g/l.

DMSO—10 g/l.

Acetone—1–10 g/l.

Environmental Test Data

COD (mg/l)—433

BOD (mg/l)—0

Toxicity Data

Class B poison test oral—Negative.

Primary irritation—Mild.

Sensitization—None.

Skin irritation—Slight.

Eye irritation—Mild.

Ames test—Weakly positive.

Exposure. The manufacturer states that manufacturing workers could have inhalation exposure to the new substance at concentrations of 0.002–0.014 mg/m³ and that processing workers could also have inhalation exposure at concentrations of 0.002–0.070 mg/m³. At the site of a typical consumer, workers could have skin exposure from 2–8 micrograms per 8-hour day, 365 da/yr.

Environmental Release/Disposal. The manufacturer states that an amount of the new chemical would be released

from the manufacturing site into a publicly owned treatment works (POTW) and that some would be incinerated at a processing site.

PMN 81-126

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided: Annual sales—In excess of \$500 million. Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Safflower oil, polymers with benzoic acid, bisphenol A, epichlorohydrin, and styrene.

Use. The manufacturer states that the PMN substance will be used as metal coating resin.

Production Estimates

Year	Kilograms per year	
	Minimum	Maximum
1st	12,000	20,000
2d	16,000	20,000
3d	18,000	20,000

Physical/Chemical Properties

Resin Solution in Xylene

Total percent non-volatile—20.7

Viscosity—0.5 cps.

Weight/gallon—7.55 lbs.

Freezing point—85°F

Neat Polymer

Molecular weight (avg)—15,000 by GPC.

Solubility—Soluble in aromatics, esters, ether glycols. In water-negligible.

Viscosity—Extremely viscous.

Elemental analyses—C—84.0 percent; H—8.2 percent; O—7.9 percent

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that three workers manufacturing and disposing the new chemical could have skin exposure 1–2 hr/da, 12 da/yr, at an average concentration of 0–1 mg/m³ and a peak concentration of 1–10 mg/m³ during sampling, filtering, and drum filling. At two sites not controlled by the submitter, 12 workers using and disposing the PMN substance could have skin exposure 1–24 hr/da, 12–24 da/yr, at an average concentration of 0–1 mg/m³ and a peak concentration of 1–10 mg/m³ during contained spray operations and drum cleaning and reconditioning.

Environmental Release/Disposal. The manufacturer states that less than 20 kg/

yr of the new chemical will be released into the land (total sites). Filter cartridges are drummed and removed to an approved landfill.

PMN 81-127

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Organizational description provided: Annual sales—In excess of \$500 million. Manufacturing site—East-North Central U.S.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Safflower oil, polymers with benzoic acid, bisphenol A, and epichlorohydrin.

Use. The manufacturer states that the PMN substance will be used as a site-limited, captive intermediate used in coating formulation.

Production Estimates

Year	Kilograms per year	
	Minimum	Maximum
1st	6,000	10,000
2d	8,000	10,000
3d	9,000	10,000

Physical/Chemical Properties

Molecular weight—6,000 wt. avg., by GPC.

Appearance—Very viscous, yellow liquid.

Acid number—4–8 mg. KOH/g.

Solubility—Soluble in aromatic hydrocarbons.

Viscosity—1.50 cps. at 60% TNV in Xylene.

Elemental analysis—C 75.90%; H 10.95%; O 13.14%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that nine workers manufacturing, using, and disposing of the new chemical could have skin exposure 1–2 hr/da, 6 da/yr, at an average concentration of 0–1 mg/m³ and a peak concentration of 1–10 mg/m³ during quality control sampling, reactor loading, filtering, and container filling. At a site not controlled by the submitter, three disposal workers could have skin exposure during the process of cleaning and reconditioning drums 1 hr/da, 6 da/yr, at an average concentration of 0–1 mg/m³ and a peak concentration of 1–10 mg/m³.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the new substance will be released into the land. Sludge from cleaning

solvent is recycled or incinerated; filter cartridges are drummed and removed to an approved landfill.

[FR Doc. 81-11799-17 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51245; TS FRL 1807-5]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of four PMN's and provides a summary of each.

DATE: Written comments by: PMN 81-101, May 2, 1981.

PMN 81-103, 81-110, 81-112, May 4, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), 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:

For PMN No., Notice Manager, Telephone, and Room No.

81-101, 81-103, Kirk Maconaughey (202-426-3936), E-210
81-110, 81-112, Rick Green (202-426-8816), E-208

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 20604), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing 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 Initial Inventory were published in the Federal Register of 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.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under

section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "Dates", submit to the 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, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51245]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address 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 10, 1981.

Edward A. Klein,

Director, Chemical Control Division.

PMN 81-101

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period June 1, 1981.

Manufacturer's Identity. The Upjohn Co., 410 Sackett Point Road, North Haven, CT 06473.

Specific Chemical Identity. Claimed confidential business information. Generic name provided. Polyesteramide.

Use. The manufacturer states that the PMN substance will be used in an industrial use for hydraulic seals, gaskets, and tubings.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1981.....	1,000	5,000
1982.....	3,000	10,000

	Kilograms per year	
	Minimum	Maximum
1983	5,000	50,000

Physical/Chemical Properties. Average molecular weight is 50,000 based on light scatterings.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 10 workers manufacturing and disposing of the new chemical could have skin exposure 8 hr/da, 10-35 da/yr, at a peak concentration of 0-1 ppm during water cooling, chopping, and bagging operations.

At a site not controlled by the submitter, 15 processing workers would have skin exposure 2 hr/da, 90 da/yr, at an average concentration of 0-1 ppm during charging and molding operations.

Six commercial users could have weekly skin exposure.

Environmental Release/Disposal. The manufacturer states that from 100 to 1,000 kg/yr of the new substance will be drummed and released into the land in accordance to RCRA rules in an EPA-approved site and that less than 10 kg/yr will be released 12 hr/da, 14 da/yr, into the water of a publicly owned treatment works (POTW).

PMN 81-103

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 3, 1981.

Manufacturer's Identity. Abcor, Incorporated, 850 Main Street, Wilmington, MA 018887.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkylamine methacrylic copolymer.

Use. The manufacturer states that the PMN substance will be used in an industrial use as modules in ultrafiltration and reverse osmosis equipment.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that because the PMN substance is produced in a closed system and is non-volatile and non-soluble, there will be no worker exposure.

Environmental Release/Disposal. The manufacturer states that because the new chemical is non-volatile and non-soluble, none will be released into the environment. Also, incentives have been offered to customers to return the spent

membranes for disposal by the manufacturer according to RCRA procedures.

PMN 81-110

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. June 3, 1981.

Importer's Identity. Marubeni America Corporation, 200 Park Avenue, New York, NY 10166.

Specific Chemical Identity. Acetamide, N-(2-((2-chloro-4,6-dinitrophenyl)azo)-5-(diethylamino)-4-(2-methoxy)ethoxyphenyl).

Use. The importer states that the PMN substance will be used in a commercial use as dye for polyester fiber.

Import Estimates

Year	Kilograms per year	
	Minimum	Maximum
1st	0	10,000
2d	0	15,000
3d	0	20,000

Physical/Chemical Properties

Appearance. Heavy blue powder.

Melting point. -181-184°C.

Solubilities:

Water—<1 ppm.

Ethanol—600 ppm.

Acetone—6,000 ppm.

Chloroform—10,000 ppm.

N-Hexane—<10 ppm.

Toxicity Data

TLm₉₄ (fish: orange medaka)—130 ppm.

Exposure. No data were submitted.

Environmental Release/Disposal. No data were submitted.

PMN 81-112

The following information is taken from data submitted by the importer in the PMN.

Close of Review Period. June 3, 1981.

Importer's Identity. American Hoechst Corporation, Rt. 202-206 North, Somerville, NJ 08876.

Specific Chemical Identity: Butanamide, 2-((4(4-amino-carbonylphenyl)aminocarbonylphenyl)azo)-N-(2,3-dihydro-2-oxo-1H-benzimidazole-5-yl)-3-oxo.

Use. For coloring plastics, paints, and fibers.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Purity. 99%.

Self-ignition. 330°C (mixed 1/1 with diatomaceous earth).

Melting point. 320°C.

Dust explosion hazard. Minimal.

Exothermic decomposition. None to 400°C.

Solubility. Insoluble in water.

Toxicity Data

Acute oral toxicity LD₅₀

(female rats)—>5,000 mg/kg.

Skin and soft tissue compatibility (albino rabbits)—Slightly irritating to skin, no soft tissue sensitivity.

Exposure. The importer states that user exposure to the PMN substance will be 117 man-hours per year and that skin and inhalation exposure will be minimized by dust masks and protective clothing.

Environmental Release/Disposal. No data were provided.

[FR Doc. 81-11800 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51249 TS FRL 1807-8]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of four PMN's and provides a summary of each.

DATE: Written comments by: PMN 81-121, 81-122, 81-123—May 8, 1981. PMN 81-125—May 9, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), 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:

For PMN Number, Notice Manager, Telephone and Room Number

81-121, 81-122—David Dull (202-382-2277), E-229

81-123—Rick Green (202-426-8816), E-208

81-125—Wendy Cleland-Hamnett (202-382-2277), E-229

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory of June 1, 1979. Notices of availability of the Initial Inventory were published in the Federal Register of 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.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or Use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an

amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the 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, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51249]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address 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.

PMN 81-121

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 7, 1981.

Manufacturer's Identity. Essex Chemical Corporation, 1401 Broad Street, Clifton, NJ 07015.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided:

Polyacrylocarbonyl alkyl silane.

Use. Claimed confidential business information. Generic use-adhesion promoter.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	5,000
2d year	50	50,000
3d year	50	75,000

Physical/Chemical Properties

Viscosity at 21° C: -20.

Specific gravity: 0.95.

Flash point: 5.6° C (Setaflash).

Color: Clear.

Toxicity Data

Eye irritation (rabbits)—Irritating.

Primary skin irritation (rabbits)—

Primary skin irritation value: 2.2 due to erythema and edema.

Acute oral LD₅₀ toxicity (rats)—>5 g/kg.

Exposure. The manufacturer states that four manufacturing and processing workers could have inhalation exposure 20 hr/da, 10 da/yr to solvent fumes when processing a mixture containing the new chemical. At a site not controlled by the submitter, workers using a mixture containing the new substance would also have inhalation exposure to solvent fumes 8 hr/da.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new chemical into the environment.

PMN 81-122

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 7, 1981.

Manufacturer's Identity. Essex Chemical Corporation, 1401 Broad Street, Clifton, NJ 07015.

Specific Chemical Identity. Claimed confidential business information.

Generic name provided: Isocyanato disilane substituted polyester.

Use. Claimed confidential business information. Generic use-adhesion promoter.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	50	5,000
2d year	50	50,000
3d year	50	5,000

Physical/Chemical Properties

Viscosity at 21° C—190,000 cps.
Specific gravity—1.05–1.1.
Flash point—120° F (Setaflash).
Color—Clear to light yellow.

Toxicity Data

Acute oral LD₅₀ toxicity (rats)—> 5 g/kg.
Primary skin irritation (rabbits)—Erythema and edema were noted around test sites.
Eye irritation (rabbits)—Non-irritating.

Exposure. The manufacturer states that four manufacturing and processing workers could have skin and inhalation exposure 20 hr/da, 10 da/yr to solvent fumes when processing a mixture containing the new chemical. At a site not controlled by the submitter, workers using a mixture containing the new substance could also have skin and inhalation exposure to solvent fumes 8 hr/da.

Environmental Release/Disposal. The manufacturer states that there is no anticipated release of the new chemical into the environment.

PMN 81-123

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 7, 1981.

Manufacturer's Identity. American Hoechst Corporation, Rt., 202-206 North, Somerville, NJ 08876.

Specific Chemical Identity. Fatty acids. C₁₈-unsaturated dimers, light fractions reached with 1,3-butanediol ethoxylate

Use. The manufacturer states that the PMN substance will be used as a defoamer for use in jet dye bath systems, fiber lubricant, and a leveling agent.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Color—Clear yellow liquid.
Acid number—5 maximum (mg KOH/g).
pH—4–6 (1:100 in water).
Viscosity—112 cps.
Density—8.047 lb/gal.
Flash point (open cup)—100°C.
Fire point—260°C.
Solubility—Soluble in water.

Vapor pressure—Not volatile at room temperature.

Toxicity Data. No data on the PMN substance were submitted.

Exposure. The manufacturer states that a worker manufacturing and processing the new chemical could have dermal exposure during reactor and drum filling operations for 32.5 man-hours in the first year of production and 97.5 man hours in the third year. Customers using the new substance could have dermal exposure of about 375 man-hours per year based on third year production volume.

Environmental Release/Disposal. The manufacturer states that rinse water from reactor and storage vessel cleaning is flushed to an on-site treatment facility and then to a municipal sewer; excess amounts of the product not used by customers will be drained into the customer's water treatment reservoir and then to the water of a publicly owned treatment works (POTW).

PMN 81-125

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 8, 1981.

Manufacturer's Identity. International Harvester Company, 2200 Pacific Highway, San Diego, CA 92138.

Specific Chemical Identity. Claimed confidential business information. Generic name: Benzophenone tetracarboxylic dianhydride polyimide.

Use. The manufacturer states that the PMN substance will be used in a commercial and consumer use as seat cushions and mattresses and in a industrial and commercial use as thermal insulation, protective cushioning, and rigid paneling.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data

Acute oral LD₅₀—1 g/kg.
Acute dermal LD₅₀—Not considered toxic by dermal route of administration.
Primary skin irritation—Not a primary skin irritant.
Eye irritation—Possible eye irritant.

	Group I (unwashed)	Group II (washed)
24 hours	6.3	0.0
48 hours	2.9	0.0
72 hours	0.7	0.0
96 hours	0.0	0.0
7 days	0.0	0.0

Exposure. The manufacturer states that eight manufacturing and processing workers and an unknown number of workers using and disposing of the new

substance could have skin and inhalation exposure 8–24 hr/da, 300 da/yr.

Environmental Release/Disposal. The manufacturer states that from 100 to 1,000 kg/yr of the new material will be released into the air 24 hr/da, 300 da/yr, and up to 10,000 kg/yr into the land.

[FR Doc. 81-11002 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51251 TS FRL 1807-7]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This notice announces receipt of five PMN's and provides a summary of each.

DATE: Written comments by: PMN 81-128, 81-129—May 15, 1981. PMN 81-132—May 16, 1981. PMN 81-136, 81-137—May 17, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), 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:

For PMN Number, Notice Manager, Telephone and Room Number

81-128—Kirk Maconaughey (202-426-3936), E-210

81-129—Carrie Berlin (202-426-2532), E-711C

81-132—George Bagley (202-426-3936), E-210

81-136, 81-137—Kathleen Ehrensberger (202-472-3376), E-335

Mail address of notice managers:

Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2060a)), requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new"

chemical substance is any substance that is not on the Inventory of existing 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 Initial Inventory were published in the *Federal Register* of 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.

EPA has proposed premanufacture notification rules and forms in the *Federal Register* issues of January 1, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy in the *Federal Register* of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in section 5(d)(1) of TSCA. Under section 5(d)(2), EPA must publish in the *Federal Register* nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the *Federal Register*.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended *Federal Register* notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will

publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) *Federal Register* notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the *Federal Register*.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN is published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the 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, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51251]" and the specific PMN number. Comments received may be seen in Rm. E-106 at the above address 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.

PMN 81-128

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 14, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated alicyclic ether.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that

the PMN substance will be used as a site-limited chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—> 80° C, 10 mm Hg.
Specific gravity 20°/20°—1.00 (Approximately).
Freezing point—< -70° C.
Solubility in water, 20°C—0.3 wt.%.
Flash point, (COC)—> 180° F.

Environmental Test Data

BOD, 20-day (% of COD)—14.
Bacterial toxicity, LC₅₀ (mg/l)—100.
Fish toxicity, LC₅₀ (mg/l)—130.
Threshold odor detection range (ppb)—4-65.

Toxicity Data

Acute oral toxicity, LD₅₀ (rat)—0.47 and 0.81 ml/kg.*
Acute skin toxicity, LD₅₀ (rabbit)—1.4 and 1.01 ml/kg.*
Acute inhalation toxicity:
Dynamic saturated vapor (rat)—4 hr, 3/6 died; 8 hr, 6/6 died.
Metered concentrations (rat)—125 ppm, 0/6 died; 250 ppm, 5/6 died.
Static saturated vapor (rat)—335 minutes, 6/6 died.
Primary eye irritation (rabbit)—0.005 ml, moderate, inflammation; 0.02 to 0.5 ml, moderate to severe corneal injury.
Primary skin irritation (rabbit)—0.01 ml, variable erythema.

Exposure. The manufacturer states that 41 workers could have inhalation, skin, and eye exposure to the new substance 5-12 hr/da, 10-120 da/yr during manufacturing, using the product as a chemical intermediate, sampling for quality control, and disposing of waste and an aqueous byproduct.

Environmental Release/Disposal. The manufacturer states that none of the PMN substance is anticipated to be released into the environment.

PMN 81-129

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 14, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Annual sales—Between \$100,000,000 and \$499,000,000.

Manufacturing site—West-South Central U.S.
Standard Industrial Classification Code—285.

*Results from two separate studies.

Specific Chemical Identity. Polymer of: Styrene, isobutyl acrylate, hydroxy ethyl acrylate, acrylic acid, ter. butyl perbenzoate, dimethyl ethanol amine.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the new chemical substance will be used in an open use that will release less than 50 kg of the substance to the environment per year with potential exposure to skin and eyes.

Production Estimates

Year	Kilograms per year	
	Minimum	Maximum
1st	100,000	500,000
2nd	500,000	2,000,000
3rd	2,000,000	4,000,000

Physical/Chemical Properties

	Polymer solution	Dried polymer
Solid content	40.2	
Specific gravity	1.03	1.12 insoluble
Solubility in water		
Number average molecular weight	4,300-4,700	
Weight average molecular weight	15,900-18,000	
Flash point (closed cup)	> 212° F	212° F
pKa	9.45	
Elemental analysis		%C = 70.08; %H = 8.44; %O = 21.5

Environmental Test Data

Chemical oxygen demand ($\mu\text{gO/g}$)—1,380,000.

Toxicity Data. No data were submitted on the PMN substance. Data on the raw materials were provided.

Exposure. The manufacturer states that seven workers manufacturing and disposing of the PMN substance could have skin and inhalation exposure 3-20 hr/da, 20-100 da/yr at an average concentration of 0-1 ppm and a peak concentration of 1-10 ppm. Exposure will occur during mixing, quality control sampling, filtering, and drum filling.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr of the new chemical will be released into the air 20 hr/da, 100 da/yr. Vapors are cleaned by a scrubber. Scrubber water goes to the sewer. Cleaning solvents are reclaimed; sludge is removed by state-licensed carriers to a state-licensed landfill.

PMN 81-132

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 15, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Annual sales—In excess of \$500 million.

Standard Industrial Classification Code—2851; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Maleic anhydride-based unsaturated polyester resin modified with mixed phthalic acids.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release between 5,000 kg to 50,000 kg per year into the environment with potential skin, eye, and inhalation exposure for non-chemical industry employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Non-volatile—<60%.
Weight/gallon—9 lbs.
Molecular weight (estimated)—1,400-1,800.
Acid value—15-20.
Flash point (reduced)—98° F.
Boiling range—Above 145° C.
Viscosity (reduced)—350-550 cps.
Solubility (polymer):
Water—Insoluble.
Alcohol—Partially soluble.
Ketones—Soluble.
Aliphatic hydrocarbons—Partially soluble.
Aromatic hydrocarbons—Soluble.
Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 21 manufacturing and processing workers could have skin and inhalation exposure to the new substance 8 hr/da, 130 da/yr during sampling, blending, drumming, maintenance, cleanup, and transfer operations. Exposure is expected to be incidental and minimal.

Environmental Release/Disposal. The manufacturer states that reactor vapors will be incinerated, organic and liquid wastes will be disposed of in a commercial, legal landfill, and condensation water will be pH-adjusted before legal routing to a sewer system.

PMN 81-136

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 16, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided: Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Water-borne, linseed acid-based, modified alkyl.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 5,000 but less than 50,000 kg per year into the environment with potential skin and eye exposure for chemical industry employees and potential skin, eye, and inhalation exposure for non-chemical industry employees.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Acid value—11.9.
Hydroxy value (on solids)—*5.
Milliequivalents acid—0.211.
Milliequivalents base—0.112.
Viscosity—Z2.
Color—12.
Non-volatile weight—30%.
Flash point—80° F.
Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 3 sites, 81 manufacturing workers could have skin and eye exposure to the new chemical 4 hr/da, 4-32 da/yr, and 15 processing workers could have skin and eye exposure 4 hr/da, 130 da/yr. Exposure could occur during filtering, container filling, cleanup, and quality control sampling operations. At the site of a typical user, 100 workers using the new substance could have skin, eye, and inhalation exposure 8 hr/da, 230 da/yr.

Environmental Release/Disposal. The manufacturer states that at 3 sites, less than 60 kg/yr of the new chemical will be released into the air and water and up to 1,110 kg/yr into the land. Vapors will be cleaned by a scrubber; sludge from distilled cleaning solvent is incinerated, landfilled, or sold as fuel. At the site of a typical user, less than 20 kg/yr will be released into the air and water and more than 10,000 kg/yr into the land.

PMN 81-137

The following information is taken from data submitted by the manufacturer in the PMN.

Close of Review Period. June 16, 1981.

Manufacturer's Identity. Claimed confidential business information. Organizational description provided:

*On solids. All other values pertain to a 30-weight solution of the PMN substance.

Manufacturing site—Middle Atlantic U.S.

Standard Industrial Classification Code—285; e.

Specific Chemical Identity. Claimed confidential business information. Generic use information provided: Polymer of a substituted polypropylene oxide and a substituted cyclic alkanediol.

Use. Claimed confidential business information. Generic name provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 500 kg into the environment per year with potential skin and eye exposure for both chemical and non-chemical industry employees.

Production Estimates

Year	Kilograms per year	
	Minimum	Maximum
1st	5,000	15,000
2	5,000	30,000
3	5,000	45,000

Physical/Chemical Properties

Milliequivalents base—0.8 MEQ amine/gram.

Percent total solids at 150° C—95%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that at 3 sites, 32 manufacturing workers could have skin and eye exposure to the new substance 3 hr/da, 2-6 da/yr, and that 54 processing workers could have skin and eye exposure 2 hr/da, 57 da/yr, at average and peak concentrations of 0-1 mg/m³. Exposure could occur during sampling for quality control, filling, and cleanup operations. At the site of a typical user, 10 workers using the new substance could have skin and eye exposure 1 hr/da, 250 da/yr, at average and peak concentrations of 0-1 mg/m³.

Environmental Release/Disposal. The manufacturer states that at three sites, less than 60 kg/yr of the new substance will be released into the air and water and up to 1,110 kg/yr into the land. Vapors will be cleaned by a scrubber; sludge from distilled cleaning solvent is incinerated, landfilled, or sold as fuel. At the site of a typical user, less than 20 kg/yr will be released into the air and water and from 10-100 kg/yr into the land.

[FR Doc. 81-11796 Filed 4-17-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL COMMUNICATIONS COMMISSION

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Correction

The following application:

BP-810108AE (new), Gatlinburg, Tennessee, Gatlinburg Broadcast Communications, Inc. Req: 1230 kHz, 0.25 kW, 1 kW-LIS, U

appeared on AM cut-off list A-26 (46 FR 14815) with a specified cut-off Date of April 10, 1981. It was inadvertently listed again on AM cut-off list A-27 (46 FR 18348) with a specified cut-off date of April 30, 1981. The A-27 listing is hereby deleted; the correct cut-off date is April 10, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-11685 Filed 4-17-81; 8:45 am]
BILLING CODE 6712-01-M

A.T. & T. Motion for Waiver; Granted in Part

On April 6, 1981, the American Telephone and Telegraph Company (AT&T) filed a motion for waiver of § 1.429(g) of the Commission's Rules, 47 CFR 1.429(g), in order to permit the company to submit a reply in excess of ten pages in response to oppositions to its petition for further reconsideration in Docket 20828 (46 FR 16721; March 13, 1981).

Finding that the issues raised by these pleadings were both complex and important, the Acting Chief, Common Carrier Bureau, acting pursuant to delegated authority, on April 8, 1981, granted the AT&T motion in part. AT&T may file a reply not to exceed twenty-five double-spaced typewritten pages.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-11840 Filed 4-17-81; 8:45 am]
BILLING CODE 6712-01-M

Order Granting Motions for Acceptance of Late-Filed Oppositions to Petitions for Further Reconsideration in Docket 20828

By order released April 8, 1981, (46 FR 16721; March 13, 1981) the Acting Chief, Common Carrier Bureau, acting under delegated authority, has granted the Motion for Late-Filed Opposition filed by Action Communications System, Inc. (Action) and the Motion for Leave to Submit Opposition to Petition for Clarification filed by Southern Pacific Communications Company (SPCC). The

oppositions submitted by Action and by SPCC are now part of the official record in Docket 20828.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-11836 Filed 4-17-81; 8:45 am]
BILLING CODE 6712-01-M

Order Enlarging Time for Filing Reply Comments on Petitions for Further Reconsideration in Docket 20828

By order released April 8, 1981 (46 FR 16721; March 13, 1981), the Acting Chief, Common Carrier Bureau, enlarged the time in which reply comments on petitions for further reconsideration in Docket 20828 must be filed. In order to allow the parties ample time to analyze and address the issues raised in the 16 oppositions to such petitions for further reconsideration, the date by which reply comments must be filed has been extended from April 14, 1981, to April 20, 1981.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 81-11839 Filed 4-17-81; 8:45 am]
BILLING CODE 6712-01-M

[BC Docket Nos. 81-247 and 81-248; File Nos. BPH-800422AE and BPH-800629AB]

Incline Broadcast Services, Inc., and North Lake Tahoe Broadcasting Co.; Hearing Designation Order

In the matter of applications of Incline Broadcast Services, Inc., Incline Village, Nevada; [BC Docket No. 81-247; File No. BPH-800422AE] Req: 93.5 MHz, Channel 228A 0.700 kW (H&V), 630 feet and George R. Campbell, James S. King and Rita D. Leon d/b/a North Lake Tahoe Broadcasting Company Incline Village, Nevada [BC Docket No. 81-248; File No. BPH-800629AB] Req: 93.5 MHz, Channel 228A 0.700 kW (H&V), 629 feet; for construction permit for a new FM station.

Hearing Designation Order

Adopted: April 2, 1981.

Released: April 16, 1981.

By the Chief, Broadcast Bureau.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by Incline Broadcast Services, Inc. (Incline) and North Lake Tahoe Broadcasting Company (NLTBC).

2. Analysis of the financial data submitted by Incline reveals that \$64,900 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment	\$24,900
Buildings	3,000
Miscellaneous	20,000
Operating cost (3 months)	17,000
Total	\$64,900

Incline plans to finance construction and operation with \$50,000 from a bank loan and the sale of stock as follows: Raymond W. Scullen \$25,025, Eileen A. Scullen \$18,975, Jim McConnell \$5,000, and Marcia L. Kresge \$1,000. However, the financial qualifications of Jim McConnell and Marcia L. Kresge cannot be established because the applicant has not submitted balance sheets on these individuals. Furthermore, the bank letter from the Bank of Minneapolis and Trust Company requires a pledge of personal collateral. The applicant has failed to show what will be pledged as collateral, its availability, and a statement of willingness to pledge by the owners thereof. Since Incline has only shown \$44,000 in financing, an amount insufficient to meet proposed costs of \$64,900, a financial issue will be specified.

3. Analysis of the financial data submitted by NLTBC reveals that \$57,450 will be required to construct the proposed station and operate for three months, itemized as follows:

Down payment on equipment	\$13,750
Payment on equipment (4 months)	4,950
Buildings	1,000
Miscellaneous	18,400
Operating costs (3 months)	19,350
Total	\$57,450

NLTBC plans to finance construction and operation with a bank loan from Radford Financial for \$68,600. However, the bank letter requires that the loan be secured by real property. The applicant has failed to show what real property will be pledged as collateral, its availability, and a statement of willingness to pledge by the owners thereof. Since NLTBC has shown no funds available to meet proposed costs of \$57,450, a financial issue will be specified.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, That, pursuant to Section 309(e) of the

Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Incline:

(a) The source and availability of additional funds over and above the \$44,000 indicated; and

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to NLTBC:

(a) The source and availability of funds to meet its costs of construction and operation; and

(b) Whether in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications, if either, should be granted.

6. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

7. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission,

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 81-11769 Filed 4-17-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-244, File No. BPH-800201AN et al.]

North Carolina Radio Service et al.; Hearing Designation Order

In the matter of applications of North Carolina Radio Service, Inc., Elizabeth City, North Carolina; [BC Docket No. 81-244; File No. BPH-800201AN] Req: 96.7

MHz, Channel 244A 3 kW (H&V) 295 feet; Campbell Broadcasting, Inc., Elizabeth City, North Carolina; [BC Docket No. 81-245; File No. BPH-800828] Req: 96.7 MHz, Channel 244A 3 kW (H&V), 219 feet; Town & Country Broadcasting, Inc., Elizabeth City, North Carolina; [BC Docket No. 81-246; File No. BPH-800829AF] Req: 96.7 MHz, Channel 244A 3 kW (H&V), 290.5 feet; for construction permit for a new FM station.

Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: April 3, 1981.

Released: April 15, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications filed by North Carolina Radio Service, Inc. (North Carolina Radio), Campbell Broadcasting, Inc., (Campbell) Town & Country Broadcasting, Inc., (Town & Country).

2. Section 73.1125 of the Commission's Rules requires that the main studio of an FM station be located within the city of license, but that on a showing of good cause the main studio may be located outside that community. North Carolina Radio proposes to locate its main studio, at NC 1309 and NC 1306, which is located 2.2 miles west of Elizabeth City's limits. We believe that adequate justification has been provided for the proposed studio location.

3. North Carolina Radio and Town & Country propose independent programming while Campbell proposes to duplicate some of the programming of its commonly owned station, WGAI. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inefficiency. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

4. An examination of the coordinates of the transmitter submitted by Town and Country in answer to Paragraph 9(a), Section V-B, reveals a discrepancy with those coordinates on file. Accordingly, applicant will be required to remedy this inconsistency by filing a correction of the coordinates with the Administrative Law Judge.

5. Since no determination has been reached that the antenna proposed by Town and Country would not constitute

a menace to air navigation, an issue regarding this matter is required.

6. The applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Town and Country would constitute a hazard to air navigation.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if any, should be granted.

8. It is further ordered, That in the event the application of Campbell is granted, it is subjected to the condition that if the Commission ultimately adopts a rule prohibiting commonly owned AM and FM stations in the same market, Campbell will divest itself of either its AM station or FM station in accordance with the requirements established in such rulemaking proceeding.

9. It is further ordered, That Town and Country shall file a statement with the presiding Administrative Law Judge clarifying the coordinates of the proposed transmitter location.

10. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

11. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such Rule, and

shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 81-11770 Filed 4-17-81; 8:45 am]

BILLING CODE 6712-01-M

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 76: "Maritime Advisory Committee in Preparation for the 1982 Mobile Services World Administrative Radio Conference (1982 Mobile Services WARC)."

Notice of 9th Meeting: Tuesday, May 5, 1981—9:30 a.m., 1st Floor Auditorium, Comsat Building, 940 L'Enfant Plaza SW., Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Discussion of Proposals and review of work program.
4. Establishment of future meeting schedule.

Charles Dorian, Chairman, SC-76, Comsat Corporation, Washington, D.C., Phone: (202) 554-6756

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-11773 Filed 4-17-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Horizon Bancorp and Central National Bankshares, Inc.

Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to

section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 13, 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Horizon Bancorp, Morristown, New Jersey (trust company activities; New Jersey): To engage through its subsidiary, Horizon Trust Company, National Association, in the operation of a trust company and activities related thereto. The formation of the subsidiary would be a corporate reorganization consolidating control of the trust services of Applicant's various banks in one company. These activities would be conducted from offices in Morristown, Montclair, Paramus, Princeton, and Wildwood, New Jersey, serving the same geographic areas currently served by the trust activities of Applicant's affiliated banks.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Central National Bancshares, Inc., Des Moines, Iowa (data processing activities; Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin); To engage through its subsidiary, Iowa United Building Corporation, in the activities of providing bookkeeping and data processing services to its affiliates; storing and processing for others banking, financial or related economic data, including performing payroll, accounts receivable or payable, or billing services; and leasing excess computer time to others. These activities would be conducted from an office in Des Moines, Iowa, serving the states listed in the caption above.

C. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, April 14, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-11836 Filed 4-17-81; 8:45 am]
BILLING CODE 6210-01-M

Allied Banking Corp., et al.; Formation of Bank Holding Companies

Allied Banking Corporation, Binondo, Metro Manila, Philippines; Oceanic Holding (BVI), Ltd., Roadtown, Tortola, British Virgin Islands, Oceanic Holding (California), Inc., San Francisco, California, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring 100 percent (less directors' qualifying shares) of the voting shares of Oceanic Bank, San Francisco, California, a proposed new bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 12, 1981. Any comment on the applications that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 13, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-11755 Filed 4-17-81; 8:45 am]
BILLING CODE 6210-01-M

American Exchange Co.; Formation of Bank Holding Company

American Exchange Company, Elmwood, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of American Exchange Bank, Elmwood, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 13, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-11756 Filed 4-17-81; 8:45 am]
BILLING CODE 6210-01-M

Banco de Colombia, S.A. (Colombia), Banco de Colombia, S.A. (Panama); Formation of Bank Holding Companies

Banco de Colombia, S.A., Bogota, Colombia and Banco de Colombia, S.A., Panama, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring 100 percent of the voting shares of Sabrina Properties, N.V., Curacao, Netherlands Antilles, thereby indirectly acquiring 100 percent of the voting shares of Eagle National Holding Company, Inc., Miami, Florida, and 93 percent of the voting shares of Central National Bank of Miami, Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 12, 1981. Any comment on the applications that request a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 13, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-11757 Filed 4-17-81; 8:45 am]
BILLING CODE 6210-10-M

Country Hill Bancshares, Inc.; Formation of Bank Holding Company

Country Hill Bancshares, Inc., Lenexa, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99.2 percent or more of the voting shares of Country Hill State Bank, Lenexa, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 13, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-11758 Filed 4-17-81; 8:45 am]
BILLING CODE 6210-01-M

European American Bancorp; Proposed Acquisition of Dorman and Wilson, Inc.; Correction

This notice corrects previous Federal Register Document (FR Doc. 81-9917) published at page 19989 in the issue of Thursday, April 2, 1981. The applicants

proposed activities are corrected to read as follows:

Applicant states that the proposed subsidiary would engage in mortgage banking, loan servicing, real estate appraising, and investment advisory activities.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11750 Filed 4-17-81; 8:45 am]

BILLING CODE 6210-01-M

First National Bancorp.; Formation of Bank Holding Company

First National Bancorp., Gainesville, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the proposed successor by merger to The First National Bank of Gainesville, Gainesville, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11835 Filed 4-17-81; 8:45 am]

BILLING CODE 6210-01-M

San Saba National Corp.; Formation of Bank Holding Company

San Saba National Corporation, San Saba, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The San Saba National Bank, San Saba, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than May 12, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 13, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11760 Filed 4-17-81; 8:45 am]

BILLING CODE 6210-01-M

Otto Bremer Foundation and Otto Bremer Co.; Proposed Retention of the Assets of McCarty Insurance Agency and Washburn Agency

Otto Bremer Foundation and Otto Bremer Company, both of St. Paul, Minnesota, have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain the assets of McCarty Insurance Agency, Bayfield, Wisconsin, and Washburn Agency, Washburn, Wisconsin, and for permission to retain offices in Bayfield and Washburn, Wisconsin.

Applicant states that it will continue to engage, through its subsidiary, First Agency of Apostle Islands, Inc., Washburn, Wisconsin, in general insurance activities in towns with populations of less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Bayfield and Washburn, Wisconsin, and the geographic area to be served is Bayfield County, Wisconsin. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question

must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 13, 1981.

Board of Governors of the Federal Reserve System, April 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11834 Filed 4-17-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-5]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Florida Public Service Commission involving intrastate telecommunications service rates.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Florida Public Service Commission involving the application of the Southern Bell Telephone and Telegraph Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer,

official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 9, 1981.

Frank J. Carr,

Acting Administrator of General Services.

[FR Doc. 81-11762 Filed 4-17-81; 8:45 am]

BILLING CODE 6820-25-M

Federal Property Resources Service

[Wildlife Order 147]

Portion, Buck Island Light Station, St. Thomas, Virgin Islands; Transfer of Property

Pursuant to section 2 of Pub. L. 537, 80th Congress, approved May 19, 1948, (16 U.S.C. 667c), notice is hereby given that:

1. By transfer letter from the General Services Administration dated March 11, 1981, the property, consisting of 9.55 acres of unimproved land, known as Portion, Buck Island Light Station, St. Thomas, Virgin Islands (2-T-VI-416A), has been transferred to the U.S. Department of the Interior, Fish and Wildlife Service.

2. The above described property was conveyed for the purpose of carrying out the national migratory bird management program in accordance with the provision of section 1 of said Pub. L. 80-537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: April 7, 1981.

Roy Markon,

Commissioner, Federal Property Resources Service.

[FR Doc. 81-11761 Filed 4-17-81; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

National Professional Standards Review Council; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council

Date and Time: May 11, 1981 (10:00 a.m. to 5:00 p.m.); May 12, 1981 (9:00 a.m. to 1:00 p.m.)

Place: Penthouse Suite, Room 800, Hubert H. Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201

Purpose of the Meeting: The Council was established to advise the Secretary of Health and Human Services on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. On April 27, 1981, a tentative agenda will be made available to the public.

The meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairperson will allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to Cleo E. Hancock, Jr., Staff Director, National Professional Standards Review Council, Health Standards and Quality Bureau, Room 4520, Health and Human Services North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-6097.

Dated: April 15, 1980.

Cleo E. Hancock, Jr.,

National Professional Standards Review Council.

[FR Doc. 81-11764 Filed 4-17-81; 8:45 am]

BILLING CODE 4110-35-M

Health Resources Administration

Application Announcement for Financial Distress Grants

The Bureau of Health Professions, Health Resources Administration, announces that applications for fiscal year 1982, grants for financial distress are now being accepted under the authority of section 788(b) of the Public Health Service Act.

Section 788(b) authorizes the award of grants to public or nonprofit private schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, and public health to:

1. Meet the costs of operation of an eligible school which is in serious financial distress;
2. Meet accreditation requirements if the school has a special need for financial assistance in meeting such requirements; and

3. Carry out appropriate operational, managerial, and financial reforms on the basis of information obtained in a comprehensive cost analysis study or on the basis of other relevant information.

To be considered for fiscal year 1982 funding, applications must be received by the Grants Management Officer, Bureau of Health Professions, Health Resources Administration, no later than May 29, 1981.

Requests for application materials and questions regarding administration of these grants may be directed to: Grants Management Officer (D-14), Bureau of Health Professions, Health Resources Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone 301-436-6564.

The Administration is requesting approximately \$7.4 million for this program for fiscal year 1982. The budget justification for this amount is specifically to assist four private minority schools: Meharry Medical College (Schools of Medicine and Dentistry), Nashville, Tennessee; Tuskegee Institute (School of Veterinary Medicine), Tuskegee, Alabama; and Xavier University (College of Pharmacy), New Orleans, Louisiana.

This program is listed at 13.381 in the Catalog of Federal Domestic Assistance. Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular A-95.

Dated: April 15, 1981.

Robert Graham,

Acting Administrator.

[FR Doc. 81-11604 Filed 4-17-81; 8:45 am]

BILLING CODE 4110-93-M

Office of the Secretary

Privacy Act of 1974; Report of a New System of Records

AGENCY: Office of the Assistant Secretary for Planning and Evaluation (ASPE), Office of the Secretary (OS), Department of Health and Human Services (HHS).

ACTION: Notification of a New System of Records.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(4), we are issuing public notice of our intent to establish a new system of records: Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/ASPE, 09-90-0085. We are proposing also to include a routine use with the system in accordance with 5

U.S.C. 552a(e)(11). This proposed new system will provide for data on the demographic, mental health, and financing status of a national sample of Medicare beneficiaries receiving outpatient mental health benefits. The HHS program Office of the General Counsel has given legal clearance for the report. The public is invited to submit comments on the routine use of this system of records on or before May 20, 1981.

DATES: We filed a report of new systems of records with the President of the Senate, the Speaker of the House of Representatives, and the Director, Office of Management and Budget (OMB) on April 14, 1981. The system of records will be effective June 13, 1981. The proposed routine use will become effective on the same date unless HHS receives comments which would result in a contrary determination.

ADDRESS: Address comments to the ASPE Privacy Act Officer, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201. We will make comments received available for public inspection in Room 419E, Hubert H. Humphrey Building, at the above address.

FOR FURTHER INFORMATION CONTACT: Project officer, Medicare Mental Health Demonstration Evaluation, Office of the Assistant Secretary for Planning and Evaluation, 200 Independence Avenue, S.W., Washington, D.C. 20201, telephone number 202-245-1794, Room 457F.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Planning and Evaluation, Department of Health and Human Services proposes to initiate a new system of collecting data under the authority of 42 USC 1395b-1(a)(1)(B).

During 1979, the Secretary of HHS directed the Office of the Assistant Secretary for Planning and Evaluation (ASPE), the Health Care Financing Administration (HCFA) and the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) to initiate demonstration and evaluation activities designed to test and analyze changes in Medicare program policies in the area of mental health. It is widely held that current policies and statutory limitations contain disincentives for less expensive and of equal quality outpatient delivery of mental health services to Medicare beneficiaries. This new system of records will provide the demographic, utilization, and cost data necessary to evaluate the mental health services received by patients in both the demonstration and comparison facilities participating in the project.

We are proposing to establish this system of records specifically to implement this evaluation. The data base, which the proposed records system will provide, is not currently available from other public or private sources. The evaluation will focus on the utilization, cost, and quality of outpatient mental health services, as well as operational aspects of the demonstration. The data are expected to contribute to developments in Federal policy alternatives for Medicare reimbursement for outpatient mental health services. The findings will assist the Department of Health and Human Services and the Congress in determining whether to offer the demonstration benefits to Medicare beneficiaries nationally.

We will collect data from 75 facilities in approximately 29 States and on about 7,500 individuals. This is the minimum number of facilities and individuals necessary in a study of this type to yield statistically reliable national estimates.

In order to perform the evaluation functions, we must gather information concerning the same individual from a variety of records. These records include: Medicare billing and claims data, demonstration and comparison facility billing and other medical records, and HCFA demonstration records. Once patient-specific data are received and compiled, the linkage of medical, billing, and other records on a patient-specific basis will be undertaken by the evaluation contractor. The design of the evaluation requires the maintenance of personal information for the life of the project, expected to be three years. Specific data related to the frequency, types and costs of visits made by the same individual under the prescribed treatment plan will be maintained. The Demonstration project being evaluated calls for the development of a treatment plan for each beneficiary as well as a cap on reimbursement of \$750 per year for some of the beneficiaries accompanied by a 20 percent coinsurance charge for all beneficiaries. It is necessary to add new names, addresses and health insurance claim numbers, as well as to update the original list from information abstracted from each beneficiary's administrative records throughout the project. The additions and updates to the files are accomplished by linking a unique identification number common both to the list of individually identifiable data and abstracted data.

Non-individually identifiable data are used for analysis by the contractor for this evaluation, any agency of government, and any member of the

public who wishes to conduct statistical analysis of such data.

This system is neither designed nor intended to be used to measure the behavior of any specific individual with respect to any data that are collected as part of the demonstration or evaluation.

We are establishing one routine use provision for disclosure in response to Congressional inquiries made on behalf of any individual included in the system of records.

Individually identifiable data are maintained at Macro Systems, Inc., the contractor for this evaluation. The contractor safeguards the identifiable data according to the Department's ADP System Manual, "Part 6, ADP System Security." Identifiable data on other than magnetic tape or disk are maintained by the contractor in locked cabinets in a limited access area. Access to the identifiable data is obtained only with the specific permission of the contractor's Project Director and only for purposes consistent with the conduct of the evaluation. We further protect magnetic data with special account numbers and passwords.

Since we propose to establish this system in accordance with the requirements of the Privacy Act, we anticipate no adverse effect on the privacy or personal rights of individuals.

Dated: April 13, 1981.

Stephen F. Gibbens,
Acting Assistant Secretary for Planning and Evaluation.

09-90-0085

SYSTEM NAME:

Medicare Mental Health Demonstration Evaluation (MMHDE), HHS/OS/ASPE.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Macro Systems, Inc., 8630 Fenton Street, Suite 300, Silver Spring, Maryland 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will include approximately 7,500 Medicare beneficiaries in 29 States who are receiving mental health services on an outpatient basis. A total of 75 sites include selected Community Mental Health Centers, organization ambulatory clinics, and partial hospitalization programs.

Records will be included on individuals who signed an informed consent form for the demonstration and

the valuation. The Health Care Financing Administration (HCFA) requires certification from the facilities that they acquire and maintain patient consent and release statements which meet the protections of the Privacy Act as well as any additional guarantees required by State law.

CATEGORIES OF RECORDS IN THE SYSTEM:

The contractor maintains two separate sets of hard copy and magnetic tape and/or disk files. File 1 contains individually identifiable information necessary to link records in order to conduct the evaluation. File 2 contains the data the evaluation was designed to collect.

File 1 has two parts: the first part consists of the cover sheet of the Beneficiary Clinical Record Abstracting Form containing the identifiable information in the form of a list of names, addresses, and Health Insurance (HI) claim numbers of Medicare beneficiaries included in the evaluation. Each cover sheet also includes a unique identification number which links patient-specific data to File 2 described below. The second part is the magnetic tape and disk including the content of the cover sheet.

File 2 has two parts. The first part consists of the Beneficiary Clinical Record Abstracting Form including information from several sources, e.g., Medicare billing records, facility billing records, and facility clinical records. The classes of information include: demographic characteristics; entitlement; sources of income and support; treatment history; diagnosis; referral source; type of service received; type of provider; gross outcome measures; charges by specific facilities to Medicare, Medicaid, third-party payors, and the patients; and, reimbursements, disallowances, and amount not paid by various payors plus the unique individual identifier number linking File 2 to File 1. The second part is the magnetic tape or disk including the information described immediately above.

Only the unique number permits identification of the individual. File 2 is a system of records as long as File 1 is maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 USC 1395b-1(a)(1)(B).

PURPOSE(S):

During 1980, the Health Care Financing Administration (HCFA) and the Alcohol, Drug Abuse, and the Mental Health Administration (ADAMHA) initiated a demonstration

project to test changes in Medicare program policies in the area of mental health. Many experts believe that provision of services on an outpatient basis and in the community of the patient is less expensive, of equal medical care quality, and may provide intangible benefits to all patients in comparison to services provided on an inpatient basis in an institution. It is also widely held that current policies and statutory limitations contain disincentives for outpatient delivery of mental health services to Medicare beneficiaries. The Office of the Assistant Secretary for Planning and Evaluation has initiated an evaluation of this demonstration designed to measure and assess the impact of changing Medicare policies through the provision of outpatient mental health services.

This new system of records will provide the demographic, utilization, and cost data necessary to evaluate the mental health services received by patients in both demonstration and comparison facilities. The evaluation will focus on the utilization, cost, and quality of outpatient mental health services, as well as operational aspects of the demonstration. The data are expected to contribute to developments in Federal policy alternatives for Medicare reimbursement for outpatient mental health services as well as assist the Department of Health and Human Services and the Congress in determining whether to offer the demonstration benefits to Medicare beneficiaries nationally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made on behalf of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSAL OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape and disk, and paper.

RETRIEVABILITY:

The contractor performs linkage between the data sets through a number common to both the identified data and the non-individually identified data only for purposes of linkage, verification, and validation of data.

SAFEGUARDS:

The contractor, Marco Systems, Inc., stores cover sheets containing individual identifiers separately from the abstracting sheets that contain other

non-individually identifiable information. Magnetic tapes and disks that contain individually identifiable information are stored in a locked safe, and the cover sheets are stored in a locked file cabinet in a limited access area. Computerized data are further protected by special account numbers and passwords.

The contractor conforms to the Department's ADP Systems Manual, "Part 6, ADP System Security." Access to the linkage associated with identifiable data for individuals is subject to the specific approval to the Project Director at Macro Systems, Inc. Information with individual identifiers is used for the purposes of adding and updating the system as well as to validate data and link data sets. After any linking, validation or verifying activity, the identifiers are unlinked from the merged records. These uses are performed only by persons employed by Macro Systems, Inc., and then only on a "need to know" basis.

The independent evaluator will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals.

Non-individually identifiable data are used for analysis in support of the evaluation. Research topics of the evaluation include, but are not limited to the following determinations: the effect of the demonstration on utilization of services by Medicare beneficiaries; the cost of Medicare of the demonstration benefits; and the cost to Medicare if the demonstration benefits were applied nationally. The data without personal identifiers are available to any member of the public or to any agency of the government.

The Office of the Assistant Secretary for Planning and Evaluation may conduct analyses of non-individually identifiable data, as necessary.

The Government Project Officer may have access to the identifiable records only to monitor the contractor's performance of the evaluation.

RETENTION AND DISPOSAL:

The cover sheets and computerized files that contain individually identifiable information will be destroyed by shredding or degaussing no later than three years after field work on this evaluation.

There are no plans for the destruction of the non-individually identifiable data which will be delivered to ASPE when the project ends.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURE:

An individual requesting notice as to whether the system of records contains information pertaining to him/her, should write to the Government Project Officer at the address below, indicating his/her full name, current address and any other addresses since March 1981, and Health Insurance (HI) claim number. Simultaneously with requesting notification of inclusion in the system of records, the individual may request record access as described in the "Record Access Procedures" which follows.

Project Officer, Medicare Mental Health Demonstration Evaluation, Office of the Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201.

RECORD ACCESS PROCEDURES:

Individuals who, through the notification procedures set out above, have established that the system of records contains information pertaining to them may request access to those portions of the records pertaining to them by writing the Government Project Officer at the address given above. The Government Project Officer will notify the individual as to the place, for access to the record(s). If the requestor prefers, photocopies of the specific material(s) may be sent by mail.

CONTESTING RECORD PROCEDURES:

Contact the Government Project Officer at the address given above, reasonably identify the record(s), specify the information being contested, provide reasons for disagreement, and propose substitute information.

RECORD SOURCE CATEGORIES:

Information which is beneficiary-specific will be abstracted from facility billing and clinical records and HCFA billing files.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-11792 Filed 4-17-81; 9:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[UT-080-4310-84-M]

Realty Action Agriculture Lease Public Lands in Duchesne County, Utah

The following described lands have been determined to be suitable for agriculture lease under Section 302 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1732.

T8S, R17E, SLM

Sec. 19: E½NE¼, E½W½NE¼,
E½W½W½NE¼, SE¼SE¼

The purpose of the lease is to develop the public lands into agriculture producing lands. The lands presently adjoining the proposed lease lands are high quality alfalfa and small grain producers. The lease is consistent with the Bureau's Planning System and county zoning.

The terms and conditions applicable to the lease are:

1. The lands would be leased to Leon Ross of Provo, Utah.
2. The lease would be issued for five years with the right to renew.
3. The lands would be used for production of alfalfa hay and other small grains.
4. Rental will be determined by fair market value.

Detailed information concerning the lease, including the environmental assessment, is available for review at the Vernal District Office, 170 South 500 East, Vernal, Utah 84078.

For a period of 30 days, interested parties may submit comments to the Utah State Director, 136 East South Temple, Salt Lake City, Utah 84111. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

Lloyd H. Ferguson,

District Manager.

April 10, 1981.

[FR Doc. 81-11821 Filed 4-12-81; 9:45 am]

BILLING CODE 4310-84-M

Geological Survey**Environmental Documents Prepared for Proposed Oil and Gas Operations on the Atlantic Outer Continental Shelf (OCS)**

ACTION: Notice of availability of environmental documents prepared for OCS mineral exploration proposals on the Atlantic OCS.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's), prepared by the USGS for the following oil and gas exploration activities proposed on the Atlantic OCS. This listing includes all proposals for which environmental documents were prepared by the Atlantic OCS Region in the 3-month period preceding this Notice.

Operator/activity	Location	FONSI date
Exxon/Exploration Plan	OCS Block 133 (110 miles E.S.E. of Nantuxet Island).	1-9-81
Getty/Exploration Plan	OCS Block 366 (150 miles E.S.E. of Nantuxet Island).	1-19-81
Mobil/Exploration Plan	OCS Block 312 (120 miles E.S.E. of Nantuxet Island).	2-2-81
Shell/Exploration Plan	OCS Block 410 (150 miles E.S.E. of Nantuxet Island).	3-4-81
Shell/Exploration Plan	OCS Block 85 (65 miles E.S.E. of Ocean City, Maryland).	3-27-81

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Atlantic OCS are encouraged to contact one of the USGS offices in the Atlantic OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Conservation Manager, Offshore Field Operations, Atlantic OCS Region, U.S. Geological Survey, 1725 K Street NW., Suite 213, Washington, D.C. 20006, (202) 254-7870

District Supervisor, North Atlantic District, Atlantic OCS Region, U.S. Geological Survey, Mary Dunn Road, Barnstable Municipal Airport/East Ramp, Hyannis, Massachusetts 02601, (617) 771-8506

District Supervisor, Mid-Atlantic District, Atlantic OCS Region, U.S. Geological Survey, 26 South Pennsylvania Avenue, Atlantic City, New Jersey 08401, (609) 348-4700, FTS 8-483-4311

District Supervisor, South Atlantic District, Atlantic OCS Region, U.S. Geological Survey, 217 Redfern Village, St. Simons Island, Georgia 31522, (912) 638-7175.

SUPPLEMENTARY INFORMATION: The Conservation division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Atlantic OCS. The EA's examine the potential

environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Richard B. Krahl,

Acting Regional Conservation Manager,
Atlantic OCS Region.

[PR Doc. 81-11796 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-31-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf (OCS)

ACTION: Notice of availability of environmental documents prepared for OCS mineral pre-lease, exploration, and/or development/production proposals on the Alaska OCS.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessments (EA's) and findings of no significant impact (FONSI's) prepared by the USGS for the following oil and gas pre-lease and exploration activities proposed on the Alaska OCS. This listing includes all proposals for which environmental documents were prepared by the Alaska OCS Region in the 3-month period preceding this Notice.

Operator/Activity	Location	FONSI date
Exxon/Exploration Plan (gravel island construction and exploratory drilling).	OCS Lease Y-0191 Beaufort Sea (approximately 15 miles N.E. of Prudhoe Bay).	02-26-81
Amoco/over-ice (explosive) seismic program.	Yukon Delta/Norton Sound (3 to 12 miles offshore of Emmonak).	03-10-81

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EA's and FONSI's prepared for activities on the Alaska OCS are encouraged to contact the

below listed USGS offices in the Alaska OCS Region.

FOR FURTHER INFORMATION CONTACT:

Deputy Conservation Manager, Offshore Field Operations, Alaska OCS Region, U.S. Geological Survey, 800 A Street, Suite 205, Anchorage, Alaska 99501, (907) 271-4303

Deputy Conservation Manager, Offshore Resource Evaluation, Alaska OCS Region, U.S. Geological Survey, 800 A Street, Suite 201, Anchorage, Alaska 99501, (907) 271-4361.

SUPPLEMENTARY INFORMATION: The Conservation Division of the USGS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Alaska OCS. The EA's examine the potential environmental effects of activities described in the proposals and present USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA § 102(2)(C). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Joe M. Jones,

Conservation Manager, Alaska OCS Region,
U.S. Geological Survey.

[PR Doc. 81-11800 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Availability of Plan of Operations for the Purpose of Oil Drilling; Big Cypress National Preserve

Notice is hereby given pursuant to § 9.52(b), Title 36, of the Code of Federal Regulations of the availability for comment and review of a Plan of Operations submitted by Hughes and Hughes for the purpose of oil drilling in the Baxter Island area of the Big Cypress National Preserve. Copies of the Plan of Operations are available for review during normal business hours at Everglades National Park Headquarters, Route 27, 12 miles south of Homestead, Florida; at Big Cypress National Preserve, 850 Central Avenue, Room 300, Naples, Florida; and the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia.

Comments should be received within 30 days after publication of this notice. For further information contact Pat Tolle, Management Assistant, Everglades National Park, (305) 247-6211.

Dated: April 8, 1981.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[PR Doc. 81-11807 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-70-M

Boston National Historical Park; Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Public Law 92-463, that a meeting of the Boston National Historical Park Advisory Commission will be held May 5, 1981 at the Old State House, 206 Washington Street, Boston, Massachusetts, beginning at 11 a.m.

The Commission was established by Public Law 93-431 to advise the Secretary of the Interior on matters relating to the development of the Boston National Historical Park.

The matters to be discussed at this meeting include:

1. Tour of Old State House.
2. Report on Visitor Center renovations.
3. Progress report on park Education Committee.
4. Review of Boston NHP Transportation Study.
5. Report on 1981 Symposium.
6. Dedication of USS CASSIN YOUNG.
7. Status report on Boston African American NHS.
8. Discussion of access to park sites by minorities.
9. Visitor Services' plans for summer, 1981.
10. Report on status of General Management Plan.
11. Progress report on Dorchester Heights project.
12. Review & discussions of park administration.

The meeting will be open to the public. However, space and facilities are limited, and it is expected that not more than 50 persons will be able to attend the session. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information about this meeting, or who wish to submit written statements, may contact the Superintendent, Boston National Historical Park, at 617-242-5644.

Dated: April 6, 1981.

Hugh D. Gurney,

Superintendent, Boston National Historical Park.

[FR Doc. 81-11809 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-70-M

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 7:00 p.m., Saturday, May 9, 1981, at Mission Nuestra Señora de la Purísima Concepción de Acuña, 807 Mission Road, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Public Law 95-629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the part and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

- Park Operational Status Report.
- Mission San Jose Legislation.
- Subcommittee Report on Spanish Language Land Acquisition Plan Public Meeting.
- Park Protection Zone Status.
- Mission Historic District.
- Archeology at Mission Concepción.
- Trip to Lyndon B. Johnson National Historical Park and Sauer Beckmann State Park.

The meeting will be open to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first come, first serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone (512) 229-6009.

Minutes of the meeting will be available for public review four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: April 13, 1981.

Robert I. Kerr,

Regional Director, Southwest Region.

[FR Doc. 81-11805 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-70-M

Santa Monica Mountains National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Santa Monica Mountains National Recreation Area Advisory Commission will be held on Tuesday, May 12, 1981 at 7:30 p.m. at the Imperial Bank, 12229 Ventura Boulevard, Studio City, CA 91604.

The Advisory Commission was established by Public Law 95-625 to provide for free exchange of ideas between the National Park Service and the public to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service in Los Angeles and Ventura Counties.

Members of the Commission are as follows:

- Dr. Norman P. Miller, Chairperson
- Honorable Marvin Braude
- Ms. Sarah Dixon
- Ms. Margot Feuer
- Dr. Henry David Gray
- Mr. Edward Heidig
- Mr. Frank Hendler
- Ms. Mary C. Hernandez
- Mr. Bob Hollman
- Ms. Susan Barr Nelson
- Mr. Carey Peck
- Mr. Donald Wallace
- Ms. Marilyn Whaley Winters

The major agenda items include the Superintendent's status report and recommendations by the Commission on the General Management Plan. Public comment will be heard on the Commission's recommendations and on the plan in general. There will also be a report on the newly opened park lands and the various activities in progress.

The meeting is open to the public. Any member of the public may file with the Commission a written statement concerning issues to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

Minutes of the meeting will be available for public inspection by June 30, 1981, at the above address.

Dated: April 7, 1981.

Robert S. Chandler,

Superintendent, Santa Monica Mountains National Recreation Area.

[FR Doc. 81-11806 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-70-M

National Wild and Scenic River Study, Loxahatchee River, Palm Beach and Martin Counties, Florida; Intent To Prepare a Draft Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, will prepare a draft environmental impact statement for the Loxahatchee Wild and Scenic River Study proposal for legislation. The proposal recommends inclusion of a 7.5 mile segment of the Loxahatchee River in the National Wild and Scenic Rivers System to be jointly administered by the Department of the Interior, the State of Florida, and the County of Palm Beach.

The study report will serve as the compliance document for all applicable statutes, executive orders and regulations including but not limited to: the National Environmental Policy Act, Public Law 91-190; the National Historic Preservation Act, Public Law 89-665; the Endangered Species Act, Public Law 93-205; the Fish and Wildlife Coordination Act, Public Law 85-624; the Principles and Standards for Water and Related Land Resources Planning-Level C issued by the Water Resources Council; the Floodplain and Wetlands Executive Orders 11988 and 11990; and the Wild and Scenic Rivers Act, Public Law 90-542, as amended.

As per the Council of Environmental Quality procedural provisions for legislative proposals (40 CFR 1506.8) a formal scoping process is not required. Public issues have been identified by the National Park Service study team. Sources for the issues include previous planning activities and public involvement activities. Participation has been in the form of cooperative interagency meetings, public meetings, a public planning workshop, and through the use of brochures with response forms.

The draft study/environmental impact statement is expected to be available for public review about July 1981. The final report/environmental impact statement is expected to be completed in December 1981. The study report includes an analysis of alternatives as is required by the National Environmental Policy Act and the Water Resources Council Principles and Standards for

Water and Related Land Resources Planning. The alternatives include: (A) No Action; (B) Wild and Scenic River plan, option 1—inclusion of a 7.5 mile segment; (C) Wild and Scenic River plan, option 2—inclusion of a 13.5 mile segment; (D) Maximum National and Economic Development Plan—inclusion of a 7 mile segment; and (E) Maximum Environmental Quality Plan—inclusion of the entire study river and restoration of the Loxahatchee Slough.

The responsible official of the Regional Director, Southeast Region, National Park Service. Questions regarding the legislative proposal and environmental impact statement should be addressed to Sharon Keene, Chief, Resource Area Studies, National Park Service, 75 Spring Street, SW, Room 1046, Atlanta, Georgia 30303.

Dated: April 10, 1981.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region.

[FR Doc. 81-1100 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-70-M

Water and Power Resources Service

McElmo Creek Salinity Control Unit CRWQIP; Intent To Prepare Environmental Statement and To Hold Scoping Meeting

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare an environmental impact statement on the McElmo Creek Salinity Control Unit located in southwestern Colorado. This unit of the Colorado River Water Quality Improvement Program is a diffuse salt source and contributes 115,000 tons of salt annually to the Colorado River. The intent of the project is to reduce the annual salt contribution through off-farm system improvements, such as canal lining.

Feasibility studies on the project were initiated by Water and Power Resources Service in January 1977. A multiple objective planning team was formed and consists of six technical sub-teams: Agricultural, Biological, Recreational and Cultural Resources, Water Resources, Legal and Institutional Concerns and Engineering. Also, a public group has expressed an interest in the project and will comment on the unit and environmental impact statement.

An environmental scoping meeting will be conducted May 13, 1981, at 7 p.m. in the Cortez High School Auditorium, Cortez, Colorado. The meeting will identify significant environmental issues that should be studied and addressed in the environmental impact statement and

determine if any agencies should be cooperating agencies.

Persons desiring further information should contact John Brown, Projects Manager, Water and Power Resources Service, P.O. Box 640, Durango, Colorado 81301, telephone (303) 247-0240.

Dated: April 14, 1981.

Clifford L. Barrett,

Assistant Commissioner.

[FR Doc. 81-11772 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Finance Applications; Decision-Notice

The following applications 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). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 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. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record.

Broadening amendments will not be accepted after the date of this publication except for good cause shown.

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

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 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 protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application or any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with 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.

Decided: April 8, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-F-14313, filed January 29, 1980. **SUNFLOWER CARRIERS, INC.** (Sunflower) (14th & Division, P.O. Box 583, York, NE 68467)—PURCHASE—UNIVERSAL DEVELOPMENT, INC. (Universal) (Rural Route 1, York, NE 68467). Representative: Scott E. Daniel, 800 Nebraska Savings Bldg., 1623 Farnam Street, Omaha, NE 68102. Sunflower seeks authority to purchase the interstate operating rights of Universal. Sunflower Beef Packers, Inc., the sole stockholder of Sunflower, seeks authority to acquire control of said rights through the transaction. Alan Moore, John Tasset, and Stuart Kirschner are the equal and sole stockholders of Sunflower Beef Packers, Inc., and as a condition to the approval of this application they will be required to join in this application as persons in control. Sunflower is purchasing the interstate operating rights of Universal contained in Certificate No. MC-143071 (Sub-No. 1), which authorizes the transportation, as a motor common carrier, over irregular routes, of *aluminum coils*, from Lancaster, PA, Lewisport, KY, Hannibal, OH, and Terre Haute, IN, to the facilities of Kroy Metal Products, at York, NE, restricted to traffic originating at the named origins and destined to the indicated destinations. Sunflower is authorized to operate as motor contract carrier pursuant to Permits issued in MC-140037 and sub-numbers thereunder. NOTE: Application for temporary authority has been filed. CONDITION: Approval and authorization of this transaction is conditioned upon the prior receipt by the Commission of an affidavit signed by Alan Moore, John Tasset, and Stuart Kirschner, stating that they are persons in control of Sunflower Beef Packers, Inc., and that they join in this application as persons in control.

MC-F-14451F, filed July 29, 1980. (Supplemental) (Previously published in the Federal Register on August 28, 1980). **DIXIE EXPRESS, INC.** (Dixie) (P.O. Box 7098, 1270 Hilbish, Ave., Akron, OH 44306)—PURCHASE—DIXIE EXPRESS, INC. (Dixie Express) (66 South Miller road, Akron, OH 44313).

Note.—The purpose of this republication is to change the proceeding from a purchase (portion) to a purchase. Dixie is purchasing all of the authority contained in MC-123956 and (Sub-Nos. 1, 2, 4, 5G and 7). The original

publication excluded all bulk rights from the authority being sold.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11843 Filed 4-17-81; 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 do not compute, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications

involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP5-87

Decided April 13, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 153379 (Sub-1), filed February 3, 1981, previously noticed in the Federal Register issue (republication) of March 10, 1981 and March 20, 1981. Applicant: FRANK LACKEY TRUCKING, Route 4, Tuscumbia, AL 35674. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with International Minerals and Chemical Corp., of Florence, AL.

Note.—This republication shows the correct address for applicant and shows correct applicant representative and address.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11779 Filed 4-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be

protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Notice.— 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-4-83

Decided April 14, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 149497 (Sub-8), filed April 2, 1981.

Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert W. Wagman, P.O. Box 1023, Wausau, WI 54401, (715) 359-2907.

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.

MC 155117 filed April 2, 1981.

Applicant: DIVERSIFIED H & L ENTERPRISES, INC., 1425 Church St., Paris, TX 75460. Representative: James K. Blankinship (same address as applicant), (214) 784-2331. As a broker of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich, Secretary.

[FR Doc. 81-11780 Filed 4-17-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 40 CFR 1100.251. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common

control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note. All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI-121

Decided April 10, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Taylor. (Taylor not participating.)

MC 47171 (Sub-208), filed March 25, 1981. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602.

Representative: Harris G. Andrews (same address as applicant), (803) 879-2101. Transporting *chemicals and related products*, between points in Rockdale County, GA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 67450 (Sub-111) (republication), filed February 9, 1981, previously noticed in the Federal Register issue of March 12, 1981. Applicant: PETERLIN CARTAGE CO., A corporation, 9651 S. Ewing Ave., Chicago, IL 60617. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263-2306. Transporting *such commodities* as are dealt in or used by manufacturers or converters of paper and paper products, between the facilities of Westvaco Corporation and its subsidiaries, at points in the U.S., on the one hand, and on the other, points in the U.S.

Note. The purpose of this republication is to correct the commodity description.

MC 96881 (Sub-28), filed April 6, 1981. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Ave., Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood Ave., Fort Smith, AR 72902, (501) 782-1001. Transporting *general commodities* (except classes A and B explosives), between points in AR, KS, LA, NM, OK, and TX.

MC 135410 (Sub-124), filed April 6, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, North Sixth St. Rd., P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200-A, 205 West Touhy Ave., Park Ridge, IL 60068, (312) 698-2235. Transporting (1) *pulp, paper and related products*, (2) *forest products*, and (3) *lumber and wood products*, between the facilities of Champion International Corporation in those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 135691 (Sub-60), filed March 31, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Dr., Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506, (402) 489-3585. Transporting *building and construction materials*, between points in Dallas County, TX, on the one hand, and, on the other, points in LA, OK, AR, CO, MO, SC, and TX.

MC 138420 (Sub-50), filed March 23, 1981. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., Route 1, P.O. Box 147, Cleveland, WI 53063. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *general commodities* (except classes A and B explosives) between points in IL, IN, IA, KY, MI, MO, MN, OH, PA, TN, and WI. Condition: Prior to issuance of a certificate in this proceeding, applicant must file a written request to cancel certificates issued in MC-138420 Subs 2,

8, 11, 13, 16, 18, 19, 20, 23, 28, 30, 36, 37, 40, 41, 42, and 44.

MC 139340 (Sub-8), filed April 3, 1981. Applicant: YELVINGTON TRANSPORT, INC., 800 Bigtree Rd., Daytona Beach, FL 32015. Representative: Ralph B. Matthews, P.O. Box 872, Atlanta, GA 30301, (404) 522-2322. Transporting *metal products*, between points in Jefferson County, AL, on the one hand, and, on the other, points in FL.

MC 143280 (Sub-20), filed April 6, 1981. Applicant: SAFE TRANSPORTATION COMPANY, 6834 Washington Ave. South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-8889. Transporting *pulp, paper and related products*, between the facilities of Clevepak Corporation in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145301 (Sub-14), filed March 31, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Bldg. No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, North Springfield Professional Center II, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting (1) *transportation equipment*, between points in the U.S., and (2) *clay, concrete, glass or stone products*, between Tulsa, OK, Nashville, TN, and points in Wayne and Oakland Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 145301 (Sub-15), filed April 6, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Building No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, North Springfield Professional Centre II, 5411-D Backlick Rd., Springfield, VA 22151, (703) 941-8200. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of chemicals and related products and plastics and related products, between points in the U.S.

MC 147311 (Sub-6), filed March 20, 1981. Applicant: T & S TRANSPORTATION, INC., 7420 Ranco Rd., P.O. Box 9729, Richmond, VA 23228. Representative: William P. Jackson, Jr., 3425 N. Washington, Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *such commodities* as are dealt in or used by wholesale, retail and chain grocery and food business houses, between points in NC, SC, VA, and DC, on the one hand, and, on the other, those points in the U.S., in and east of WI, IL, KY, TN and MS.

MC 147681 (Sub-22), filed April 3, 1981. Applicant: HOYA EXPRESS, INC., P.O. Box 543, West Middlesex, PA 61659. Representative: David M. O'Boyle, 2310

Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *food and related products*, between points in Winchester and Rockingham Counties, VA, Berkeley County, WV, Fulton County, GA, Kent County, MI, and Lincoln County, NC, on the one hand, and, on the other, points in OH, IN, IL, KY, TN, NC, VA, MD, PA, NJ, NY, CT, MA, and MI.

MC 148020 (Sub-4), filed April 6, 1981. Applicant: BIG "M" TRANSPORT, INC., 3100 Hilton St., Jacksonville, FL 32209. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632-2300. Transporting *chemicals and related products*, between points in Chatham County, GA, on the one hand, and, on the other, points in the U.S.

MC 148620 (Sub-9), filed April 6, 1981. Applicant: K.G.L. CONTRACTING SERVICES, INC., P.O. Box 8202, Pembroke Pines, FL 33024. Representative: Robert W. Gerson, 1400 Candler Bldg., 127 Peachtree Street NE., Atlanta, GA 30043, (305) 587-4190. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Freight, Inc., of Morrow, GA.

MC 153380 (Sub-1), filed March 26, 1981. Applicant: ROWAN FREIGHT COMPANY, INC., P.O. Box 1571, Salisbury, NC 28144. Representative: Francis O. Clarkson, Jr., 3250 NCNB Plaza, Charlotte, NC 28280, (704) 374-1550. Transporting *fire fighting equipment and chemicals*, between points in the U.S., under continuing contract(s) with Chemetron Fire Systems, Division of Chemetron Fire Systems, Inc., of Granite Quarry, NC.

Volume No. OPY-4-84

Decided: April 14, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 143796 (Sub-1), filed April 1, 1981. Applicant: CURTIS VINCENT, 910 No. Madison, Bloomington, IL 61701. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Steak N Shake, Inc. of Bloomington, IL.

MC 144776 (Sub-10), filed April 2, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner St., SW, Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 753-1211. Transporting *plastic products*, between the facilities of Amoco Foam Products Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 145987 (Sub-1), filed April 3, 1981. Applicant: INTER-CITY EXPRESS, INC., 2655 Dollarton Hwy., North Vancouver, B.C. Canada V7H 1B1. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235-1111.

Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Fleco Coatings, Ltd., of Richmond, B.C. Canada, Spanton Oils, Ltd., of North Vancouver, B.C. Canada, and Harrison and Crosfield (Canada), Ltd., of New Westminster, B.C. Canada.

MC 146496 (Sub-6), filed April 3, 1981. Applicant: JOSEPH MOVING & STORAGE CO., INC., d.b.a. ST. JOSEPH MOTOR LINES, 5724 New Peachtree Rd., Chamblee, GA 30341.

Representative: Bruce E. Mitchell, Fifth Fl., Lenox towers S., 3390 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 262-7855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Montgomery Ward & Co. of Sharonville, OH.

MC 147636 (Sub-17), filed April 1, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468.

Transporting (1) *welding equipment and welding supplies* and (2) *ores and minerals*, between points in Miami County, OH, on the one hand, and, on the other, points in the U.S.

MC 147636 (Sub-18), filed April 1, 1981. Applicant: LARRY E. HICKOX, d.b.a. LARRY E. HICKOX TRUCKING, Box 95, Casey, IL 62420. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *general commodities* (except classes A and B explosives), between points in King County, WA, on the one hand, and, on the other, points in the U.S.

MC 148016 (Sub-10), filed April 3, 1981. Applicant: McWHORTER-GRAY ENTERPRISES, INC., 1010 Hwy. 15 No., Ripley, MS 38863. Representative: Fred W. Johnson, Jr., P.O. Box 22807, Jackson, MS 39205, (601) 969-3424. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with H & W Industries, Inc. of Booneville, MS.

MC 151546 (Sub-1), filed March 31, 1981. Applicant: CASCADE TRANSPORT, INC., P.O. Box 1128, Bend, OR 97701. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226-6491. Transporting (1) *lumber and wood products*, (2) *metal products*, (3)

machinery, (4) *building materials*, and (5) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in AZ, CA, CO, ID, MT, NV, OR, UT, and WA.

MC 151736 (Sub-1), filed April 2, 1981. Applicant: MANCHESTER MOVERS, INC., 85 Colonial Rd., Manchester, CT 06040. Representative: Frank N. Serignese (same address as applicant), (203) 646-3333. Transporting *household goods*, between points in CT, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, VA, WV, NC, SC, GA, FL, and DC.

MC 152226 (Sub-2), filed April 1, 1981. Applicant: C. G. TRUCKING CORP., 4200 N. Oracle Rd., Tucson, AZ 85705. Representative: Albert C. Stamper (same address as applicant), (602) 887-7787. Transporting *general commodities*, between points in Cook County, IL and Cuyahoga County, OH, on the one hand, and, on the other, points in Los Angeles, Orange, Riverside, San Bernardino, San Francisco, San Mateo, and Alameda Counties, CA. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 153746 (Sub-1), filed March 31, 1981. Applicant: WOLVERINE MOTOR EXPRESS, INC., 6807 Dunes Hwy., P.O. Box 2488, Gary, IN 46403. Representative: Philip A. Lee, 120 W. Madison St., Suite 618, Chicago, IL 60602, (312) 236-8225. Transporting *iron and steel articles*, between points in IL, IN, OH, MI, WI, and KY.

MC 154897 (Sub-1), filed April 2, 1981. Applicant: BILL'S TRUCKING SERVICE, INC., P.O. Box 143, Le Center, MN 56057. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *machinery*, between points in the U.S., under continuing contract(s) with Harvey Machinery, Inc., of Minneapolis, MN.

Volume No. OPY-4-85

Decided: April 14, 1981.

By the Commission, Review Broad No. 2, Members Carleton, Fisher and Williams.

MC 2866 (Sub-21), filed April 6, 1981. Applicant: TRAILWAYS EDWARDS, INC., 56 E. Third St., Williamsport, PA 17701. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201, (214) 655-7937. Over regular routes, transporting *passengers and their baggage and express*, in the same vehicle with passengers, between Milton and Williamsport, PA: from Milton over PA Hwy 147 to junction Interstate Hwy 80, then over Interstate Hwy 80 to

junction U.S. Hwy 15, then over U.S. Hwy 15 to Williamsport, and return over same route, serving all intermediate points.

MC 75866 (Sub-1), filed April 6, 1981. Applicant: GOLDEN STRIP TRANSFER, INC., P.O. Box 458, Simpsonville, SC 29681. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602, (803) 288-9300. Transporting *general commodities* (except classes A and B explosives), between points in Chatham County, GA on the one hand, and, on the other, SC.

MC 110166 (Sub-29), filed April 6, 1981. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., 40 Nance Lane, P.O. Box 100943, Nashville, TN 37210. Representative: Howard Neil (same address as applicant), (615) 254-5241. Transporting *general commodities* (except classes A and B explosives), serving points in Tunica County, MS, as off-route points in connection with carrier's otherwise authorized regular route operations.

Note.—Applicants intends to tack with its existing authority.

MC 127306 (Sub-17), filed April 6, 1981. Applicant: M. W. McCURDY & CO., INC., 401 Nora's Lane, Houston, TX 77022. Representative: Daniel O. Hands, 205 West Touhy Ave., Suite 200-A, Park Ridge, IL 60068, (312) 688-2235. Transporting *food and related products*, between points in Galveston County, TX, on the one hand, and, on the other, points in CA and NV.

MC 136816 (Sub-11), filed April 6, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 L St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *food and related products*, between Kansas City, MO, on the one hand, and, on the other, points in NE, IA, IL, IN, MI, OH, PA, NY, NJ, MA, CT, RI, MD, DE, and DC.

MC 142716 (Sub-7), filed April 2, 1981. Applicant: C & L TRUCKING, INC., 1609 27th St., NW., Cedar Rapids, IA 52405. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *fertilizer and fertilizer solutions*, between points in Lee County, IA, on the one hand, and, on the other, points in IL, MO, NE, SD, MN, and KS.

MC 142976 (Sub-6), filed April 2, 1981. Applicant: JOHN D. PERFETTI, R.D. #4, Box 265C, Blairsville, PA 15717. Representative: Eugene A. Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218, (412) 469-0333. Transporting *metal products*, between points in the U.S., under continuing contract(s) with

Dietrich Industries, Inc., of Blairsville, PA.

MC 142976 (Sub-7), filed April 2, 1981. Applicant: JOHN D. PERFETTI, R.D. #4, Box 265C, Blairsville, PA 15717. Representative: Eugene A. Waszkiewicz, P.O. Box 8315, Pittsburgh, PA 15218, (412) 469-0333. Transporting *cast iron ingot molds*, between points in the U.S., under continuing contract(s) with Vulcan Mold and Iron Co., of Latrobe, PA.

MC 144806 (Sub-9), filed April 6, 1981. Applicant: FRED M. ANDERSON, d.b.a. DELTA VALLEY TRUCKING, 69 N. 200 W., P.O. Box 51, Delta, UT 84624. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531-1300. Transporting (1) *clay, concrete, glass or stone products*, (2) *machinery*, and (3) *chemicals and related products*, between points in the U.S., under continuing contract(s) with RETEP Corporation, of Salt Lake City, UT.

MC 146616 (Sub-16), filed April 6, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 W. 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103, (918) 583-9000. Transporting *iron and steel articles*, between points in the U.S., under continuing contract(s) with Service Steel, Inc., of Tulsa, OK.

MC 147536 (Sub-32), filed April 6, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as applicant), (417) 782-2600. Transporting *charcoal and charcoal products*, between points in Baxter and Izard Counties, AR, on the one hand, and, on the other, points in AL, AZ, CA, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI.

MC 151826 (Sub-3), filed April 6, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives) between points in the U.S., under continuing contract(s) with Donn Access Floors, and Floor Systems, Incorporated, both of Red Lion, PA. Service Chemical, Inc., of Harfield, PA. Alcolac, Inc., of Baltimore, MD, and Baker Chemicals, Inc., of Houston, TX.

MC 152406 (Sub-1), filed April 6, 1981. Applicant: TEXAS WESTERN EXPRESS, INC., 5713 Azle Ave., Fort Worth, TX 76114. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332-4718. Transporting *food*

and related products, between points in Hale and Palmer Counties, TX, on the one hand, and, on the other, points in AZ, CA, ID, NV, OR, UT, WA, and WY.

MC 153796 (Sub-1), filed April 8, 1981. Applicant: URBAN TRANSPORT, INC., 1714 Broadway, NE., Minneapolis, MN 55413. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting *chemicals and related products*, between points in IA, MN, WI, ND, SD, NE, and IL.

MC 155106, filed April 3, 1981. Applicant: OYLMPIK VAN LINES, INC., 7214C Lockport Pl., Lornton, VA 22079. Representative: Stanley I. Goldman, 1700 K St., NW., Suite 301, Washington, DC 20006, (202) 833-8884. Transporting *household goods*, between points in Arlington, Fairfax, Prince William, Clarke, Culpeper, Fauquier, Frederick, Greene, Loudoun, Madison, Orange, Page, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren Counties, VA, Anne Arundel, Calvert, Charles, Howard, Montgomery, Prince Georges, and St. Marys Counties, MD, Grant, Hampshire, Hardy, Mineral, Pendleton, Pocahontas, Randolph, Tucker, and Webster Counties, WV, and DC, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, OH, PA, RI, SC, TN, VT, NC, VA, WV, WI, and DC.

MC 154646 (Sub-1), filed April 6, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 202 Kent Ave., Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *food and related products*, between the facilities of ConAgra, Inc., on the one hand, and, on the other, points in the U.S.

Volume No. OPY-4-86

Decided: April 14, 1981.

By the Commission. Review Board No. 2. Members Carleton, Fisher and Williams.

MC 60006 (Sub-29), filed April 1, 1981. Applicant: BEE LINE MOTOR FREIGHT, INC., 1804 Paul St., Omaha, NE 68102. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392-1220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Morton Grove, IL.

MC 95876 (Sub-396), filed April 1, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: William L. Libby, 5200 Willson Rd., Suite 307, Edina, MN 55424,

(612) 927-8855. Transporting (1) *machinery* and (2) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in the U.S.

MC 111856 (Sub-16), filed March 5, 1981, previously noticed in the Federal Register issue of April 1, 1981, and republished this issue. Applicant: CHOCTAW TRANSPORT, INC., 800 Bay Bridge Rd., Prichard, AL 36610. Representative: George M. Boles, 727 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-5223. Transporting *food and related products*, between points in LA, MS, AL, GA, and FL.

Note.—The purpose of this republication is to correctly state the commodity description.

MC 115496 (Sub-136), filed April 2, 1981. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Ken Simons (same address as applicant), (912) 934-6251. Transporting *refractory products and construction materials*, between Baltimore, MD, and points in Blair, Westmoreland, and Bedford Counties, PA; Lake County, IN; Carter County, KY; Will County, IL; and Trumbull County, OH, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MO, MN, MS, NC, NJ, NY, OH, PA, SC, TN, TX, VA, WI, and WV.

MC 127366 (Sub-6), filed March 31, 1981. Applicant: F. PAUL PURDY TRUCKING COMPANY, INCORPORATED, Route 4, Box 289, Loudon, TN 37774. Representative: Harry W. Asquith, 809-816 Bank of Knoxville Bldg., Knoxville, TN 37902, (615) 524-4621. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kraft, Inc., of Glenview, IL.

MC 133526 (Sub-5), filed April 1, 1981. Applicant: DICKSON'S TRANSPORT AND COACH LINES (NAPANEE) LIMITED, 293 Dundas St., West, Napanee, Ontario, Canada K7R 2B4. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472-8845. In foreign commerce only, transporting *metal products*, and *machinery*, between ports of entry on the international boundary line between the U.S. and Canada at points in NY, MI, and MN 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.

Note.—Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificates MC-133526 Sub-Nos 2 and 3.

MC 138126 (Sub-48), filed April 1, 1981. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old

Denton Rd., Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC. 20005, (202) 296-3555. Transporting *food and related products*, and *pet foods*, between points in the U.S., under continuing contract(s) with Swift & Company, of Chicago, IL.

MC 139906 (Sub-158), filed April 3, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (404) 476-1144. Transporting *food and related products*, between New York, NY and points in Fayette County, IL, on the one hand, and, on the other, points in the U.S.

MC 139906 (Sub-159), filed April 3, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501, (404) 476-1144. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of tobacco products, between points in Houston County, AL, on the one hand, and, on the other, points in CA, IL, MO, MD, NJ, PA, and DC.

Volume No. OPY5-35

Decided: April 13, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 63838 (Sub-17), filed March 23, 1981. Applicant: BOLUS MOTOR LINES, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *clay, concrete, glass or stone products*, between points in Luzerne County, PA, on the one hand, and, on the other, points in OH.

MC 97429 (Sub-9), filed March 31, 1981. Applicant: ELK VALLEY MOTOR EXPRESS, INC., 1533 Hansford St., Charleston, WV 25311. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215, 614-228-8575. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Charleston and Williamson, WV, over U.S. Hwy 119, serving all intermediate points and serving Switzer, WV, as an off-route point.

MC 113658 (Sub-50), filed March 30, 1981. Applicant: SCOTT TRUCK LINE, INC., 5280 Newport St., Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036, 202-223-5900. Transporting *general commodities*

(except classes A and B explosives), between the facilities used by N.D.S., Inc., and United Freight Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 127019 (Sub-16), filed March 31, 1981. Applicant: LA RUE LAMB TRUCKING, INC., POB 374, Myton, UT 84052. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111, (801) 531-1306. Transporting *ores and minerals*, between points in Uintah County, UT, on the one hand, and, on the other, points in WV and AR.

MC 142268 (Sub-46), filed March 31, 1981. Applicant: GORSKI BULK TRANSPORT, INC., RR No. 4, Harrow, Ontario Canada NOR 1G0. Representative: William H. Shawn, 1730 M St., N.W., Washington, D.C. 20036, (202) 296-2900. Transporting *food and related products*, between Detroit, MI on the one hand, and, on the other, points in Lehigh County, PA.

MC 144189 (Sub-14), filed March 31, 1981. Applicant: CORPORATE TRANSPORT, INC., 107-17th North St., Liverpool, NY 13088. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, 914-835-4411. Transporting *chemicals and related products* between points in the U.S., under continuing contract(s) with Slack Chemical Company, Inc., of Carthage, NY.

MC 144218 (Sub-8), filed March 31, 1981. Applicant: FELDSPAR TRUCKING CO., INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687 803-244-9314. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with The Feldspar Corporation, of Spruce Pine, NC.

MC 144989 (Sub-22), filed March 16, 1981. Applicant: BLUE RIDGE MOUNTAIN CONTRACT CARRIER, INC., P.O. Box 1965, Dalton, GA 30720. Representative: S. H. Rich, 1600 Cromwell Ct., Charlotte, NC 28205, 704-847-6961 Ext. 317. Transporting *such commodities* as are dealt in or used by textile manufacturing companies, between points in the United States, under continuing contract(s) with Caliban Carpet Sales, Inc., of Denver, CO, Cheney Carpet, Inc., of Plymouth, MN, Condon Carpet, Inc., of Dalton, GA, David Hummon & Associates, of Portland, OR, Keystone Floor Products Co., of Cornwells Heights, PA, Midwest Floor Covering, Inc., of Salt Lake City, UT, Progress Carpet, Inc., of Chatsworth, GA, and Victor Kemp Co., of Santa Clara, CA.

MC 146438 (Sub-10), filed March 31, 1981. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, 313-962-6492. Transporting *chemicals and related products* between points in Kalamazoo County, MI, on the one hand, and, on the other, points in Los Angeles County, CA.

MC 146758 (Sub-10), filed March 31, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800-533-6038. Transporting *food and related products* between points in the U.S.

MC 147199 (Sub-5), filed March 26, 1981. Applicant: MWM TRUCKING, INC., 1400 Chestnut, P.O. Box 736, Ottawa, IL 61350. Representative: Leslieann G. Maxey, 907 S. Fourth St., Springfield, IL 62703, 217-528-8476. Transporting (1) *ores and minerals*, and (2) *clay, concrete, glass or stone products*, between points in the U.S.

MC 149088 (Sub-3), filed March 31, 1981. Applicant: TRANSPORTATION, INC., P.O. Box 362, Ottawa, KS 66067. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, 913-233-9629. Transporting *ores and minerals* between points in Barber County, KS, on the one hand, and, on the other, points in Nuckolls County, NE.

MC 150318 (Sub-3), filed March 31, 1981. Applicant: TAYLOR WAREHOUSE & TRUCKING COMPANY, INC., 14615 Anson Ave., Santa Fe Springs, CA 90670. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, 213-945-2745. Transporting *machinery* between points in the U.S., under continuing contract(s) with Graziano Machine Tools, Inc., of Cerritos, CA.

MC 151348 (Sub-2), filed March 31, 1981. Applicant: J. D. TRANSPORTS, INC., P.O. Box 179, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103, 901-527-2482. *Such commodities* as are dealt in by manufacturers of agricultural equipment, industrial equipment, and lawn and leisure products, between points in Rock Island County, IL, on the one hand, and, on the other, points in AL, AR, IL, KY, LA, MS, MO, and TN.

MC 151788 (Sub-3), filed March 31, 1981. Applicant: MEL JARVIS CONSTRUCTION CO., INC., 2834 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS

66601, 913-234-0565. Transporting *food and related products* between points in KS, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11782 Filed 4-17-81; 8:45 am]

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[Volume No. 62]

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 Part 1137. Part 1137 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(b).

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, Alsbaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 2229 (Sub-272)X, filed April 6, 1981. Applicant: SPECTOR RED BALL, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Joseph S. Ruscetta (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 132 and 212F certificates to (1) broaden its commodity descriptions (a) in Sub-No. 132, from general commodities (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), to "general

commodities", (b) in Sub-No. 212F, from general commodities (with exceptions), to "general commodities (except Classes A and B explosives)"; (2) authorize service at all intermediate points where service is limited to specified intermediate points or no intermediate point service (a) in Sub-No. 132, between Atlanta, GA, and Texarkana, AR; between Jackson, MS, and Atlanta, GA; (b) in Sub-No. 212F, between Mobile, AL, and Atlanta, GA; between Mobile and Montgomery, AL; between Atlanta, GA, and Chattanooga, TN; and between Atlanta, GA, and Greenville, SC; and (3) eliminate the restriction prohibiting transportation of traffic moving radially between Memphis, TN, and points within its commercial zone, and, Greenville, MS, Birmingham, AL, or Atlanta, GA, and points in their respective commercial zones, in the alternate route portion of Sub-No. 132.

MC 35358 (Sub-61)X, filed March 23, 1981. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive N.E., Minneapolis, MN 55421. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its Sub-Nos. 14, 15, 26, 31, 32, 43, 47 and 51 certificates and E-63 letter notice to: (1) broaden the commodity description in Sub-No. 26 from furniture, fixtures (except plumbing and heating fixtures) and furnishings, and in Sub-No. 31 from cabinets, cases and shelving, to "furniture and fixtures"; in Sub-Nos. 14, 15 and 47 from furniture, fixtures, furnishings, appliances, store and office fixtures and kitchen equipment (crated and uncrated), and in Sub-No. 43, from new furniture, new home appliances, and such commodities as are dealt in by dealers of home entertainment commodities, to "furniture, fixtures and machinery"; in Sub-Nos. 32 and 51F, and E-63, from radios, phonographs, phonograph records and tapes, televisions, radio and television receivers, tape players, recorders and other such commodities as are dealt in by home entertainment centers, and accessories of the named commodities, crated and uncrated, to "machinery"; (2) broaden the territorial scope by (a) replacing one-way with radial authority in Sub-Nos. 26, 31, 32 and E-63; (b) replacing named facility with county-wide authority as follows: in Sub-No. 26, Sheboygan County for Sheboygan, WI; in Sub-No. 31, Lee County for Sanford, NC, and in Sub-No. 43F, Bucks County for Warrington, PA; and (c) in Sub-No. 14, removing the restriction against the transportation of school furniture from Arlington Heights, IL to points in WI; in Sub-Nos. 26, 31 and 43, removing the

restriction limiting the transportation to traffic originating at or destined to named facilities and/or sites; in Sub-Nos. 26, 43, 47 and 51, removing the "(except AK and HI)" restriction.

MC 37490 (Sub-8)X, filed March 27, 1981. Applicant: DUNCAN TRUCK SERVICE, INC., 100 Park Avenue, Flandreau, SD 57028. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Applicant seeks to remove restrictions in its lead, and Sub-No. 7 certificates to (A) broaden the general commodities authority (a) by removing all restrictions "except classes A and B explosives" in the lead certificate; and broaden (b) to "farm products" from livestock (sheet 3); (c) to "textile mill products" from binder twine (sheet 4); (d) to "farm products, and food and related products" from seeds (sheet 4), feeds, grain, and seeds (sheet 5), grain products and cereal food preparations (sheet 5), and from vegetables (sheet 5); (e) to "chemicals and related products" from salt (sheet 5); and (f) Sub-No. 7, to "building materials" from cellulose fiber, in bags, and scrap paper and materials used in the manufacturing of cellulose fiber, (B) broaden the territorial descriptions of the regular-route authority to authorize service at all intermediate points on its regular routes between Flandreau, SD and St. Paul, MN (sheet 2, para 1), and remove restrictive language limiting service to a named terminal site, to instead authorize service to the off-route point of Eagan Township, Dakota County, MN (sheet 3, para 4) in the lead certificate; (C) broaden the territorial descriptions of the irregular-route authority by replacing certain named cities and terminal sites with county-wide authority, and change from one-way service to radial service, as follows: lead certificate, between points in Lincoln County, MN (Lake Benton, MN) and points in MN and SD within 18 miles of Lake Benton, MN, and points in Hennepin, Anoka, Ramsey, Dakota, Washington, Scott, and Carver Counties, MN (Minneapolis, St. Paul, and South St. Paul, MN), and Beadle, Minnehaha, Lincoln, Deuel, and Brookings Counties, SD (Huron, Sioux Falls, Toronto, and White, SD), and points in a described part of IA (sheet 3, para 6); between points in Moody County, SD (Flandreau, SD), and points in Mower County, MN (Austin, MN) (sheet 3, para 8); between points in Woodbury and Plymouth Counties, IA, Union County, SD, and Dakota County, NE (Sioux City, IA), and points in Moody County, SD (Flandreau, SD), and points within 20 miles of Flandreau, SD (sheet 4, para 1); between points in SD within 20 miles of Moody

County, SD (Flandreau, SD), and points in a described part of MN (sheet 4, para 2); between points in Moody County, SD (Flandreau, SD) and points within 20 miles of Flandreau, SD, and points in Plymouth and Woodbury Counties, IA, Union County, SD, and Dakota County, NE (Sioux City, IA), and Dakota County, MN (South St. Paul, MN) (sheet 4, para 3); between points in Hennepin, Anoka, Dakota, and Ramsey Counties, MN (Minneapolis, MN), and points in Minnehaha, Moody, Brookings, Deuel, Kingsbury, Lake, Davison, McCook, and Jerauld Counties, SD (Dell Rapids, Egan, White, Brookings, Bruce, Baltic, Clear Lake, Colman, De Smet, Elkton, Lake Preston, Madison, Mitchell, Salem, Sioux Falls, Toronto, Wessington Springs, and Wentworth, SD) (sheet 4, para 5); between Dakota County, MN (terminal site located on MN Hwy 49, in Egan Township, Dakota County, MN, approx. one-half mile south of junction MN Hwys 49 and 55), and points in Minnehaha, Moody, Brookings, Deuel, Kingsbury, Lake, Davison, McCook, and Jerauld Counties, SD (Dell Rapids, Egan, White, Brookings, Bruce, Baltic, Clear Lake, Colman, De Smet, Elkton, Lake Preston, Madison, Mitchell, Salem, Sioux Falls, Toronto, Wessington Springs, and Wentworth, SD) (sheet 4, para 6); between points in Minnehaha and Lincoln Counties, SD (Sioux Falls, SD), and points in six MN counties (sheet 5, para 1); between Hennepin, Anoka, Ramsey, and Dakota Counties, MN (Minneapolis, MN), and points in a described part of SD (sheet 5, para 2); between points in Brookings County, SD (Brookings, SD), and points in a described part of MN (sheet 5, para 3); between points in Moody, Lake, and Brookings Counties, SD (Flandreau, Madison, and Brookings, SD), and points in SD within 85 miles of Flandreau, Madison, and Brookings, SD (sheet 5, para 5); between points in Moody County, SD (Flandreau, SD), and points in SD within 85 miles of Flandreau (sheet 5, para 6); and between points in Brown, Freeborn, Steele, Clay, and Wabasha Counties, MN, and Cass County, ND (Sleepy Eye, Hollandale, Owatonna, Albert Lea, Moorhead, Plainview, and Kellogg, MN), and points in Clay and Carroll Counties, IA (Spencer and Carroll, IA), and Moody, Lincoln, and Minnehaha Counties, SD (Flandreau and Sioux Falls, SD) (sheet 5, para 7); and Sub-No. 7, between points in Moody County, SD (facilities at Flandreau, SD), and points in four States; and (D) delete the restrictions limiting service at off-route points to a designated regular-route to and from St. Paul, MN to allow service at the off-

route points in connection with applicant's otherwise authorized regular route authority.

MC 41406 (Sub-174)X, filed April 9, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Ralph D. Artim (same as applicant). Applicant seeks to remove restrictions its Sub-No. 94F certificate to (1) broaden the commodity description from iron and steel articles to "Metal Products", (2) remove the facilities restriction at Kansas City, MO (3) change one-way to radial authority between Kansas City, MO, and, points in 23 states and DC.

MC 65626 (Sub-42)X, filed April 1, 1981. Applicant: FREDONIA EXPRESS, INC., P.O. Box 222, Fredonia, NY 14063. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 37F certificate to (1) remove the "in bulk" restriction, (2) replace authority to serve named facilities with county-wide authority of Atlantic, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem Counties, NJ and (3) remove the AK and HI exception.

MC 72495 (Sub-25)X, filed April 6, 1981. Applicant: DON SWART TRUCKING, INC., P.O. Box 49, Route 2, Wellsburg, WV 26070. Representative: Stephen J. Hubash, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its lead and Sub-Nos. 5, 7, 9, 12, 16, 17, 19, 20F, 22F, and 23F certificates to (1) broaden the commodity description (a) to "ores and minerals" from coal in the lead; and from ground limestone in Sub-No. 9; (b) to "clay, concrete, glass or stone products" from granulated slag in Sub-Nos. 12, 16, 17, 20F, 22F parts 1 & 2; (c) to "bulk commodities" from such bulk commodities as are transported in dump trucks in part of the lead, and Sub-No. 5; (d) to "petroleum, natural gas and their products" from petroleum coke in Sub-No. 7; to "such commodities as are dealt in or used by the operators of mines and for mills" from mine safety dust in Sub-No. 19 and from mill and mine supplies in Sub-No. 5; (f) to "metal products and lumber and wood products" from iron and steel articles and lumber in part (3) of Sub-No. 22F; (g) to "metal products" from rough iron castings in Sub-No. 23F; (h) to "such commodities as are dealt in or used by road construction companies" from road building materials in part of the lead; and (i) to "general commodities (except Class A & B explosives)" from general commodities (with exceptions) in part of

the lead; (2) replace city with county-wide authority (a) Elm Grove, WV, with Ohio County, WV; Donegal, East Finley, West Finley, Morris, South Franklin, Canton, Hopewell, and Independence Townships, PA, to Greene, Bradford, and Washington Counties, PA, in the lead, (b) Wheeling, WV, with Ohio County, WV, in Sub-No. 5, (c) Cresap, WV, with Brooke County, WV, in Sub-No. 7; (d) Avery, OH, with Erie County, OH, in Sub-No. 17; and (e) Benwood, WV, with Ohio County, WV, in Sub-No. 9 and 19; (3) replace facilities limitations (a) at Cresap, WV, with Brooke County, WV, in Sub-Nos. 12, 16, 17, 20F and 22F and (b) at York, PA, with York County, PA, in Sub-No. 20F, and (4) change one-way to radial authority between (a) points in Brooke County, WV, and Baltimore, MD, in Sub-No. 7, (b) points in Ohio County, WV, and, a described portion of PA, (c) points in Brooke County, WV, and, points in 6 states, described portions of PA and OH, and DC, and points in Brooke County, WV, and, points in 2 states, described portions of NY, MD and DC in Sub-No. 12, (d) points in Brooke County, WV, and points in described portions of 2 states and points in Brooke County, WV, and points in 2 states in Sub-No. 16, (e) points in Brooke County, WV, and points in Erie County, OH in Sub-No. 17, (f) points in Ohio County, WV, and points in WV in Sub-No. 19, (g) points in Brooke County, WV, and, points in York County, PA, in Sub-No. 20F, (h) points in Brooke County, WV, and, points in 2 states; points in Brooke County, WV, and points in MD, and described portions of 2 states, and points in 3 states, and points in WV in sub-No. 22F; and (i) points in Belmont County, OH, and, points in 4 states in Sub-No. 23F.

MC 108341 (Sub-205)X, filed April 3, 1981. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 3, 7F, 62, 120F and 150F certificates to (1) broaden the commodity description from self-propelled articles, each weighing 15,000 pounds or more in part of Sub-No. 3 from tractors (except truck tractors) in Sub-No. 7F, from yard tractors in Sub-No. 62, from tractors (except truck tractors and tractors weighing 15,000 pounds or more) in Sub-No. 120F, and, from tractors (except truck tractors) in Sub-No. 150F to "machinery and transportation equipment" (2) replace the facilities limitations in (a) Sub-No. 62 at Lyons, IL with Cook County, IL, and, (b) in Sub-No. 150F at Romeo, MI with Macomb County, MI, (3) remove

the ex-water restriction in Sub-No. 120F, (4) remove the "originating at and/or destined to named points or facilities restriction in Sub-Nos. 120F and 150F, (5) remove the restriction to commodities transported on trailers in Sub-No. 3, and (6) change one-way to radial authority between (a) Portsmouth, VA, and the facilities used by International Harvester Company or its dealers in 5 states, in Sub-No. 120F and (b) Macomb County, MI, and, points in 6 states in Sub-No. 150F.

MC 110563 (Sub-326)X, filed April 3, 1981. Applicant: COLDWAY FOOD EXPRESS, INC., State Route 29 North, Sidney, OH 45356. Representative: Steven L. Weiman, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in Sub-No. 317 certificate to (1) broaden the commodity description from foodstuffs (except in bulk) to "food and related products", and; (2) provide radial service in lieu of one-way service, between points in CT, DE, ME, MA, MD, NH, NJ, NY, PA, RI, VT, VA, WV, and DC and points in the U.S., and (3) delete the exceptions of service to AK and HI.

MC 117956 (Sub-19)X, filed April 3, 1981. Applicant: SCOTT TRANSFER CO., INC., P.O. Box 11248, Atlanta, GA 30310. Representative: Warren A. Golf, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Applicant seeks to remove restrictions in a certificate issued under MC-116947 (Sub-No. 75)F to broaden the commodity description from bread-making ingredients, and cooking oil, in containers, to "food and related products", and eliminate the facilities limitation at Atlanta, GA.

MC 118838 (Sub-80)X, filed April 6, 1981. Applicant: GABOR TRUCKING INC., Route 4, Box 124B, Detroit Lakes, MN 56501. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicants seeks to remove restrictions in its Sub-No. 71X certificate to authorize radial operations in place of one way service Chicago and points in Perry County, IL, and St. Louis, MO, and, points in CA, CO, ID, IA, KS, MN, MT, NE, NV, ND, OR, SD, UT WA, WI and WY.

MC 119798 (Sub-533)X, filed March 30, 1981. Applicant: CANTRELL MOTOR LINES, INC., P.O. Box 171, Bluefield, WV 24701. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Applicant seeks to remove restrictions from its lead and Sub-Nos. 4, 6, and 8F certificates, and Permit No. MC-144038 Sub-No. 2F, to (1) broaden its commodity descriptions (a) in the lead certificate and Sub-Nos. 4, 6, and 8F, from packinghouse products and by-products (except commodities in

bulk), foodstuffs, returned shipments of foodstuffs, meats, meat products, meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), to "food and related products and materials, supplies, and equipment used in the manufacture, production and sale thereof", (b) in the lead certificate, from lubricating oils and greases, except commodities in bulk, to "charcoal and related products, petroleum and their products, and materials, supplies and equipment used in the manufacture, production and sale thereof"; from alcoholic liquors and incidental store supplies, except commodities in bulk, to "food and related products, and materials, supplies and equipment used in the manufacture, production and sale thereof"; from lubrication oils and greases, except commodities in bulk, to "chemicals and related products, petroleum, natural gas and their products, and materials, equipment and supplies used in the manufacture, production and sale thereof"; and from catalogs, except commodities in bulk, to "pulp, paper and related products, printed matter, and materials, supplies and equipment used in the manufacture, production and sale thereof", and (c) in Sub-No. 2F permit, from plastic materials, mining chemicals, and flotation reagents, in packages, to "rubber and plastic products, and chemicals and related products"; (2) replace facilities with city-wide authority (a) in Sub-No. 4, facilities at Bluefield, WV, with Bluefield, WV, and (b) in Sub-No. 6, facilities at or near Ottumwa, IA, with Ottumwa, IA; (3) change it one-way authority to radial authority between specified cities in WV and IA, and points in VA, WV, and several specified counties, in VA, WV, and KY in Sub-Nos. 4, 6, and 8; (4) eliminate (a) the originating at and destined to restriction, in Sub-No. 6, and (b) the restriction limiting movements to and from the warehouses, plants, stores, or other facilities of such whole sale, retail and chain grocery and food business houses (except in bulk), in the lead certificate and (5) expand the authority in the Sub-No. 2 permit to allow service between points in the U.S. under continuing contract(s) with a named shipper.

MC 120737 (Sub-87)X, filed April 6, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 50F, 58F, and 62F certificates to (1) broaden its

commodity descriptions from various specified items such as plastic pipe, plastic fitting, iron valves, iron hydrants, pipe, pipe fittings and accessories, plastic conduit, gaskets, and related commodities used in the installation of plastic pipe and conduit (with exceptions), to "metal products, and rubber and plastic products", in all of the above sub-numbers; (2) replace facilities with county-wide authority (a) in Sub-No. 50F, facilities at or near Columbia, MO, with Boone County, MO (b) in Sub-No. 58F, facilities at Buckhannon, WV, with Upshur County, WV, and (c) in Sub-No. 62F facilities in Talladega County, AL, with Talladega County, AL; (3) change its one-way authority to radial authority between the above-named counties, and points in the U.S. in and east of specified mid-eastern States, in all of the above sub-numbers, and (4) eliminate the originating at and destined to restriction, in Sub-No. 50F.

MC 123872 (Sub-126)X, filed April 3, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3487, Hickory, NC 28601. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 9-13, 15, 16, 21-26, 29, 31-34, 36, 38, 39, 42, 44, 46, 48, 49, 53, 54, 56, 63, 65, 66, 67, 70, 71, 74, 76-80, 83-85, 89-91, 96-98, 106, 108, 109, 111, 112, 114, 115, 117, 119-122 certificates to: (1) broaden the commodity description (a) to "furniture and fixtures" from new furniture in the lead and Subs 2, 4, 9, 11, 13, 33 and 46; new furniture and (new) furniture parts in Sub-Nos. 6, 10, 12, 16, 39, 42, 49, 63, 67, 79, 96F, 97F, 106F, 111, and 121F and bathroom furniture and fixtures in Sub-No. 109F; (b) "furniture and fixtures and textile mill products" from furniture parts in Sub-Nos. 21, 22, 25, and 29 and various furniture parts, materials and supplies in Sub-Nos. 21, 23, 36, 38, and 98F; (c) "textile mill products" from carpets, rugs and materials and supplies used in their manufacture, installation, sale and distribution in Sub-Nos. 70, 78, 112F, and 122F; and cotton and synthetic yarn, rope, twine, and tape in Sub-No. 119F; (d) "textile mill products and petroleum or coal products" from synthetics, staple fiber and yarn, and petroleum products in Sub-No. 120F; (e) "metal products" from furniture parts, gas grill casings, lawnmower frames, street light hoods and parts therefor in Sub-Nos. 26 and 38; (f) "refrigeration machinery and equipment" from cooling and refrigeration rooms and boxes and commercial refrigeration units and parts in Sub-Nos. 32 and 48; (g) "food and related products" from meats, meat products, meat by-products, and articles

distributed by meat packinghouses (as described in the *Descriptions* case) in Sub-Nos. 15, 31, 34, 44, 53, 56, 65, 66, 77, 80, 85F, 91F, 108F, 113F, 114F, and 117; from foodstuffs in Sub-Nos. 24, 44, 83F, 89F, 90F, and 115F; from bakery goods and foodstuffs in Sub-No. 71, from confectionery (and confectionery products) in Sub-Nos. 74 and 76, from frozen food in Sub-No. 84 and from such commodities as are dealt in by grocery and food business houses in Sub-No. 113F; (2) expand authority from city to county-wide service: Hickory to Catawba County, NC, in the lead; Robinsonville to Graham County, NC, in Sub-No. 6; facilities at Elkin to Surry County, NC; facilities at Johnson City to Washington County, TN, in Sub-No. 11; facilities at

Woodfin to Buncombe County, NC, in Sub-No. 10; facilities at Claremont to Catawba County, NC, in Sub-No. 13; facilities at Storm Lake to Buena Vista County, IA, in Sub-No. 15; facilities at Elizabeth City to Pasquotank County, NC, in Sub-No. 18; Ennis, Dallas, and Fort Worth, TX, Oklahoma City and Hominy, OK, to Dallas, Tarrant and Ellis Counties, TX, and Osage, Cleveland, Oklahoma and Canadian Counties, OK, in Sub-No. 21; facilities at Springfield and Carthage to Greene and Jasper Counties, MO, in Sub-No. 22; facilities at Grand Forks to Grand Forks County, ND, and Polk County, MN, in Sub-No. 24; facilities at Linwood to Davidson County, NC; Brenham and Houston, TX, Oklahoma City, OK and Omaha, NE, to Galveston, Fort Bend, Harris, Washington and Waller Counties, TX, Oklahoma, Cleveland, and Canadian Counties, OK, Douglas, Washington, and Sarpy Counties, NE, and Pottawatomie and Mills Counties, IA, in Sub-No. 25; facilities at Grafton to Ozaukee Counties, WI, in Sub-No. 26; facilities at Amarillo to Potter and Randall Counties, TX, in Sub-No. 31; facilities at Lisbon to Juneau County, WI, in Sub-Nos. 32 and 48; facilities at Cactus to Moore Counties, TX, in Sub-No. 34; Simpsonville, Louisville and Winchester to Jefferson, Oldham and Shelby Counties, KY, and Floyd and Clark Counties, IN, in Sub-No. 36; facilities at Grafton to Ozaukee Counties, WI, Little Rock to Pulaski Counties, AR, in Sub-No. 38; Appomattox to Appomattox County, VA, in Sub-No. 42; facilities at Ottumwa to Wapello County, IA, in Sub-No. 44; facilities at Waterloo and Columbus Junction to Blackhawk and Louisa County, IA, in Sub-No. 53; St. Cloud to Benton, Sherburne, and Stearns Counties, MN, in Sub-No. 54; facilities at Fort Dodge, IA, and Fremont, NE to Dodge, Saunders and Douglas Counties,

NE, and Webster County, IA, in Sub-No. 56; facilities at Glenwood, Marshalltown and Sioux City, IA, and Omaha, NE, to Mills, Pottawattamie, Polk, Marshall, Woodbury, and Plymouth Counties, IA, and Washington, Saunders, Douglas and Sarpy Counties, NE, in Sub-No. 65; facilities near Denison to Crawford Counties, IA, in Sub-Nos. 66 and 77; Lyerly, GA, and Greenville and Landrum, SC, to Floyd County, GA, and Pickens, Greenville and Spartanburg Counties, SC, and Polk County, NC, in Sub-No. 70; Charlotte to Mecklenburg County, NC, in Sub-No. 71; facilities near Chicago and Carol Stream to Chicago and DuPage County, IL, in Sub-No. 74; facilities near Indianapolis to Marion, Hendricks, Boone, Hamilton, Hancock, Shelby, Johnson and Morgan Counties, IN in Sub-No. 80; Independence to Clay and Jackson Counties, MO, in Sub-No. 83F; facilities near Plover to Portage County, WI, in Sub-No. 84; facilities at Kenosha to Kenosha and Racine Counties, WI, in Sub-No. 85F; facilities near Cleveland to Bradley County, TN, in Sub-No. 89F; facilities at Belgium Random Lake and Sturgeon Bay to Door, Ozaukee and Sheboygan Counties, WI; facilities at Waukesha to Waukesha County, WI; facilities at Loyal to Clark County, WI; facilities at Bloomer to Chippewa County, WI, facilities at Coleman, Eden, Fond du Lac, Gillet, New Richmond, Oakfield, Schawamo and Sussex to Marionette, Fond du Lac, Oconto, St. Croix, Shawano and Waukesha County, WI, in Sub-No. 90F; Dodge City to Ford County, KS, in Sub-No. 91F; facilities near Amarillo, TX, Arkansas City, KS, East St. Louis, IL, El Paso, TX, Estherville, IA, Sioux Falls, IA, Sioux Falls, SD, St. Paul, MN, and Wichita, KS to Randall Potter and El Paso Counties, TX, Cowley County, KS, Kay County, OK, Madison and St. Clair Counties, IL, Emmet, Dickinson, Woodbury, and Plymouth Counties, IA, Dixon and Dakota Counties, NE, Union, Minnehaha and Lincoln Counties, SD, Dakota, Washington, Ramsey, Hennepin, Anoka and Scott Counties, MN, and Sedgwick and Butler Counties, KS, in Sub-No. 108F; facilities at Burlington, IA, to Des Moines County, IA, and Henderson County, IL, in Sub-No. 109F; facilities at Emporia and Wichita to Sedgwick, Butler and Lyon Counties, KS, in Sub-No. 114F; (3) expand existing one-way service to radial authority between the above counties and counties and States located predominantly in the Midwest, in all certificates except Sub-Nos. 11, 117, 119, 120, 121, and 122; (4) remove exception to the transportation of commodities in bulk in Sub-Nos. 15, 31,

34, 36, 38, 44, 53, 54, 56, 65, 66, 70, 71, 74, 77, 78, 80, 83, 85F, 89, 90, 91, 98, 108, and 114; (5) remove equipment restrictions in Sub-Nos. 15, 24, 31, 32, 34, 44, 48, 53, 56, 65, 66, 76, 77, 80, 83, 85F, 89, 90, 91, 98, 108, and 114; (6) remove facilities restrictions in Sub-Nos. 29, 67, and 76; (7) remove restrictions against the transportation of certain commodities: in hides in Sub-Nos. 15, 31, 34, 44, 53, 56, 65, 66, 77, 80, 85F, 91 and 108 and 114; against textiles and lumber in Sub-No. 36; against foodstuffs in Sub-No. 54; against meats, meat products, meat byproducts, and dairy products in Sub-No. 90; (8) remove "crated" or "in carton" in Sub-Nos. 16, 32, and 48; (9) remove a restriction that certain commodities be transported only when destined to and for the use of meat packers in Sub-No. 44; (10) remove "mixed shipment" requirements in Sub-Nos. 56 and 70; and (11) remove "originating at or destined to" restrictions in Sub-Nos. 15, 24, 31, 32, 34, 36, 42, 44, 48, 53, 54, 56, 65, 66, 67, 70, 74, 76, 77, 78, 80, 83F, 84, 85F, 89F, 90F, and 108F.

MC 123965 (Sub-12)X, filed March 26, 1981. Applicant: KEAL DRIVEAWAY COMPANY, 852 East 73rd Street, Cleveland, OH 44103. Representative: William P. Sullivan, 818 Connecticut Avenue NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 6, 8 and 9 certificates to (1) broaden the commodity description (a) to "transportation equipment" from new truck, new truck chassis, new commercial automotive vehicles, trucks and buses and accessories thereof, truck chassis (in initial movements, in driveaway and truckaway service), automobiles, trucks and chassis, and commercial automotive vehicles, new, used or unfinished (in secondary movements, in driveaway service), in the lead; from motor vehicle, motor vehicle chassis and bodies, cabs and related accessories, (in initial movements, in driveaway and truckaway service) in Sub-Nos. 4, 6, 8 and 9; from motor homes (in driveaway service), in Sub-No. 5; and (b) from show paraphernalia and equipment, (in initial movements, in driveaway and truckaway service) to "transportation show equipment and paraphernalia," in the lead, (2) replace facilities limitations with county-wide authority in Sub-No. 6 (Pulaski County, VA) and (Weber County, UT) Sub-No. 8, (3) change specific point or city-wide authority to county-wide authority from: Cleveland, OH to Cuyahoga County, OH, Montpelier, OH to Williams County,

OH, in the lead; Kosciusko, MS to Attala County, MS, in Sub-No. 5, (4) remove mixed load restrictions in Sub-No. 4 and the lead, (5) authorize radial service in the lead and all subs except Sub-No. 5, and (6) remove AK and HI exceptions wherever they appear in the above Sub-Numbers.

MC 124423 (Sub-11)X, filed April 7, 1981. Applicant: JET MESSENGER SERVICE, INC., P.O. Box 99, Metuchen, NJ 08840. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Applicant seeks to remove restrictions in its Sub-No. 7F certificate to (1) broaden the commodity description from general commodities (except those of unusual value, classes A and B explosives, furniture, garments, garment materials, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) to "general commodities (except classes A and B explosives)" and (2) remove the 5,000 pound weight limitation.

MC 124692 (Sub-364)X, filed April 1, 1981. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59806. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Applicant seeks to remove restrictions in its Sub-No. 350F certificate to (1) broaden the commodity description from general commodities (except classes A and B explosives and household goods as defined by the Commission) to "general commodities (except classes A and B explosives)" and (2) remove the restriction limiting service to the transportation of traffic having an immediately prior or subsequent movement by rail.

MC 126570 (Sub-24)X, filed April 9, 1981. Applicant: BROOKS ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, DE 19802. Representative: James F. Flint, 406 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Applicant seeks to remove restrictions in its MC-115601 Sub-Nos. 13 and 27F permits to (1) broaden the territorial descriptions to between points in the United States under continuing contract(s) with named shippers; and (2) broaden the commodity descriptions from (a) precision instruments and accessories, parts and other item pertaining thereto to "machinery, instruments, and photographic goods" in Sub-No. 13; and (b) precious metals and precious metal solutions to "articles of unusual value" in Sub-No. 27F.

MC 128951 (Sub-44)X, filed April 1, 1981. Applicant: ROBERT DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 1000 North Front Street, New Ulm, MN 56073.

Representative: Rodney H. Jeffery (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 4, 8, 11, 15, 16, 21F, 23F, 30F, 32F, and 36F certificates to (1) broaden the commodity descriptions from fertilizer, fertilizer ingredients, urea, liquid feed, mink feed, liquid fertilizer, feed, feed ingredients, grain, soybean products, seed by-products, soybean by-products, and seed products in bulk to "commodities in bulk (except hazardous materials)" in all certificates; (2) remove the restrictions "except petroleum products" in Sub-No. 8; "except commodities in bulk, in tank vehicles" in Sub-Nos. 15, 16, 23F and 36F; and "in tank vehicles" in Sub-Nos. 16 and 32F; (3) eliminate the facilities limitations in Sub-Nos. 4, 23F, and 36F; (4) change city-wide to county-wide authority from (a) Spencer to Clay County, IA, in Sub-No. 4; (b) Duluth to St. Louis County, MN, in Sub-No. 8; (c) Mankato to Blue Earth County, MN, in Sub-Nos. 11 and 15; (d) New Ulm to Brown County, MN, in Sub-No. 16; (e) Wahpeton to Richland County, ND, in Sub-No. 30F; and Red Wing to Goodhue County, MN, in Sub-Nos. 23F and 36F; (5) expand one-way authority to radial authority between (a) Clay County, IA, and a described route in MN in Sub-No. 4; (b) St. Louis County, MN, and points in WI, ND, and SD, in Sub-No. 8; (c) Blue Earth County, MN, and points in ND, SD, IA, and WI, in Sub-No. 11; (d) Blue Earth County, MN, and points in OH, and PA, in Sub-No. 15; (e) Brown County, MN, and points in IA, SD, ND, and WI, in Sub-No. 16; (f) Minneapolis, MN, and points in IA, WI, ND, (except Bismarck, Buffalo, Carrington, Grandin, Jamestown, Lakota, Langdon and Wyndmere), SD and NE, in Sub-No. 21F; (g) Goodhue County, MN, and points in CO, KS, NE, MO, SD, ND, IA, WI, and IL, in Sub-No. 23F; (h) Chicago, IL, and points in IN, WI, and IA; and Richland County, ND, and points in SD, in Sub-No. 30F; and (i) Goodhue County, MN, and points in MI, IN, and OK, in Sub-No. 36F; and (6) remove the "originating at and destined to" restriction in Sub-No. 4.

MC 133419 (Sub-II)X, filed April 10, 1981. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, NY 14225. Representative: Brian L. Troiano, 918 16th Street NW., Washington, D.C. 20006. The application seeks to remove restrictions in its (Sub-No. 10F) certificate by (I) replacing city with county-wide authority: from Buffalo, NY to Erie County, NY, and (2) eliminating the restriction against the transportation of coal from points in Elk, Jefferson, Clarion, Clearfield, Armstrong, Indiana, Cambria, Forest,

and Cameron Counties, PA from its authority to transport such commodities as are transported in dump vehicles.

MC 134038 (Sub-II)X, filed April 6, 1981. Applicant: MAJORS TRANSIT, INC., P.O. Box 7, Caneyville, KY 42721. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. Applicant seeks to remove restrictions in its Sub-No. 8F certificate, by authorizing service at all intermediate points on its route between Louisville, KY and Nashville, TN.

MC 134645 (Sub-41)X, filed April 10, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, MN 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Sub-No. 22F certificate to broaden the commodity description from malt beverages and malt beverage containers to "food and related products, and plastic and glass products" and, change city-wide to county-wide authority from Milwaukee to Milwaukee County, WI, and St. Cloud to Stearns County, MN, and authorize radial authority for one-way authority between Milwaukee County, WI, and Stearns, MN.

MC 138144 (Sub-62)X, filed February 23, 1981, previously noticed in the Federal Register of March 17, 1981, republished as corrected this issue. Applicant: FRED OLSON CO., INC., 6022, West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South La Salle Street, Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions from its Sub-Nos. 2, 8, 11, 12, 16, 17, 19, 20, 22, 24, 25, 26, 29F, 32F, 35F, 37F, 42F, 44F, 49F, 52F, and 54F certificates to (1) broaden the commodity descriptions from: (a) iron and steel articles to "metal products and ores and minerals" in Sub-Nos. 2, 20, 22, 35F, and 54F; (b) heat exchangers and equalizers for air, gas, or liquid; machinery and equipment for heating, cooling, conditioning, etc., and parts, materials, equipment and supplies used in the manufacture, distribution, etc. to "such commodities as are manufactured, distributed, or used by manufacturers or distributors of machinery" in Sub-No. 8; (c) lumber, lumber products, lumber mill products, poles, posts, and pilings to "lumber and wood products" in Sub-No. 16; (d) fertilizer compounds, ice melting compounds, and vermiculite products to "chemicals and related products and clay, concrete, glass or stone products" in Sub-No. 17; (e) buildings, and parts and accessories and equipment used in the installation of buildings to "such commodities as are manufactured,

distributed, or used by manufacturers and distributors of buildings and building materials" in Sub-No. 24; (f) iron, steel, zinc, lead, and articles and products thereof; springs, construction materials, supplies and equipment; and materials used in the manufacture and distribution of the commodities named above to "such commodities as are manufactured, distributed, or used by manufacturers and distributors of metal products, ores and minerals, and building and construction materials" in Sub-No. 25; (g) plastic pipe, fittings, couplings, valves and hydrants, materials, supplies and equipments to "rubber and plastic products and metal products" in Sub-Nos. 29F and 42F; (h) roofing to "building materials" in Sub-No. 44F; (i) insulation board, materials, supplies, cement pipe, and plastic pipe to "building materials, and rubber and plastic products" in Sub-no. 49F; and (j) fertilizer to "chemicals and related products" in Sub-No. 52F; (k) iron and steel articles and materials and supplies used in the manufacture and distribution of electric motors and generators to "such commodities as are manufactured, distributed, or used by manufacturers and distributors of metal products, ores and minerals, and machinery" in Sub-No. 11; (l) cast iron pipe, hydrants, valves, fittings, couplings, castings, and materials and supplies used in the installation of those commodities to "such commodities as are manufactured, distributed, or used by manufacturers and distributors of metal products, rubber and plastic products, and building materials" in Sub-No. 12; (m) metal articles in Sub-No. 19 and wrought iron pipe in Sub-No. 37F to "metal products"; (n) building materials and materials and supplies used in the installation of building materials to "such commodities as are manufactured, distributed or used by manufacturers or distributors of building materials" in Sub-No. 32F; (2) replace facilities limitations with city-wide or county-wide authority in Sub-Nos. 2, 12, 20, 24, 25, 26F, 29F, 32F, 25F, 37F, 42F, 44F, 49F, 52F, and 54F and change specific point or city-wide authority to county-wide authority from: Joliet, and Waukegan, to Will, and Lake Counties, IL, respectively, East Chicago, Gary and Hammond to Lake County, IN in Sub-No. 2; Earlville to LaSalle County, IL, Wausau to Marathon County, WI in Sub-No. 11; Coshocton to Coshocton County, OH in Sub-No. 17; Beardstown to Cass County, IL in Sub-No. 16; Union Grove to Racine County, WI and Kenosha to Kenosha County, WI in Sub-No. 178; Northbrook to Cook County, IL in Sub-No. 19; New Lennox Township to

Will County, IL in Sub-No. 22; Brookfield to Waukesha County, WI and Milton to Northumberland County, PA in Sub-No. 24; Blue Island to Cook County, IL, Joliet to Will County, IL, Grand Rapids to Kent County, MI, Lansing to Ingham County, MI, Centerville to Appanoose County, IA, Ft. Wayne to Allen County, IN, Kokomo to Howard County, IN, Elkhart to Elkhart County, IN, Cicero to Hamilton County, IN in Sub-No. 25; Kankakee to Kankakee County, IL, Granite City to Madison County, IL, Eureka to Woodford County, IL, and DeKalb to DeKalb County, IL in Sub-No. 25; Buckhannon to Upshur County, WV in Sub-No. 29F; Sterling to Whiteside County, IL in Sub-No. 35F; Chicago, Evanston and Blue Island to Chicago, IL in Sub-No. 37F; Columbia to Boone County, MO in Sub-No. 42F; Chicago and Wilmington, to Chicago, IL, and Will County, IL, in Sub-No. 44F; Alexandria to Madison County, IN, Rockdale to Will County, IL, Waukegan to Lake County, IL, and Wilton to Muscatine County, IA in Sub-No. 49F; Dubuque to Dubuque County, IA, Peoria, Fulton, and Peking and Peoria, Whiteside, and Tazewell Counties, IL, respectively, in Sub-No. 52F; and Canfield to Mahoning County, OH, Martins Ferry and Yorkville to Belmont County, OH, and Mingo Junction and Steubenville to Jefferson County, OH, Allenport to Washington County, PA, Monessen to Westmoreland County, PA, Beech Bottom and Follansbee to Brooke County, WV, Benwood to Marshal County, WV, and Wheeling to Ohio County, WV; (3) broaden the territorial description from one-way authority to radial authority between numerous combinations of specified origins in IL, IN, OH, WI, PA, MI, IA, MS, WV, and MO, and points in the U.S. for example: points in Chicago, Lake, and Will Counties, IL, and Lake County, IN, and points in IA and MO; points in Lake County, IN and points in IA, MO, and NE; points in Lake County, IN, and points in IA and NE; and points in Milwaukee, WI, and points in IA, MO, and NE in Sub-No. 2; points in LaSalle County, IL, and points in Marathon County, WI in Sub-No. 11; Coshocton County, OH, and points in IL, IN, IA, KS, MI, MN, MO, NE, ND, PA, SD, and WI, in Sub-No. 12; Cass County, IL, and points in IA, MN, MO and WI in Sub-No. 16; Racine and Kenosha Counties, WI, and points in Illinois in Sub-No. 17; Cook County, IL, and points, IA, MO, and NE in Sub-No. 19; Chicago, IL, and points in CO, IL, IN, IA, KS, MN, MO, NE, ND, SD, and TX in Sub-No. 20; Will County, IL and points in Callaway County, MO and Coffey County, KS in

Sub-No. 22; Waukesha County, WI and Northumberland County, PA, and, points in the U.S. in Sub-No. 24; Cook and Will Counties, IL, Kent and Ingham Counties, MI, Toledo and Columbus, OH, Appanoose County, IA, Allen, Howard, Elkhart, and Hamilton Counties, IN, Jackson, MS, and, points in the U.S. in Sub-No. 25; Upshur County, WV, and, points in MI, OH, IL, IN, MO, IA, MN, WI, ND, SD, NE, and KS in Sub-No. 29F; Chicago, IL, and, points in KS, IA, MN, MO, NE, ND, SD, and WI in Sub-No. 32F; and various other combinations in Sub-Nos. 35F, 37F, 42F, 44F, 49F, 52F, and 54F; and (4) eliminate the restrictions (a) except in bulk from Sub-Nos. 8, 11, 12, 16, 17, 24, 25, 26, 29F, and 32F; (b) except containers and container ends in Sub-No. 19; (c) except metal containers and container lids in Sub-No. 20; (d) except cement pipe in Sub-No. 49F; (e) originating at or destined to a named plantsite, warehouse or storage facilities in Sub-Nos. 2, 12, 20, 24, 25, 26, 29F, 32F, 35F, 37F, 44F, 49F, 52F, and 54F; (f) "originating at and destined to" in Sub-Nos. 2, 8, 16, 19, 35F, and 42F; (g) AK and HI in Sub-Nos. 8 and 24 and 25; and (h) size and weight in Sub-No. 11.

The purpose of this republication is to (1) correct the commodity descriptions for Sub-Nos. 2, 20, 22, 35F and 54F in part (1)(a); Sub-No. 8 in part (1)(b); Sub-No. 24 in part (1)(e); and Sub-No. 25 in part (1)(f); (2) add the commodity descriptions in Sub-No. 19 and 32F which were inadvertently omitted in the original publication, now parts (1)(m) and (1)(n); (3) correct the commodity descriptions in Sub-Nos. 11 and 12, now at parts (1)(k) and (1)(e); (4) replace in part (3), Sub-No. 25, the radial authority in 22 states with "points in the U.S." correcting the territory in that certificate which was issued with errors in May 1979; (5) correct in part (2) the territorial expansion of Wilmington, IL to Will County, IL in Sub-No. 44F; and (6) remove in part (4)(g) "except AK and HI" restriction in the now corrected certificate in Sub-No. 25.

MC 141033 (Sub-89)X, filed March 31, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln NE 68501. Applicant seeks to remove restrictions from its lead and Sub-Nos. 1, 2, 3, 4 parts (I), (II), (IV), and (V) 17, 21, 25, 26, 27, 29, 35, 39, 42, 47, 48, 51, 63F, 64F, 65F and 66F certificates to (A) broaden the commodity descriptions: (a) from mattresses, boxsprings, and bedding products to "such commodities as are used or dealt in by manufacturers and distributors of bedroom furnishings and

bedding products in the lead"; (b) from burial cases, caskets, coffins, and casket shells to "such commodities as are used or dealt in by manufacturers and distributors of burial and funeral equipment, materials and supplies" in Sub-No. 1; (c) from carpet paddings, carpet tacking, rims and strips, tools, adhesives and sealants, floor mats and runners and carpet to "such commodities as are used or dealt in by manufacturers and distributors of floor coverings, and equipment, materials and supplies used in the installation, maintenance and protection of floors and floor coverings" in Sub-Nos. 2, 3, 4(I), 39, 42, and 64F; (d) from finances air-conditioning equipment, air-coolers, and parts thereof, heating and air conditioning units to "such commodities as are used or dealt in by manufacturers and distributors of heating and air conditioning equipment in Sub-Nos. 4(I) and 21; (e) from buffing, polishing, cleaning, scouring and washing compounds, solvents, starch, bleach, lubricating oil, carbon, gum, and sludge removing compounds, disinfectants, softeners and sizing, janitorial supplies and equipments to "such commodities as are used or dealt in by manufacturers and distributors of polishing, cleaning, lubricating and laundry products, and janitorial supplies" in Sub-Nos. 4(IV) (A) and (B), 42 (2), (6) and (7), (12), (14) and (18), and 51 (Part 3 and 4); from drugs, medicines, chemicals, toilet preparations, elemental diet preparations, sweetening compounds, bandages, and surgical dressing to "such commodities as are used or dealt in by manufacturers and distributors of health and beauty care products" in Sub-No. 4(IV)(c); (g) from automotive parts and accessories, automotive jacks and cranes (not self-propelled), and tools, to "such commodities as are used or dealt in by (a) manufacturers and distributors of tools and (b) automotive supply and repair business houses" in Sub-Nos. 4(V), 29, 35, 42 (4) and (19); (h) from lawn tools, garden tools, striking tools, striking tools and snow tools to "such commodities as are used or dealt in by manufacturers and distributors of lawn, garden and snow removal equipment and supplies" in Sub-No. 17; (i) from foodstuffs, not frozen to "food and related products" in Sub-Nos. 25 and 42(9); (j) from aerosol products to "such commodities as are used or dealt in by manufacturers and distributors of aerosol products" in Sub-Nos. 42(8), (13) and (16) and 51(5); (k) from wiring devices and electrical and lighting equipment to "such commodities as are used or dealt in by manufacturers and distributors of electrical and lighting

equipment, materials and supplies" in Sub-No. 27; (1) from buffing, polishing, cleaning, and bleaching compounds, animal litter, and cooking oil to "such commodities as are used or dealt in by grocery and food business houses" in Sub-Nos. 41(1), (11), and 51(1) and (2); (m) from charcoal, wood chips, lighter fluid, fireplace logs, charcoal briquettes, to "such commodities as are used or dealt in by manufacturers and distributors of barbecue and fireplace accessories and supplies" in Sub-Nos. 42(3), (5), (15) and (17), 47 and 48; (n) from plastic and plastic articles to "such commodities as are used or dealt in by manufacturers and distributors of plastic and plastic articles" in Sub-No. 63F; (B) eliminate the "originating at or destined to" restrictions wherever they appear in each of the above numbered authorities; (C) remove the facilities limitations wherever they appear in each authority; (D) replace specific point authority with county-wide authority as follows: Shelbyville with Bedford County, TN, Findlay with Hancock County, OH, Fort Wayne with Allen County, IN, and Eddystone with Delaware County, PA in Sub-No. 2; Findlay with Hancock County, OH, Americans and LaGrange with Sumter and Troup Counties, GA, Fort Wayne with Allen County, IN, Eddystone with Delaware County, PA and Conover and Vandalia with Catawaba and Guilford Counties, NC in Sub-No. 3; City of Industry with Los Angeles County, CA, Indianapolis with Marion County, IN, Collierville and Morrison with Shelby and Warren Counties, TN, Syracuse with Onondago County, NY, Tyler with Smith County, TX, Nashville with Davidson County, TN, Blackville with Barnwell County, SC, Smyrna with Rutherford County, TN in Sub-No. 4(I); City of Industry with Los Angeles County, CA, Vancouver with Clark County, WA, and Dayton with Montgomery County OH in Sub-No. 4(II); Greenville and Mauldin with Greenville County, Palestine with Anderson County, TX, Piscataway with Middlesex County, NJ, Kankakee with Kankakee County, IL, Berkeley with Providence County, RI, Danville with Vermillion County, IL, Santa Fe Springs with Los Angeles County, CA, Birmingham with Jefferson County, AL, Elk Grone Village with Cook County IL and Norwich with Chango County, NY in Sub-No. 4(IV); Racine with Racine County, WI, Jackson with Jackson County, MI, Batavia with Kane County, IL, Aberdeen with Monroe County, MS, Lake Mills with Winnebago County, IA, El Paso with El Paso County, TX, Southaven with Desoto County, MS,

Arden with Buncombe County, NC, Jonesboro with Craighead County, AR, and Seward with Seward County, NE in Sub-Nos. 4(V) and 42(4); Parkersburg with Wood County, WV in Sub-Nos. 17 and 27; Kennett Square and West Chester with Chester County, PA in Sub-No. 25; Berkley with Providence County, RI, Danville and Momena with Vermillion and Kankakee Counties, IL and, Bentonville with Benton County, AR in Sub-No. 26; Racine with Racine County, WI, Jackson with Jackson County, MI, Arden with Buncombe County, NC, Greenville with Hunt County, TX, and Newark Industrial Park at or near Newark with Licking County, OH in Sub-No. 29; Burbank with Los Angeles County, CA in Sub-No. 35; Los Angeles with Los Angeles County, CA in Sub-No. 39F; Morristown with Morris County, NJ, Frederick with Frederick County, MD, Delaware City with New Castle County, DE; Forest Park with Fulton County, GA; Charlotte with Mecklenburg County, NC in Sub-No. 42 (1) (2) (6) and (7); Parsons and Ridgeley with Tucker and Mineral Counties, WV, Springfield with Lane County, OR in Sub-No. 42(3) and (5), Burnside with Pulaski County, KY in Sub-No. 47F; Jacksonville with Cherokee County, TX in Sub-No. 48; Danville and Niles with Vermillion and Cook Counties, IL and Forest Park with Fulton County, GA in Sub-No. 42(8); Danville and Niles with Vermillion and Cook Counties, IL in Sub-No. 51(5); Charlotte with Mecklenburg County, NC, Frederick with Frederick County, MD, Houston with Harris County, TX, Forest Park with Fulton County, GA in Sub-No. 51(1-4); Hudson with Caldwell County, NC in Sub-No. 63F; Asheville with Buncombe County, NC in Sub-No. 64F; Norwich and North Norwich with Chenango County, NY and Greenville with Greenville County, SC in Sub-No. 66F; (E) remove all restrictions on the commodity descriptions such as "except commodities in bulk, except commodities which because of size or weight require the use of special equipment, not self-propelled, and specified commodities" wherever they appear in each of the above-numbered authorities; (F) remove the exceptions AK and HI wherever they appear in the above-numbered authorities; and (G) expand its one-way authority to radial authority between various combinations of points in the U.S.

MC 145064 (Sub-13)X, filed April 6, 1981. Applicant: HUNTER TRUCKING, INC., 805 32nd Avenue, Council Bluffs, IA 51501. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to

remove restrictions in its Sub-Nos. 3F, 4F, 6, 9F, 10F permits obtained in MC-F-13639 to (1) broaden the commodity description from lumber and wood products to "forest products, lumber and wood products" and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 145625 (Sub-6)X, filed April 3, 1981. Applicant: DUTCHLAND TRUCKING, INC., 1051 Center Avenue, Oostburg, WI 53070. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 3F certificates to (1) broaden the commodity descriptions from cheese and cheese products and butter in mixed loads with cheese and cheese products in Sub-No. 1, and from cheese and cheese products in Sub-No. 3F to "food and related products"; (2) remove restrictions limiting service to the transportation of shipments originating at the named plantsites and destined to named destinations in Sub-Nos. 1F and 3F; and (3) substitute county-wide authority in place of specified plantsites and authorize radial service in place of existing one-way authority in Sub-No. 1F, between Fond du Lac, Sheboygan, and Oconto Counties, WI, and NE, KS, OK, TX, and MO; in Sub-No. 3F, between Brown County, WI (plantsite at Green Bay, WI) and AR, LA, MO, OK, and TX.

MC 145701 (Sub-17)X, filed March 4, 1981, previously noticed in the Federal Register of March 25, 1981, republished as corrected in this issue. Applicant: D.C. TRANSPORT, INC., 916 S. Riverside Avenue, St. Clair, MI 48079. Representative: James J. Sheehan, 916 S. Riverside Avenue, St. Clair, MI 48079. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1F, 2F, 5F, 6F, 8F, 9F, 11F, 12F, 13F, certificates to (1) broaden the commodity descriptions from (a) salt and salt products, to "chemicals and related products, food and related products, and ores and minerals", in lead and Sub-No. 2; (b) fabrics, textiles, and urethane foam, laminations to "textile mill products and rubber and plastic products" in Sub-No. 1; (c) paper and paper products to "pulp, paper and related products" in Sub-No. 5; (d) plastic articles, chemicals, swimming pool compounds, padding (except upholstery), foam fabrics (except commodities in bulk), to "clay, concrete, glass or stone products; leather or leather products; machinery; miscellaneous products of manufacturing; pulp, paper and related products; rubber and plastic products; textile mill products"; in Part (1) of Sub-

No. 8; (e) padding, insulation, carpeting, fabrics, sound deadening materials, plastics, to "chemicals and related products; clay, concrete, glass or stone products; lumber and wood products; metal products; petroleum, natural gas and their products; pulp, paper and related products; rubber and plastic products; textile mill products; in Part (1) of Sub-No. 9; (f) aggregates, alloys, chemicals, coal, gravel, limestone, minerals, ores, pumice, sand, slag products, sodium sulphate, talc and vermiculite to "chemicals and related products; clay, concrete, glass or stone products; coal and coal products; metal products; and ores and minerals" in Sub-No. 11; (g) fabrics, textiles, and urethane foam, materials, equipment and supplies used in their manufacture of motor vehicle interiors, and motor vehicle interiors and components of motor vehicle interiors to "textile mill products, rubber and plastic products, waste or scrap materials not identified by industry producing, metal products" in Sub-No. 12; (h) pumice, aggregates, cement or aggregate blocks, slag, stone, sand, gravel, and cement, materials, equipment, and supplies used in the manufacture, storage, and distribution and fabrics, textiles, urethane foam, and laminations of to "clay, concrete, glass, or stone products, textile mill products, rubber and plastic products, ores and minerals" in Sub-No. 13; (2) remove plantsite restrictions and/or expand cities to county-wide authority: Saint Clair County for Saint Clair, MI, and Summit County for Akron, OH, in lead; Mecklenburg, Guilford and Duplin Counties for Cornelius, Greensboro and Wallace, NC; Norfolk County for Stoughton, MA, and Saint Clair County for Port Huron, MI, in Sub-No. 1; Essex County for Port Newark, NJ, in Sub-No. 11; Saint Clair for Port Huron, MI, in Sub-No. 12; Bergen County for Lyndhurst, NJ; Norfolk County for Stoughton, MA, and Genesee County for Flint, MI, in Sub-No. 13; (3) remove the exceptions of service to AK and HI in Sub-Nos. 2, 5, 6, 9, 12; (4) remove restrictions limiting service (a) to the transportation of traffic originating at and/or destined to named points, and the facilities restriction in Sub-No. 8; (b) to the transportation of traffic originating at named facilities at Marine City, MI and destined to Marion, IN, St. Louis, MO; Belvidere, IL, and points in OH in Sub-No. 9F; and (c) against the transportation of traffic originating at Baltimore, MD, and points in its commercial zone, points in NM, and those points in TX on and west of U.S. Hwy 83; (5) delete restrictions prohibiting the transportation of

commodities in bulk, in tank in lead and Sub-Nos. 2, 5, 6, 8; and (6) authorize radial service in lieu of existing one-way authority between the counties named above and points throughout the U.S. in lead and Sub-Nos. 1, 11, and 12. The purpose of this republication is to include the territorial expansion from Port Newark, NJ to Essex County, NJ in Sub-No. 11 which was originally omitted.

MC 146094 (Sub-3)X, filed April 9, 1981. Applicant: BURK DELIVERY SERVICE, INC., 6524 Brookville Road, Indianapolis, IN 46219. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-No. 2 permit to broaden the territorial scope to between points in the U.S., under continuing contract(s) with a named shipper transporting such commodities as are dealt in or used by retail drug stores.

MC 147612 (Sub-5)X, filed April 10, 1981. Applicant: WILLARD D. VAN ZUIDEN TRUCKING, INC., Box 333, Albany, IL 61230. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2 permit to (1) broaden the commodity description to "metal products" from steel articles; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 147942 (Sub-5)X, filed April 7, 1981. Applicant: M & L TRUCK LINE, INC., P.O. Box 358, Memphis, TN 38103. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Ave., Memphis, TN 38103. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; (2) change its one-way authority to radial authority between points in the U.S. in and east of ND, SD, NE, KS, NM, and TX, and points in AR, MS, and TN; and (3) eliminate the restriction against transportation of lumber, treated lumber, plywood, composition board, roofing, pipe, cross-ties, pallets, and structural steel from points in AR, KS, LA, OK, MS, TN, and TX.

MC 150051 (Sub-1)X, filed April 9, 1981. Applicant: MAX W. BAY, d.b.a. MAX W. BAY TRUCKING, Box 47, Northrop, MN 56075. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Applicant seeks to remove restrictions in its lead permit to (1) broaden its commodity description from

liquid molasses, liquid feed and liquid feed ingredients (in bulk, in tank vehicles) to "food and related products and (2) broaden its territorial authority to between points in the U.S. under continuing contract(s) with a named shipper.

MC 150211 (Sub-13)X, filed April 9, 1981. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Applicant seeks to remove restrictions in its Sub-No. 6F certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; and (2) replace facilities located at or near Jackson, TN, with Madison County, TN.

MC 150360 (Sub-2)X, filed April 6, 1981. Applicant: KENNEDY CO., INC., d.b.a. BRENNAN TRANSPORTATION SERVICES, Pike Road, Mt. Laurel, NJ 08054. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. and Cottman St., Jenkintown, PA 19046. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from pharmaceutical tablets, drugs, toilet preparations, health care products, cosmetics, beauty aids, infant food formula, and nipple assemblies to "such commodities as are dealt in by drug manufacturers and distributors"; and (2) remove the facilities limitation at Lakewood, NJ, and change city-wide to county-wide authority from Lakewood, NJ to Ocean County, NJ, and expand one-way authority to radial authority between Ocean County, NJ, and Philadelphia, PA; and Philadelphia, PA, and, points in New Jersey.

MC 15183 (Sub-2)X, filed April 6, 1981. Applicant: CONERTY-HENIFF TRANSPORT, INC., 4220 West 122nd Street, Alsip, Illinois 60658. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, Illinois 60603. Applicant seeks to remove restrictions from its lead certificate to (A) broaden the commodity description from petroleum oils, lubricating oils, waxes, and resins to "petroleum, natural gas, and their products and chemicals and related products" in part (1) (B) remove the "in bulk" restriction, (C) remove the restriction against the transportation of asphalt, (D) replace the facilities limitations at Cicero, and Burnham, IL with Cook County, IL, (E) change city to county-wide authority from Whiting, IN, to Lake County, IN, and (F) change one-way to radial authority between (a) points in Cook County, IL and, points in 6 states in part

(1) and (b) points in Lake County, IN, and, points in IL in part (2).

(FR Doc. 81-11064 Filed 4-17-81; 8:45 am)

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-8748, appearing on page 18079 in the issue for Monday, March 23, 1981, the sixteenth line of the paragraph beginning "MC 72243 (Sub-73)" in column three on page 18082 should read, " * * and WY, on the one hand, and, on the other * * *".

BILLING CODE 1505-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 124905 (Sub-1-3 TA), filed April 7, 1981. Applicant: GARY W. GRAY, P.O. Box 48, Delaware, NJ 07823. Representative: Joseph A. Keating, Jr., 121 S. Main Street, Taylor, PA 18517. Contract carrier: irregular routes: Cement, in bulk, from Northampton, Lehigh and York Counties, PA to Smithtown, Long Island, NY, under continuing contract(s) with Smithtown Concrete Products Corp. of Smithtown, Long Island, NY. Supporting shipper: Smithtown Concrete Products Corp., P.O. Box 612, Jericho Tnpk. and Arthur Dr., Smithtown, Long Island, NY.

MC 145301 (Sub-1-2 TA), filed April 6, 1981. Applicant: R.E.M. TRANSPORT CO., INC., Bldg. No. 431, Raritan Center, Edison, NJ 08817. Representative: Brian S. Stern, Stern & Jones, North Springfield Professional Center II, 5411-D Backlick Road, Springfield, VA 22151. (1) automotive parts, and materials, equipment, and supplies used in the manufacture, production, and assembly of motor vehicles (except commodities in bulk), and (2) flat glass and automotive glass, from Batesville, Blythesville, Prescott, and El Dorado, AR, Kansas City, MO, Tulsa, Sallisaw, and Ada, OK, Nashville, TN, and Carrollton, TX, to Dearborn, Detroit, Wayne, Wixom, and Woodhaven, MI, Lorain, OH, and Nashville, TN. Supporting shipper: Ford Motor Company, One Parklane Boulevard, Parklane Towers, East, Suite 200, Dearborn, MI 48126.

MC 105997 (Sub-1-1TA), filed April 6, 1981. Applicant: ALL CHEMICAL TRANSPORT CORP., 1544 Irving Street, Rahway, New Jersey 07065. Representative: Norman Weiss, Esq., 167 Fairfield Road, P.O. Box 1409, Fairfield, New Jersey 07006. Contract Carrier: irregular routes; Formaldehyde, in bulk, in tank vehicles, from Seiple, PA, to points in CT, DE, MA, NH, NJ, NY, PA, RI, VT, and WV; under contract(s) with International Minerals & Chemical Corporation. Supporting shipper: International Minerals & Chemical Corporation, 421 East Hawley Street, Mundelein, IL 60060.

MC 154677 (Sub-1-1TA), filed April 6, 1981. Applicant: THREE R TRANSPORTATION, INC., Padelford Street, Berkley, MA 02780. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108. Hazardous waste materials: from

Seabrook, NH, East Providence, RI and points in MA to Williamsburg, OH, Model City, Farmingdale and Niagara Falls, NY and Montgomery, AL. Supporting shippers: Resource Conservation and Recovery Agency, Inc., 34 North Main Street, Farmington, NH 03835 and Black Gold Services, Inc., 441 R Canton Street, Stoughton, MA 02072.

MC 127955 (Sub-1-6TA), filed April 6, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave. and Aloe St., Pomona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Paper and paper products & materials & supplies used in the manufacture of paper and paper products between Palatka, FL on the one hand, and, on the other, points in PA, NJ, NY, MD, DE, VA, NC, CT, GA, SC and the District of Columbia.* Supporting shipper(s): Central States Diversified, Inc., 1400 Reid St., Palatka, FL 32077.

MC 152946 (Sub-1-3TA), filed April 7, 1981. Applicant: ALBERT FARMS, INC., St. David Road, Madawaska, ME 04756. Representative: John C. Lightbody, Esq., 30 Exchange Street, Portland, ME 04101. *Contract carrier: irregular routes: Fertilizing compounds, animal feeds and agricultural seeds from points in MA, NJ, NY, and PA to the premises of Agway, Inc. in Presque Isle, ME under continuing contract(s) with Agway, Inc. of Presque Isle, ME. Supporting shipper: Agway, Inc., P.O. Box 749, Presque Isle, ME 04769.*

MC 154857 (Sub-1-1TA), filed April 7, 1981. Applicant: ROGERS LEASING, INCORPORATED, 2098 West Broad Street, Scotch Plains, NJ 07076. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076. *Contract carrier: irregular routes: Such commodities as are dealt in or used by manufacturers or distributors of advertising displays; packaging and shipping materials, supplies, and equipment; and janitorial and maintenance materials, supplies, and equipment, between points in the US under continuing contract(s) with Hughes Enterprises of Trenton, NJ. Supporting shipper(s): Hughes Enterprises, 2 Industrial Drive, Trenton, NJ 08605.*

MC 78687 (Sub-1-7TA), filed April 6, 1981. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, Moravia, NY 13118. Representative: Lester R. Gutman, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. *Fertilizer and fertilizer ingredients from Baltimore, MD and points in its commercial zone to CT, DE, ME, MA, NY, and PA. Supporting shipper: Agrico*

Chemical Company, P.O. Box 3166, Tulsa, OK 74101.

MC 148203 (Sub-1-2TA), filed April 7, 1981. Applicant: COPPER CITY TRANSPORT, INC., Old Route 5S, R.D. #2, Frankfort, NY 13340. Representative: Murray J. S. Kirshtein, Esq., 118 Bleecker Street, Utica, NY 13501. *Contract carrier: irregular routes: Foodstuffs and materials and supplies used in the manufacture of foodstuffs between Canajoharie, NY and points in the U.S., under continuing contract(s) with Beech-Nut Foods Corp. of Canajoharie, NY. Supporting shipper: Beech-Nut Foods Corp., 2 Church Street, Canajoharie, NY 13317.*

MC 68123 (Sub-1-1TA), filed April 7, 1981. Applicant: MARIE R. CAVALLERI, d.b.a. M & J TRUCKING, P.O. Box 1383, 20 Atlantic Street, Bridgeport, CT 06605. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Ferrous and non-ferrous metals and scrap materials, between points in CT, DE, IL, IN, MD, MA, ME, MI, NH, NJ, NY, OH, PA, RI, and VT. Supporting shipper(s): Central Scrap Metal Co., Inc., 365 Thomaston Ave., Waterbury, CT 06720; Bridgeport Brass Co., 30 Grand Street, Bridgeport, CT 06604; United Scrap Co., Inc., 501 Grand Ave., New Haven, CT 06513; Jacob Bros., Inc., 1240 Seaview Ave., Bridgeport, CT 06607; Liberty Plumbing Supply Co., Inc., 388 East Main Street, Bridgeport, CT 06604.*

MC 120805 (Sub-1-1TA), filed April 7, 1981. Applicant: E & B TRANSPORTATION COMPANY, INC., P.O. Box 543, Seaview Drive, Providence, RI 02901. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803. *General commodities (except Class A and B explosives and hazardous waste) between points in CT, MA, ME, NH, NJ, NY, RI and VT. Supporting shipper(s): There are eight statements in support of this application which may be viewed at the Regional Office of the I.C.C. in Boston, MA.*

MC 148560 (Sub-1-3TA), filed April 6, 1981. Applicant: GOLD STAR, INC., 130 Davidson Avenue, Somerset, NJ 08873. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract Carrier: Irregular routes: Rolled newsprint and used newspaper, between Garfield, NJ, on the one hand, and, on the other, points in MA, RI, CT, NY, PA, DE, MD, VA, WV and DC, under contract with Garden State Paper Company, Inc. Supporting shipper: Garden State Paper Company, Inc., Park 80 Plaza East, Saddle Brook, NJ 07662.*

MC 155116 (Sub-1-1TA), filed April 6, 1981. Applicant: CONDOR AIR-SEA

TRANSPORT, LTD., 15 Rockland Road, South Norwalk, CT 06854. Representative: Gerald A. Joseloff, P.O. Box 3258, Hartford, CT 06103, (203) 527-8231. *General commodities (except Classes A and B explosives) between the New York, NY Commercial Zone, on the one hand, and, on the other, New Haven County, Hartford County, and Fairfield County, CT and Bergen County, NJ. Supporting shippers: FAG Bearing Corporation, Hamilton Avenue, Stamford, CT 06904; Pratt & Whitney Aircraft, 400 Main Street, East Hartford, CT 06108; Bert Pulitzer Company, 755 First Avenue, W. Haven, CT 06516.*

MC 148893 (Sub-1-4TA), filed March 30, 1981. Applicant: WREN TRUCKING, INC., 1989 Harlem Road, Buffalo, New York 14212. Representative: James E. Brown, 36 Brunswick Road, Depew, New York 14043. *Transporting: Railroad car parts and related commodities and materials, supplies and equipment used in the manufacture and distribution of such commodities between the facilities of Dresser Transportation Equipment, Division of Dresser Industries located in Depew, NY and points in AL, AR, KS, LA, MS, OK, OR, TN, TX and WA. Supporting shipper: Dresser Transportation Equipment Division of Dresser Industries, 2 Main Street, Depew, New York 14043.*

MC 149114 (Sub-1-2TA), filed April 6, 1981. Applicant: NATIONAL TRANSPORT SERVICES CO., INC., 100 Industrial Avenue, Edison, NJ 08817. Representative: Brian H. Siegel, Esq., 1101 Connecticut Avenue NW., Suite 1000, Washington, D.C. 20036. *Contract carrier: irregular routes: Paper and paper products between points in the U.S. under continuing contract(s) with Automatic Data Processing. Supporting shipper: Automatic Data Processing Inc., 405 Route 3, Clifton, NJ 07015.*

MC 147242 (Sub-1-4TA), filed April 6, 1981. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12-90 Plaza Road, Fairlawn, NJ 07410. Representative: Arthur Liberstein, P.C., 888 Seventh Avenue, New York, NY 10106. *Contract carrier: irregular routes: Paper and plastic materials, except commodities in bulk between all points in the U.S., under continuing contract(s) with Permanent Label of Clifton, NJ. Supporting shipper: Permanent Label, 801 Bloomfield Ave., Clifton, NJ 07012.*

MC 120380 (Sub-1-2TA), filed April 6, 1981. Applicant: GARVEY TRANSPORT, INC., 2 Water Street, Holbrook, MA 02343. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. *Contract carrier: irregular routes: Iron and steel*

articles, between points in Norfolk and Suffolk Counties, MA, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Falvey Steel Casting, Inc., of Braintree, MA. Supporting shipper: Falvey Steel Casting, Inc., 38 Crescent Avenue, Braintree, MA 02184.

MC 155104 (Sub-1-1TA), filed April 6, 1981. Applicant: JOHN T. CYR AND SONS, INC., 160 Gilman Falls Avenue, Old Town, ME 04468. Representative: Clare Hudson Payne, Esq., Eaton, Peabody, Bradford & Veague, P.O. Box 1210, Merrill Center, Bangor, ME 04401. *Passengers and their baggage, in special and charter operations, in round-trip sight seeing, pleasure and educational tours beginning and ending at points in Aroostook County, ME; Washington County, ME; Hancock County, ME; Penobscot County, ME; Piscataquis County, ME; Waldo County, ME; and Somerset County, ME; and extending to points in the US (except AK and HI), and to ports of entry along the International Boundary line between the US and CD. Supporting shipper(s): There are ten statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.*

MC 151406 (Sub-1-1TA), filed April 7, 1981. Applicant: RUSS & KATHY RAWLEIGH, 2167 Pine Tavern Road, Leicester, NY 14481. Representative: (same as applicant). *Mobile homes, modular homes and construction trailers, between the following PA counties: Schuylkill, Berks, Lancaster, Lebanon, Snyder, Union, Sullivan, Lycoming, Susquehanna, and Clarion Counties on the one hand, and on the other, points in NY. Supporting shipper: Astro Mfg. Co., Inc., Box 189, Shippensburg, PA 16254.*

MC 141940 (Sub-1-1TA), filed April 8, 1981. Applicant: R B BATOR TRUCKING, INC., Lime Street, Adams, MA 01220. Representative: Gerald A. Denmark, 120 South Street, Pittsfield, MA 01201. *Cable, wire, and cord sets, between Jewett City, CT and Bennington, VT. Supporting shipper: Triangle PWC, Inc., P.O. Box 711, New Brunswick, NJ 08903.*

MC 136645 (Sub-1-1TA), filed April 6, 1981. Applicant: DIME DELIVERY, LIMITED, 59936 Valley Way, Niagara Falls, Ontario, CD L2E 1Y1. Representative: Robert D. Gunderman, Suite 710, Statler Bldg., Buffalo, NY 14202. *General commodities (except those of unusual value Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment) between ports of entry on*

the International Boundary line between the US and CD on the Niagara River, on the one hand, and, on the other, points in Erie and Niagara Counties, NY. Restricted to traffic originating at or destined to points in CD, and (2) against the transportation of packages or articles weighing in the aggregate of 5,000 pounds or more from one consignor to one consignee on any one day. Supporting shipper(s): Unit Rig & Equipment Co., Ltd., 4300 Stanley Avenue, Niagara Falls, Ontario, CD; Foster Wheeler Ltd, 81 Eastchester Ave., St. Catharines, Ontario, CD L2R 7B7; General Signal Appliances, P. O. Box 1004, Welland, Ontario, CD; Burnstein Castings Ltd., 6 Catharine St., St. Catharines, Ontario, CD; and C & C Yachts Mfg. Ltd., 526 Regent St., Niagara-on-the-Lake, Ontario, CD.

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 150339 (Sub-2-35TA), filed April 8, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same as applicant). *Contract; irregular: Cushions, pads, pillows, and foam rubber, between Pittsburgh, PA, Corry, PA, Milan, TN, West Point, GA, and Brooklyn, NY, on the one hand, and, on the other, points in the US, under continuing contract(s) with American Foam Latex Corp., Pittsburgh, PA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Foam Latex Corp., 1501 Preble Ave., Pittsburgh, PA 15233.*

MC 155143 (Sub-II-1TA), filed April 7, 1981. Applicant: GARY W. SHORT, P.O. Box 708, Sandston, VA 23150. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract, irregular: (1) lumber, lumber mill products and forest products and (2) materials, supplies and equipment used in the manufacture, distribution and sale of commodities in (1) above (except commodities in bulk in tank vehicles), between points in New Kent County, VA on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, TN, VA, VT, WV and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: New Kent Wood Preservatives, Inc., P.O. Box 172, Providence Forge, VA 23140.*

MC 110683 (Sub-II-11TA), filed April 7, 1981. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerney, Suite 502, 1000 16th St., NW., Washington, D.C. 20036.

Common; regular: General commodities (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment) serving the facilities of Sterling Faucet Company at or near Sheridan, AR, as an off-route point in connection with carrier's regular routes for 270 days. Applicant intends to tack the authority sought herein with existing authority held under MC 105881. Applicant intends to interline at all present interchange points. An underlying ETA seeks 120 days authority. Supporting shipper: Sterling Faucet Company, 1375 Remington Road, Schaumburg, IL 60195.

MC 155042 (Sub-II-1TA), filed April 6, 1981. Applicant: BASIC SERVICE, INC., RD No. 6, Kittanning, PA 16021. Representative: Douglas K. Burnsworth, Basic Service, Inc., P.O. Box 552, Kittanning, PA 16021. (1) *Coal, from points in the Counties of Armstrong, Butler, Centre, Clarion and Jefferson, PA, to points in the Counties of Erie, Niagara, Genesee and Chautauqua, NY; (2) Ammonium nitrate, from the point on the international boundary line at the Peace Bridge at or near Buffalo, NY, to points in the Counties of Armstrong, Beaver, Butler, Cambria, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Tioga, Venango, Warren and Westmoreland, PA for 270 days. Supporting shipper(s): There are five supporting shippers. Their statements may be examined at the ICC Regional Office in Philadelphia, PA.*

MC 107012 (Sub-II-154TA), filed April 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Personal care products and display stands for personal care products from the facilities of Max Factor and Co. at or near Clearfield, UT to Fulton County, GA for 270 days. Supporting shipper: Max Factor and Co., A Norton-Simon Inc. Co., 1655 North McCadden Place, Hollywood, CA 90028.*

Note.—Common control may be involved.

MC 129124 (Sub-II-10TA), filed April 6, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Minerals, in bulk, in dump vehicles from points in Clearfield and Clinton Counties, PA to points in Greene County, NY for 270 days. An underlying*

ETA seeks 120-day authority. Supporting shipper: Marquette Cement Manufacturing Co. P.O. Box 31, Catskills, NY 12414.

MC 107012 (Sub-II-153TA), filed April 6, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *Contract irregular: General commodities (except class A & B explosives and household goods as defined by the Commission)* between points in the US under continuing contracts with Dometic, Inc., of Bloomington, IL, and its subsidiaries for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dometic, Inc., 222 Chambers Rd., Mansfield, OH 44901.

Note.—Common control may be involved.

MC 107012 (Sub-II-152TA), filed April 3, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). (1) *Home entertainment systems and (2) parts, materials, and supplies used in the production of (1) above*, from the facilities of RCA Corp. at or near Scranton and Lancaster, PA to the RCA Corp. facilities at or near Bloomington and Indianapolis, IN for 270 days. Supporting shipper: RCA Corp., Building 2042, Route 38, Cherry Hill, NJ 08358.

Note.—Common control may be involved.

MC 155084 (Sub-II-1TA), filed April 3, 1981. Applicant: TIMBERLINE TRANSPORT, INC., R.D. No. 2, Box 146 B, Tarentum, PA 15084. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. *Lumber, lumber products, and roofing materials*, between points in Middlesex County, NJ; White County, GA; Richland County, SC; and Bertie, Craven, Onslow, and Washington Counties, NC, on the one hand, and, on the other, Grove City and Tarentum, PA for 270 days. Supporting shippers: Harvey Lumber & Supply Co., R. D. No. 2, Box 146 B, Tarentum, PA 15084. East Coast Lumber Co., P.O. Box 1811, Asheboro, NC 27203.

MC 107012 (Sub-II-151TA), filed April 3, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). *Such commodities as are dealt in or used by retail drug stores*, from the facilities of Superx Drugs, Inc. at Melbourne, FL to Effingham, IL; Radcliff, KY; Laurel, MS; Sevierville, TN; Missouri City, TX; and Bluewell and Gauley Bridge, WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Superx

Drugs, Inc., 175 Tri-County Parkway, Cincinnati, OH 45246.

Note.—Common control may be involved.

MC 138805 (Sub-II-2TA), filed April 7, 1981. Applicant: S & L SERVICES, INC., RD No. 1, Milton, PA 17847. Representative: Terrence D. Jones, 2033 K Street, NW., Washington, D.C. 20006. *Egg Cartons, cases, and trays* from Lawrence, MA; Lima, OH; and Decatur, IN to points in PA, MD, DE, NJ, and NY for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Bartlett's Egg Dispatch, Inc., 360 Merrimack St., Lawrence, MA 01843.

MC 115078 (Sub-II-3TA), filed April 6, 1981. Applicant: SINDALL TRANSPORT, INC., 102 N. Custer Ave., New Holland, PA 17557. Representative: Jeremy Kahn, 1511 K St., NW., Suite 733 Investment Bldg., Washington, DC 20005. *Lumber and lumber products*, from Ports of entry on the U.S.-Canada boundary line located in NY, to points in PA, NY, NJ, DE and MD, restricted to traffic originating at the facilities of Arbore Forest Products at Milton, Ontario, Canada. Supporting Shipper: Arbore Forest Products, Div. of Taiga Wood Products Ltd., 570 Harrop Dr., Milton, Ontario, Canada L9T 3H2.

MC 114123 (Sub-II-4TA), filed April 3, 1981. Applicant: HERMAN R. EWELL, INC., East Earl, PA 17519. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. Sugar, in bulk, from Philadelphia, PA, to points in NJ, NY, OH, MD, DE, VA, WV, CT and DC, for 270 days. Supporting Shipper: National Sugar Refining Co., 1037 N. Delaware Ave., Philadelphia, PA 19125.

MC 154753 (Sub-II-1TA), filed March 31, 1981. Applicant: BREWER & SONS TRUCKING, INC., 9479 Foote Rd., Versailles, OH 45380. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Containers, plastic and related articles* between Miami County, OH, on the one hand, and, on the other, points in IN, MI, KY, WV, PA and OH. Supporting Shipper: Keyes Fibre, An Arcata Co., Waterville, ME 04901.

MC 144188 (Sub-II-9TA), filed March 30, 1981. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Floor Covering Accessories* between points in DeKalb and Rockdale Counties, GA, on the one hand, and, on the other, points in the US except AK, HI, AZ, CA, CO, ID, MT, NV, NM, ND, OR, SD, UT, WA and WY, for 270 days. Supporting Shipper: Haden Accessories, Inc., Lewis Road, Stone Mountain, GA 30083.

MC 81908 (Sub-II-3TA), filed March 30, 1981. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave. Columbus, OH 43212. *Foodstuffs, and materials, equipment and supplies used in the manufacture and distribution of foodstuffs*, between the facilities of the J. Weller Company at or near Oak Harbor, OH on the one hand, and on the other, points in AR, GA, IL, IN, KS, KY, MI, MO, NJ, NY, PA, TN, VA and WV. An underlying ETA seeks 120 days authority. Supporting shipper: The J. Weller Co., Box 30, Oak Harbor, OH 43449.

MC 129124 (Sub-II-9TA), filed March 30, 1981. Applicant: SAMUEL J. LANSBERRY, INC., Intersection of Rt. 322 & 970, Woodland, PA 16881. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Avenue NW., Washington, DC 20036. *Cullet*, in bulk in dump vehicles, from points in CT to points in Chemung County, NY. An underlying ETA seeks 120 days authority. Supporting shipper(s): Thatcher Glass Manufacturing Co., P.O. Box 265, Elmira, NY 14902.

MC 154865 (Sub-II-1TA), filed April 1, 1981. Applicant: L. K. MCKENZIE & SONS INC., P.O. Box 567, 406 Grant St., Chambersburg, PA 17201. Representative: L. Arnold McKenzie, 2521 New Franklin Rd., Chambersburg, PA 17201. *Liquid nitrogen*, in bulk, in tank vehicles, between Baltimore, MD and points in Franklin County, PA, for 270 days. Supporting shipper(s): Lloyd R. Bricker Twine & Fertilizer, Marion, PA 17235.

MC 150080 (Sub-II-6TA), filed April 3, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *General commodities (except classes A & B explosives)* between points in the U.S., restricted to traffic originating at or destined to facilities owned, utilized or operated by W. W. Grainger, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: W. W. Grainger, Inc., 5959 W. Howard St., Chicago, IL 60648.

MC 151414 (Sub-2-2TA), filed April 1, 1981. Applicant: AMERICAN TRAILS, INC., 1700 Walnut St., Philadelphia, PA 19103. Representative: H. Neil Carson, 3251 Old Lee Hwy., Suite 400, Fairfax, VA 22030. *Passengers and their baggage in the same vehicle with passengers in special and charter operations* beginning and ending at points in the Philadelphia Commercial Zone and extending to Atlantic City, NJ. An

underlying ETA seeks 120 days authority. Supporting shipper: There are 8 supporting shippers. Their statements may be examined at the Phila. Regional office.

MC 155064 (Sub-II-1TA), filed March 31, 1981. Applicant: HEPBURNIA COAL SALES CORP., R.D. #1, Grampian, PA 16838. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Coal*, in bulk, in dump vehicles, from the facilities of Hepburnia Coal Co. in Clearfield, Elk and Jefferson Cos. PA to in NY, under contract with Hepburnia Coal Co. An underlying ETA seeks 120 days authority. Supporting shipper: Hepburnia Coal Co., R.D. #1, Grampian, PA.

MC 150703 (Sub-II-2TA), filed April 1, 1981. Applicant: DELBERT MILLS, d.b.a. MILLS TRANSPORTATION, R.D. 3, Box 565, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th Street NW., Washington, DC 20005. Contract, irregular: *such commodities as are dealt in or used by manufacturers and distributors of paint, chemicals, and related articles (except in bulk)*, between Dayton, OH, on the one hand, and, on the other, points in PA, NJ, DE, MD, VA and DC, for the account of Sherwin-Williams Co., for 270 days. Supporting shipper(s): Sherwin-Williams Co., Cleveland, OH 44101.

MC 154753 (Sub-II-2TA), filed March 30, 1981. Applicant: BREWER & SONS TRUCKING, INC., 9479 Foote Rd., Versailles, OH 45380. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Chemicals and related articles* between Wayne County, OH, on the one hand, and, on the other, points in IN, MI, KY, WV, PA and OH. Supporting shipper: Estech General Chemical Corp., P.O. Box 338, East St. Louis, IL 62202.

MC 488 (Sub-II-9TA), filed March 27, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same address as applicant). *General commodities (except Classes A and B explosives)* between the facilities of Superior Pet Products, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Superior Pet Products, Inc., Boston, MA. An underlying ETA seeks 120 days authority. Supporting shipper: Superior Pet Products, Inc., 470 Atlantic Ave., Boston, MA 02210.

MC 56388 (Sub-II-8TA), filed March 26, 1981. Applicant: HAHN TRANSPORTATION, INC., New Market, MD 21774. Representative: Francis J.

Ortman, 4401 East West Hwy., Suite 404, Washington, DC 20014. (1) *lime, limestone and limestone products, and (2) caustic soda, in bulk, in tank vehicles*, (1) from Frederick County, VA to Berkeley County, WV, Frederick County, MD; Baltimore, MD and DC, and (2) from Baltimore, MD; Delaware City, Wilmington, DE and Philadelphia, PA to Front Royal, VA. An underlying ETA seeks 120 days authority. Supporting shipper(s): (1) Flintkote Stone Products Co., Executive Plaza IV, Hunt Valley, MD 21031; (2) Avtex Fibers, Inc., 9 Executive Mall, Valley Forge, PA 19482.

MC 154545 (Sub-II-1TA), filed March 30, 1981. Applicant: LOUIS E. BURRISS d.b.a. L & M EXPRESS, 3224 Toone St., Baltimore, MD 21224. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Contract: Irregular: *Refrigeration and cooling equipment and materials, equipment and supplies used in the manufacture, sale and distribution thereof*, between Baltimore, MD and its commercial zone on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Under continuing contract with Evapco, Inc., Baltimore, MD. Supporting shipper(s): EVAPCO, INC., 3120 Frederick Ave., Baltimore, MD 21229.

MC 149230 (Sub-II-2TA), filed March 30, 1981. Applicant: BRAMCO TRANSPORT, INC., 5600 Lewis Rd., Sandston, VA 23150. Representative: P. Owen Dean (same address as applicant). Contract, irregular: *malt liquor, and materials, supplies and equipment used in the manufacture, sale and distribution of malt liquor*, between James City County, VA, on the one hand, and, on the other, points in VA, MD, DE, NJ, PA, NC, WV, SC, GA, NY, MA, CT and PA, for 270 days. Under continuing contract with Anheuser Busch Inc., Williamsburg, VA. Supporting shipper(s): Anheuser Busch Inc., Williamsburg, VA.

MC 149230 (Sub-II-4TA), filed March 30, 1981. Applicant: BRAMCO TRANSPORT, INC., 5600 Lewis Rd., Sandston, VA 23150. Representative: P. Owen Dean (same address as applicant). Contract, irregular: *automobile parts, supplies, materials and equipment used in the manufacture, sale and distribution of automobile parts*, between Essex County, VA, on the one hand, and, on the other, points in NJ, VT, NC, MD, PA, NY, MA and NH, for 270 days. Under continuing contract with U.S. Automotive Mfg. Co., Tappahannock, VA. Supporting shipper(s): U.S. Automotive Manufacturing Co., P.O. Box 35, Tappahannock, VA 22560.

MC 154614 (Sub-II-1TA), filed March 9, 1981. Applicant: HORST MILK TRANSFER, INC., 1050 Florida Ave., Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Contract: irregular: *Foodstuffs, materials, supplies and equipment used in the manufacture thereof*, between New Bremen, OH, Somerset, PA, and Strasburg, VA and their respective commercial zones on the one hand, and, on the other, all points in and east of WI, IL, KY, TN, and MS, for 270 days. An underlying ETA seeks 120 days authority. Under continuing contract with Beatrice Food Co., Watertown, WI. Supporting shipper: BEATRICE FOOD COMPANY, P.O. box 260, Watertown, WI 53094.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 155081 (Sub-3-1TA), filed April 3, 1981. Applicant: B & W TRUCKING, INC., 7825 Eaton Avenue, Jacksonville, FL 32211. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *General Commodities (except Classes A and B explosives)*, between points in Jacksonville, FL, having a prior or subsequent movement by water. Supporting shippers: There are five statements of support attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 134105 (Sub-3-18TA), filed April 7, 1981. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Avenue, Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). *General commodities, (except Classes A and B explosives, commodities in bulk, in tank vehicles)* between the facilities of W.R. Grace & Co., Construction Products Division, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: W.R. Grace & Co., 62 Whittemore Avenue, Cambridge, MA 02140.

MC 124154 (Sub-3-23TA), filed April 7, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31703. Representative: W. D. Wingate, (same address as applicant). *Textile products, materials, supplies and machinery used in the manufacture of textile products* between Albany, GA, on the one hand, and, on the other, points in the US (except AK and HI). Supporting shipper: Flint River Textiles, Inc., P.O. Box 489, Albany, GA 31706.

MC 107913 (Sub-3-1TA), filed March 9, 1981. Applicant: F & W EXPRESS, INC., 165 S. Parkway West, Memphis, TN 38109. Representative: Dale

Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Steel wire* from Clarksdale, MS to points in AR, GA, TN and TX. Supporting shipper: Delta Wire Corporation, 110 Industrial Drive, Clarksdale, MS 38614.

MC 155051 (Sub-3-1TA), filed April 1, 1981. Applicant: COATS & CLARK SALES CORP., 2915 Northeast Parkway, Doraville, GA 30362. Representative: Norman L. Underwood, Suite 1525 Lenox Towers, 3400 Peachtree Road, Atlanta, GA 30326. *Contract carrier, irregular routes; Such commodities as are dealt in by wholesale or retail sewing and fabric stores, material, equipment and supplies, between the facilities of Cloth World at Amarillo, Potter County, TX to points in GA, NC and SC under continuing contracts with Cloth World, P.O. Box 3639, Amarillo, TX 79106. Supporting shipper: Cloth World, P.O. Box 3639, Amarillo, TX 79106.*

MC 147515 (Sub-3-1TA), filed March 30, 1981. Applicant: CARSON PARKER, d.b.a. CLP ENTERPRISES, Route 2, Box 242-1AA, Denton, NC 27239. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Furniture and fixtures, between points in NC, SC, and VA. Supporting shippers: House Of Karlson, 351 Ninth St., San Francisco, CA 94103, Bloom Furniture Co. Inc., P.O. Box 35067, Fayetteville, NC 28303, Mallory Ltd., P.O. Box 1150, Jacksonville, NC 28540, The Robbins Company, 214-20 First Street, N.E., Austin, MN 55912.*

MC 124896 (Sub-3-7TA), filed April 3, 1981. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Peter A. Greene, 1920 N St., NW., Washington, DC 20036. *Frozen French Fries, from Burley, ID and Clearfield, UT to Rocky Mount, NC. Supporting shipper: Hardee's Systems, 1233 N. Church St., Rocky Mount, NC.*

MC 151826 (Sub-3-1TA), filed April 3, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW., Washington, DC 20036. *Contract, irregular, general commodities (except Class A & B explosives, or hazardous wastes) between Baltimore, MD; and Red Lion, PA on the one hand, and on the other points in the United States, under continuing contract with Donn Access Floors, P.O. Box 191, Red Lion, PA 17356.*

MC 151826 (Sub-3-3TA), filed April 3, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW., Washington, DC 20036. *Contract, irregular, general commodities (except*

Class A & B explosives, or hazardous wastes) between Baltimore, MD; and Red Lion, PA on the one hand, and on the other points in the United States, under continuing contract with Floor Systems, Incorporated, P.O. Box 191, Red Lion, PA 17356.

MC 151826 (Sub-3-2TA), filed April 3, 1981. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Ave., NW., Washington, DC 20036. *Contract, irregular, general commodities (except Class A & B explosives, or hazardous wastes) between Baltimore, MD; Sedalia, MO; Chatsworth, CA; and Copperhill, TN on the one hand, and points in the United States, under continuing contract with Alcolac, Inc., 1440 Fairfield Rd., Baltimore, MD 21226.*

MC 151293 (Sub-3-2TA), filed April 6, 1981. Applicant: HUTCHENS TRUCKING CO., INC., 615 Rosann Drive, Winston-Salem, NC 27107. Representative: B. G. Martin, 1979 Beach Street, Winston-Salem, NC 27103. *Contract; irregular: Electrical controllers and parts, transformers, switch gear equipment, appliances and electrical switches, breakers and parts (except bulk) between Winston-Salem, NC and its commercial zone, on the one hand, and, on the other, points in ME, VT, NH, MA, CT, NY, RI, DE, AL, MS, TX, OK, KS, NE, SD, MN, ND, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA, restricted to traffic originating at or destined to the facilities of General Electric Company. Supporting shipper: General Electric Company, 2000 Taylor St., Fort Wayne, IN 46804.*

MC 141261 (Sub-3-2TA), filed April 6, 1981. Applicant: SOUTHERN FURNITURE TRANSPORT, INC., 2003 Viscount Row, Orlando, FL 32809. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. *New furniture and furniture parts, and materials, supplies and equipment used or useful in the manufacture thereof, between points in FL, GA, AL and TN, on the one hand, and, on the other, points in IL, IN, MI and OH. There are nine (9) supporting shippers statements which may be reviewed at the ICC's Regional Office, Atlanta, GA.*

MC 151348 (Sub-3-2TA), filed April 6, 1981. Applicant: J. D. TRANSPORTS, INC., P.O. Box 179, Memphis, TN 38101. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103. *Such commodities as are dealt in by agricultural equipment, industrial equipment, and lawn and leisure product manufacturers between Rock*

Island County, IL, AL, AR, KY, LA, MS, MO, and TN, restricted to the facilities of John Deere Company, its customers, and suppliers. Supporting shipper: John Deere Co., 2105 Latham, Memphis, TN 38109.

MC 146226 (Sub-3-6TA), filed April 6, 1981. Applicant: J & P TRUCKING CO., INC., P.O. Box 457, Lincolnton, NC 28092. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Animal and poultry feeds, and foodstuffs and related products, between Decatur, AL, on the one hand, and, on the other, pts. in FL, GA, NC, SC, LA, and TN. Supporting shipper: ConAgra, Inc., 2050 Market St., P.O. Box 2250, Decatur, AL 35601.*

MC 107515 (Sub-112TA), filed April 6, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Paint from facilities of Precision Paint Corporation in DeKalb County, GA to Temple, TX; Jackson, MS; Jacksonville, FL; Gastonia, NC; Owings-Mills, MD; Delaware, OH; City of Industry, CA; Portland, OR; and Salina, KS. Supporting shipper: Precision Paint Corporation, 5275 Peachtree Industrial Blvd., Atlanta, GA 30341.*

MC 154105 (Sub-3-3TA), filed April 2, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021. *Contract: Irregular routes: Foodstuffs and pet foods from Atlanta, GA to Charlotte, Hickory, Newton, Pineville, and Salisbury, NC. Supporting shipper: Ralston Purina Co., St. Louis, MO 63188.*

MC 151377 (Sub-3-6TA), filed April 2, 1981. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 North Graham Street, P.O. Box 5647, Charlotte, NC 28225. Representative: Leon Thompson (same as above). *Contract Carrier: Irregular: Such merchandise as is dealt in by retail department stores, materials, equipment and supplies used in the conduct of such business, between points in the U.S. except HI and AK. Supporting shipper: Goldsmith's Department Stores, Main at Gayoso, Memphis, TN 38143.*

MC 153509 (Sub-3-10TA), filed April 2, 1981. Applicant: KY DISPATCH, INC., 3303 Camp Ground Rd., Louisville, KY 40216. Representative: James B. Murphy, 835 West Jefferson St., Suite 102, Louisville, KY 40202. *Contract: irregular, air filters, N.O.I. and all related articles used in the sale and manufacture thereof between Louisville, KY., and New*

Albany, IN, on the one hand, and on the other, all points in the U.S. under continuing contract with Air Guard Industries, Inc. Supporting shipper: Air Guard Industries, Inc., P.O. Box 32578, Louisville, KY 40232.

MC 148075 (Sub-3-6TA), filed April 2, 1981. Applicant: CECIL E. KING, JR., d.b.a. CECIL KING TRUCKING, Route 2, Seagrove, NC 27341. Representative: Francis J. Ortman, Esq., 4401 East West Highway, Suite 404, Washington, D.C. 20014. *Contract carrier: irregular: boots and shoes, canvas, suede or leather and rubber combined, in cases, from* Charlotte, NC, to Los Angeles, CA, Baton Rouge, LA, St. Louis, MO, Middletown, NY, Reno, NV, Columbus, OH, and El Paso, TX. Supporting shipper: Converse Rubber Co., Division of Eltra Corp., 55 Fordham Rd., Wilmington, MA 01887.

MC 155082 (Sub-3-1), filed April 3, 1981. Applicant: JAMES C. AGNER, JR., Route 1, Box 201, Lee, FL 32059. Representative: Felix A. Johnson, Jr., Woods, Johnston & Carlson, 1030 E. Lafayette Street, Suite 112, Tallahassee, FL 32301. *Fertilizer and fertilizer products in bags and in bulk between all points in GA and Madison, Taylor, Jefferson and Hamilton Counties, FL.* Supporting shippers: Kaiser Agricultural Chemicals, P.O. Box 246, Savannah, GA 31402 and Producers Corp. of Madison, P.O. Box 747, Madison, FL 32340.

MC 119787 (Sub-3-1TA), filed April 3, 1981. Applicant: F. W. GROVES TRUCKING COMPANY, Route 4, Box 89, Leland, NC 28451. Representative: Ralph McDonald, Attorney at Law, P.O. Box 2246, Raleigh, NC 27602. *Fabricated iron and steel articles and related items from the facilities of Carolina Steel Corporation in Catawba, Forsyth, Guilford, and Mecklenburg Counties, NC and Greenville County, SC to points in TN.* Supporting shipper(s): Carolina Steel Corporation, P.O. Box 20888, Greensboro, NC 27420.

MC 140460 (Sub-3-4TA), filed April 3, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Ave., NW., Washington, DC 20006. *Such commodities as are used or dealt in by grocery and food business houses and equipment, materials, and supplies used in the conduct of such business between pts in the US (except AK and HI), restricted to traffic originating at or destined to facilities of The Kroger Co.* Supporting shipper: The Kroger Co., 1014 Vince Street, Cincinnati, OH 45201.

MC 121600 (Sub-3-5TA), filed April 3, 1981. Applicant: AVERITT EXPRESS,

INC., P.O. Box 273, Livingston, TN 38570. Representative: Robert L. Baker, Sixth Floor, United American Bank, Nashville, TN 37219. *General Commodities (except classes A and B explosives) between* Pickett County, TN, on the one hand, and, on the other, points in the US. Applicant proposes to tack this authority with all of its existing authority and to interline at any point in the US. Supporting Shippers: There are 16 certificates of support submitted with this application that can be reviewed at the Atlanta, GA, Regional Office.

MC 148697 (Sub-3-1TA), filed April 3, 1981. Applicant: TRINITY, INC., P.O. Box 327, 1859 Harper Avenue SW., Lenoir, NC 28645. Representative: Barbara A. Watson and/or Annette J. Bryant (same as above). *New furniture, from the facilities of Bernhardt Furniture Company in Cleveland, Iredell and Caldwell Counties, NC to points and places in VA, OR, CA, NV, UT, and AZ.* Supporting shipper: Bernhardt Furniture Company, P.O. Box 740, Lenoir, NC 28645.

MC 155094 (Sub-3-1TA), filed April 3, 1981. Applicant: A. T. STEPHENS ENTERPRISES, INC., 5912 New Kings Road, P.O. Box 41123, Jacksonville, FL 32203. Representative: Martin Sack, Jr., 203 Marine National Bank Building, 311 W. Duval Street, Jacksonville, FL 32202. *General commodities (except classes A and B explosives), (1) between points in FL; and (2) between Duval County, FL, on the one hand, and, on the other, points in FL, GA, NC, SC, TN and AL.* Supporting shipper: Jacksonville Port Authority, P.O. Box 3005, Jacksonville, FL 32206.

MC 107515 (Sub-3-11TA), filed April 3, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Chemicals (except in bulk, in tank vehicles) from* Cartersville, GA to points in NM. Supporting shipper: Chemical Products Corporation, P.O. Box 449, Cartersville, GA 30120.

MC 154793 (Sub-3-1TA), filed April 3, 1981. Applicant: WILLIAM C. WOODARD d.b.a. DRACO TRUCK RENTAL, Box 206, Greenbriar Pike, Springfield, TN 37172. Representative: James Tyre Havron, 513 Nashville Trust Bldg., Nashville, TN 37201. *Snuff, dry flour in bulk, from* Christian County, KY, to Davidson County, TN and Cook County, IL. Supporting shipper: United States Tobacco Company, 41 North and Northwest By-Pass, Hopkinsville, KY 42240.

MC 147127 (Sub-3-14TA), filed April 3, 1981. Applicant: McLAUREN

TRUCKING COMPANY, P.O. Box 26506, Charlotte, NC 28213. Representative: Donald J. Balsley, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Contract, irregular, chemicals, in bulk, between* Bessemer City, NC, on the one hand, and, on the other, points in GA and SC under a continuing contract(s) with Lithium Corporation of America of Bessemer City, NC. Supporting shipper: Lithium Corporation of America, 449 N. Cox Road, Gastonia, NC 28052.

MC 155068 (Sub-3-1TA), filed April 3, 1981. Applicant: R. DAVIDSON, Rt. 1, Mt. Ulla, NC 28125. Representative: Robert L. Davidson (same address as above). *Contract: Irregular, modular living units from* Dallas, NC to all points in SC. Supporting shipper: Summey Building Systems, Inc., Box 497, Dallas, NC 28064.

MC 125037 (Sub-3-12), filed April 3, 1981. Applicant: DIXIE MIDWEST EXPRESS, INC., P.O. Box 372, Greensboro, AL 36744. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209. *General commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between the facilities of* Southland Mower Corporation located in or near Selma, AL, on the one hand and on the other all points in the U.S. Supporting shipper: Southland Mower Corporation, P.O. Box 347, Selma, AL 36701.

MC 154105 (Sub-3-4TA), filed April 3, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021. *Contract: Irregular routes: Parts, materials, supplies, and equipment used in the manufacture, sale, and distribution of automobiles, trucks, and tractors (1) between the* Detroit, MI, commercial zone, on the one hand, and, on the other, Atlanta, GA, Louisville KY, and Nashville, TN, and (2) Between Nashville, TN on the one hand, and, on the other, Atlanta, GA and Louisville, KY under continuing contract(s) with Ford Motor Company. Supporting shipper: Ford Motor Company, One Parkland Blvd., Dearborn, MI 48126.

MC 154105 (Sub-3-5TA), filed April 3, 1981. Applicant: CARDINAL CONTRACT CARRIERS, INC., P.O. Box 471, Cherryville, NC 28021. Representative: J. S. McCallie, P.O. Box 697, Cherryville, NC 28021. *Contract carrier: Irregular: Yarn and synthetic fiber between* McAdenville, NC on the one hand, and, on the other, Cartersville, Dalton, and Rome, GA under continuing

contract(s) with Pharr Yarns, Inc., Supporting shipper: Pharr Yarns, Inc., McAdenville, NC 28101.

MC 152645 (Sub-3-3TA), filed April 3, 1981. Applicant: GASTON MOTOR LINES, INC., P.O. Box 3896, Gastonia, NC 28052. Representative: Robert M. Brown (same address as applicant). *Contract carrier: irregular routes: Harper Love adhesive, a starch additive adhesive and glue, between the facilities of Harper Love Adhesive, Inc., Charlotte, NC, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuing contract(s) with Harper Love Adhesive, Inc., 319 Crompton St., Charlotte, NC 28210. Supporting shipper: Harper/Love Adhesives Corp., 319 Crompton St., P.O. Box 117722, Charlotte, NC 28209.*

MC 107515 (Sub-3-110TA), filed April 3, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Rd., N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. (1) *Soaps and toilet preparations (except in bulk, and (2) ingredients, materials, supplies and equipment used in the manufacture, sale or distribution of the commodities listed in (1) above between points in the US (restricted to shipments originating at or destined to the facilities of Minnetonka, Inc.) Supporting shipper: Minnetonka, Inc., P.O. Box 1A, Minnetonka, MN 55343.*

MC 152645 (Sub-3-4TA), filed April 3, 1981. Applicant: GASTON MOTOR LINES, INC., P.O. Box 3896, Gastonia, NC 28052. Representative: Robert M. Brown (same address as applicant). *Contract carrier: irregular routes: wood fixtures, display fixtures, in straight mixed shipments, maximum weight 45,000 pounds per vehicle between the facilities of Display Fixtures, Inc., at Charlotte, NC, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Display Fixtures, Inc., P.O. Box 7245, Charlotte, NC 28213. Supporting shipper: Display Fixtures Co., Inc. P.O. Box 7245, Charlotte, NC 28213.*

MC 155028 (Sub-3-2TA), filed April 3, 1981. Applicant: H & R TRANSPORTATION CO., INC., 715 E. Court St., P.O. Box 964, Marion, NC 28752. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, N.W., Washington, DC 20005. *Textile and leather products, between points in Avery and Catawba Counties, NC; Johnston County, TN; and Washington, Wythe and Scott Counties, VA, on the one hand, and, on the other, points in the U.S. Supporting shipper: Southern*

Glove Manufacturing Co., Inc., P.O. Box 814, Conover, NC 28613.

MC 135812 (Sub-3-1TA), filed March 30, 1981. Applicant: PROFESSIONAL DRIVER SERVICES, INC., 1631 Lebanon Road, Nashville, TN 37210. Representative: Frederic J. Cowan, Jr., 1600 Citizens Plaza, Louisville, KY 40202. *Contract: Irregular: Used trucks in driveway service, between points in the United States, under a continuing contract or contracts with Mack Trucks, Inc. Supporting shipper: Mack Trucks, Inc., Post Office Box 4160, Richmond, VA 23224.*

MC 146293 (Sub-3-3TA), filed April 7, 1981. Applicant: REGAL TRUCKING CO., INC., P.O. Box 829, Lawrenceville, GA 30246. Representative: Richard M. Tettelbaum, P.O. Box 829, Lawrenceville, GA 30246. *Textile waste (except in bulk) between points in the U.S. in and east of WI, IL, KY, TN, and MS. Supporting shipper: Wonalancet Company, 1711 Tulley Circle, N. E., Atlanta, GA.*

MC 144740 (Sub-3-6TA), filed April 7, 1981. Applicant: L. G. DEWITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Fred Daugherty (same as applicant). *Contract carrier, irregular routes, frozen bakery products, from New Haven, CT, and Buffalo, NY, to points in the states of AZ, CA, FL, IL, MI, MN, MO, OR, TX, WA, WI, and between New Haven, CT, and Buffalo, NY, under a continuing contract with Lender's Bagel Bakery, Inc. Supporting shipper: Lender's Bagel Bakery, Inc., Post Road, West Haven, CT 06516.*

MC 155140 (Sub-3-1TA), filed April 7, 1981. Applicant: PIEDMONT CARTAGE, INC., Route 11, Highway 124, Greenville, SC 29611. Representative: Lee Atkins (same address as applicant). *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between points and places within SC, NC, GA. (2) Between points and places within SC, NC, GA, having prior or subsequent movement by rail or water. The applicant intends to interline in Greenville, SC and Spartanburg, SC. Supporting shippers: There are 12 statements of support attached to this application which may be examined at the I.C.C. Regional Office in Atlanta, GA.*

MC 136384 (Sub-3-7TA), filed April 7, 1981. Applicant: PALMER MOTOR EXPRESS, Inc., P.O. Box 103, Savannah, GA 31402. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *General Commodities (except those of unusual*

value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), in containers or in trailers having an immediately prior or subsequent movement by water, between Norfolk, VA, Wilmington, NC, Charleston, SC, Savannah, GA and Jacksonville, FL on the one hand, and, on the other, points in NC, SC, GA, FL, AL, TN. Supporting shippers: There are nineteen (19) statements in support to this application, which may be examined at the ICC office in Atlanta, GA.

MC 136123 (Sub-3-15TA), filed April 7, 1981. Applicant: MEAT DISPATCH, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: William L. Beasley (same as above). (1) *Plastic and plastic articles, and (2) materials, supplies and equipment used in the manufacture of (1) above, between points in the United States. Restricted to traffic originating at or destined to the facilities of Thompson Industries Company. Supporting shipper: Thompson Industries Company, 2501 E. Magnolia Street, Phoenix, AZ 85034.*

MC 154662 (Sub-3-1TA), filed April 7, 1981. Applicant: SCENICLAND MOTORS, INC., 400 W. Manning Street, Chattanooga, TN 37405. Representative: Fay L. Sims (same as applicant). *Common carrier: Regular Routes: Passengers and their baggage in the same vehicle with passengers, between Chattanooga, TN and Hollywood, AL, serving all intermediate points, from Chattanooga, TN over Interstate Hwy #24 to its junction with U.S. Hwy 41; then over U.S. Hwy 41 to its junction with U.S. Hwy 72; then over U.S. Hwy 72 to Hollywood, AL, and return over the same routes. There are approximately 20 statements of support to the application which may be examined at the ICC Regional Office, Atlanta, GA.*

MC 140460 (Sub-3-5TA), filed April 7, 1981. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Representative: Herbert Alan Dubin, Baskin and Sears, 818 Connecticut Ave., NW., Washington, DC 20006. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses as described in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 between Grand Island, NE, on the one hand, and, on the other, points in the U.S. Supporting shipper: Monfort of Colorado, Inc., P.O. Box G, Greeley, CO 80632.*

MC 124154 (Sub-3-24TA), filed April 7, 1981. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany,

GA 31703. Representative: W. D. Wingate (same address as applicant). *Chemicals and materials, supplies and equipment used in the manufacture and distribution thereof* between points in the U.S. (except AK and HI), restricted to shipments originating at or destined to Suffolk Chemical Company, its plants, warehouses, customers or suppliers. Supporting shipper: Suffolk Chemical Company, P.O. Box 1606, Suffolk, VA 23434.

MC 117956 (Sub-3-15TA), filed April 7, 1981. Applicant: SCOTT TRANSFER CO., INC., 1134 Sylvan Rd. SW., Atlanta, GA 30310. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. *Furniture*, from the facilities of the River Hill Co., Inc., by Horner at Mobile, AL to points in TN, LA, GA, OH, and FL. Supporting shipper: The River Hill Co., Inc., by Horner, 150 Noel Ave., Mobile, AL 36607.

MC 94350 (Sub-3-3TA), filed April 7, 1981. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr., Esq., P.O. Box 1628, Greenville, SC 29602, (803) 288-9300. *Mobile homes and buildings in sections* from points in Livingston County, MO to points in the U.S., excluding AK and HI. Supporting shipper: Marshfield Homes, 400 South Mitchell Road, Chillicothe, MO 64601.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 31533 (Sub-4-1TA), filed April 8, 1981. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 S. Olive Street, South Bend, IN 46624. Representative: Richard P. Wright (same address as applicant). *Iron and steel articles* between Niles, MI and points in Peoria and Tazewell Counties, IL. Supporting shipper: National Standard Company, 601 North 8th Street, Niles, MI 49120.

MC 111812 (Sub-4-31TA), filed April 8, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57117. Representative: Lamoyne Brandsma (same address as applicant). *Ammunition and component parts of ammunition, materials, equipment and supplies used in the manufacture thereof*, (1) from St. Marks, FL to the facilities of Olin-Winchester located at East Alton and Marion, IL; and (2) from the facilities of Olin-Winchester located at East Alton, IL to points in the United States. An underlying ETA seeks 120 days authority. Supporting shipper: Olin-Winchester Group, East Alton, IL 62024.

MC 113751 (Sub-4-6TA), filed April 7, 1981. Applicant: HAROLD F. DUSHEK, INC., 10th and Columbia Streets, Waupaca, WI 54981. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Pulp, paper, and related products (STCC Code 26), and materials, equipment and supplies used in the manufacture and distribution of such commodities, between points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Restricted to shipments originating or terminating at the facilities of Filter Materials, Inc., Waupaca, WI. An underlying ETA seeks 120 days authority. Supporting shipper: Filter Materials, Inc., Box 329, 1401 Ware, Waupaca, WI 54981.*

MC 113855 (Sub-4-1TA), filed April 8, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Thomas J. Van Osdal, 502 First National Bank Bldg., Fargo, ND 58126. *Lumber and wood products between points in Beltrami County, MN, on the one hand, and, on the other, points in CO, IL, IN, IA, KS, MI, MN, MO, MT, NE, NY, ND, OH, PA, SD, WI and WY. Supporting shipper: The Mead Corp., Courthouse Plaza, N.E., Dayton, OH 45463.*

MC 113855 (Sub-4-2TA), filed April 7, 1981. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Lumber and wood products from Fargo, ND to points in ND, SD, MN, WI, IL, IA, NE, KS, MO and IN. Supporting shipper: Marathon Forest Products, Inc., 500 Jarvis Ave., P.O. Box 1197, Winnipeg, Manitoba.*

MC 115975 (Sub-4-4TA), filed April 8, 1981. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Woodriver, IL 62095. Representative: M. Burnell Watson (same as applicant). *Contract Irregular: Petroleum oils, grease and commodities used in the manufacture and blending of petroleum oils and greases, between the plantsite or shipping facilities of Century Hulburt, Inc., located at or near Kansas City, KS, and points in AR, CO, IL, IN, IA, KY, LA, MO, NE, OH, OK, PA, TX, VA, WV, and WY, under continuing bilateral contract with Century Hulburt, Inc. Supporting shipper: Century Hulburt (Midwest), Inc., 2140 S. 8th Street, Kansas City, KS 66111.*

MC 118202 (Sub-4-20TA), filed April 8, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN

55424. *Meat, meat products, meat by-products and related products distributed by meat packing houses from Chicago, IL, to Winona, MN, and points in the Minneapolis/St. Paul, MN, commercial zone. Supporting shipper: Nates Wholesale Meats, 164 E. 2nd St., Winona, MN 55987.*

MC 118202 (Sub-4-21TA), filed April 7, 1981. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Meat, meat products, meat by-products and related products distributed by meat packing houses from Denver, Fort Morgan, and Sterling, CO, to Aurora, Chicago, and Elgin, IL. Supporting shipper: Sterling Colorado Beef, P.O. Box 1728, Sterling, CO 80751.*

MC 119936 (Sub-4-2TA), filed April 7, 1981. Applicant: FAIRFIELD MOTOR TRANSPORTATION COMPANY, 4350 W. 123rd Street, Alsip, IL 60658. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *Foods and related products, and materials, equipment, and supplies used in the manufacture and distribution of foods and related products, between the facilities of Nabisco, Inc., in CO, IA, IL, IN, KY, MI, MN, MO, OH, and WI, on the one hand, and, on the other, points in CO, IA, IL, IN, KY, MI, MN, MO, OH, and WI. Supporting shipper: Nabisco, Inc., East Hanover, NJ 07936.*

MC 127840 (Sub-4-8TA), filed April 8, 1981. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, Lansing, IL 60438. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Vegetable oil and meat fat emulsifiers, in bulk, in tank vehicles, from Sherman, TX to Jacksonville, IL. Supporting shipper: Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266.*

MC 135052 (Sub-4-12TA), filed April 7, 1981. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. (1) *Rolls of paper, and materials, equipment and supplies used in the manufacture and distribution thereof, from Stevens Point, WI, Detroit, MI Commercial Zone and Chicago, IL Commercial Zone to Dayton, OH; and (2) flexible paper packages, and materials, equipment and supplies used in the manufacture and distribution thereof, from Dayton, OH, to Chicago, IL Commercial Zone, Jackson, TN, and Fulton, NY. Supporting*

shipper: The Specialty Paper Co., Dayton, 45401, P.O. Box 1031.

MC 142059 (Sub-4-21TA), filed April 8, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same as applicant). *Lumber or wood products* between Beltrami County, MN on the one hand, and, on the other, points in AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MO, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, VA, TX, VT, WV and WI. Supporting shipper: The Mead Corporation, Courthouse Plaza NE, Dayton, OH 45463.

MC 142125 (Sub-4-1TA), filed April 6, 1981. Applicant: WESTERN WISCONSIN TRUCKING CO., INC., Route 2, Independence, WI 54747. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601. *Bulk cement*, between points in La Crosse County, WI, and Cero Gordo County, IA, on the one hand, and, on the other, points and places in Houston County, Winona County, and Wabasha County, MN; and Buffalo County and Trempealeau County, WI. Supporting shipper: Modern Concrete Co., Inc., 4980 6th Street, Winona, MN. 55987.

MC 142715 (Sub-4-21TA), filed April 6, 1981. Applicant: LENERTZ, INC., P.O. Box 479 South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *General commodities* (except Class A and B explosives, commodities in bulk, commodities which because of size and weight require special equipment and household goods as defined by the Commission), between points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Restricted to facilities utilized by Sunbeam Corporation. Supporting shipper: Sunbeam Corporation, 5400 W. Roosevelt Rd., Chicago, IL 60650.

MC 143636 (Sub-4-4TA), filed April 7, 1981. Applicant: RON SMITH TRUCKING, INC., R.R. 1, Box 59, Arcola, IL 61910. Representative: Douglas G. Brown, P.C., 913 South Sixth Street, Springfield, IL 62703. *Feed ingredients and feed byproducts* between points in IL, on the one hand, and, on the other, points in IN. Supporting shipper: Cereal Byproducts Company, 601 West Golf Road, Mt. Prospect, IL 60056.

MC 144121 (Sub-4-10TA), filed April 7, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake Street, Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. *Contract*: Irregular; *malt beverages* from Belvidere, IL, Columbus, OH, La Crosse, WI, and St. Louis, MO, to Olmsted County, MN,

restricted to transportation performed under continuing contract(s) with Schoot Distributing, Inc. An underlying ETA seeks 120 days authority. Supporting shipper: Schoot Distributing, Inc., 6735 Highway 14 East, Rochester, MN 55901.

MC 144154 (Sub-4-1TA), filed April 8, 1981. Applicant: 336825 ONTARIO LIMITED, d.b.a. Shoreline Coach, 24 Coronation Drive, Leamington, Ontario, Canada N0R 1J0. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. *Contract*: Irregular; *Passengers and their baggage, in the same vehicle with passengers, in round-trip charter operations*, beginning and ending at points within the commercial zones of Detroit and Port Huron, MI, and extending to points in the U.S., under contract with Corporate Travel Service, Inc., and Seniors Unlimited, Inc. Supporting shippers: Corporate Travel Service, Inc., 23527 Ford Road, Dearborn, MI and Seniors Unlimited, Inc., 28 East Huron, Pontiac, MI.

MC 145544 (Sub-4-4TA), filed April 7, 1981. Applicant: W. & M., INC., P.O. Box 2237, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Contract*: Irregular; *Metal products*, between Alsip, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Du-Well Fabricating & Engineering Co., of Alsip, IL. An underlying ETA seeks 120 days authority. Supporting shipper: Du-Well Fabricating & Engineering Co., 4220 West 123rd Street, Alsip, IL 60658.

MC 145544 (Sub-4-5TA), filed April 7, 1981. Applicant: W. & M., INC., P.O. Box 2237, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. *Contract*: Irregular; *Building materials*, between Chicago Heights, IL; Pottstown, PA and Minneapolis, MN, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Sonneborn Building Products Division of Contech, Inc., of Minneapolis, MN. An underlying ETA seeks 120 days authority. Supporting shipper: Sonneborn Building Products Division of Contech, Inc., 415 East 16th Street, Chicago Heights, IL 60411.

MC 148434 (Sub-4-3TA), filed April 6, 1981. Applicant: SECURITY, INCORPORATED, 711 Franklin Square, P.O. Box 274, Michigan City, IN 46360. Representative: Richard A. Huser, 1301 Merchants Plaza, Indianapolis, IN 46204. *Coin, currency and negotiable items*, between points in the Chicago, IL commercial zone; Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, and Noble Counties, IN; Berrien, Cass, St. Joseph,

Branch, Kalamazoo, Calhoun, Jackson, Washtenaw Counties, MI; and points in the Detroit, MI commercial zone. Supporting shippers: There are 7 statements of support attached.

MC 149380 (Sub-4-1TA), filed April 7, 1981. Applicant: NEYRINCK BROS., INC., 7140 Riga Highway, Riga, MI 49228. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Fertilizer*, in bulk, in tank vehicles, between points in MI and OH, on the one hand, and, on the other, points in IN, IL and OH. Supporting shippers: Farm Bureau Services, Inc., 7373 W. Saginaw Hwy., P.O. Box 30960, Lansing, MI 48909; Smith-Douglass, 7450 Riga Hwy, Riga, MI 49276; Worker & Assoc., 1200 Springville Hwy., Clayton, MI 49235; Vistron Corporation, 1600 Rockefeller Bldg., Cleveland, OH 44113.

MC 150746 (Sub-4-6TA), filed April 7, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Drive, Huntley, IL 60142. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. (a) *Windows and doors*, and (b) *parts and accessories for (a)*, from Saddle Brook, NJ, to Schaumburg, IL. An underlying ETA seeks 120-day authority. Supporting shipper: The Bockman Co., 405 Lake Cook Road, Deerfield, IL 60015.

MC 151404 (Sub-4-2TA), filed April 7, 1981. Applicant: NORTHLAND PRODUCE, INC., 4350 Lincoln Rd., Holland, MI 49423. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Contract*: Irregular; *Soil conditioners, fertilizer and farm products*, between Fogelsville, PA; Travelers Rest, SC; Wilder, KY; West Chicago, IL, and Dearborn, MI, on the one hand, and, on the other, points in MI, IN, and OH. An underlying ETA seeks 120 days authority. Supporting shipper: W. R. Grace & Company, 62 Whittemore Avenue, Cambridge, MA 02140.

MC 154970 (Sub-4-1TA), filed April 8, 1981. Applicant: DENNIS HASBROUCK, d.b.a. HASBROUCK ENTERPRISES, P.O. Box 328, Crookston, MN 56716. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 South 5th St., Minneapolis, MN 55402. *Cement*, from (1) Superior, WI to points in MN and ND; and (2) Duluth, MN to points in ND. Supporting shipper: Cutler-Magner Company, 12th Ave. W. and Waterfront, Duluth, MN 55802.

MC 155119 (Sub-4-1TA), filed April 6, 1981. Applicant: HELDERS MOTOR SERVICE CO., 3201 South Kostner Avenue, Chicago, IL 60623. Representative: Themis N. Anastos, 120 West Madison Street, Chicago, IL 60602.

Steel, also, those commodities which because of their size or weight require the use of special handling or equipment, between points in IL, IN, MI, IA, WI, MN, KY, MO, AR, KS, TX, OK, NM. There are 8 supporting shippers.

MC 155120 (Sub-4-1TA), filed April 7, 1981. Applicant: HERB BRUINGTON, d.b.a. H. F. TRUCKING, 826 27th Street, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract: Irregular; General Commodities (except Class A and B explosives), between points in the United States (except AK and HI), under contract with H. E. Simpson Lumber Company, Kalispell, MT. An underlying ETA seeks 120 days authority. Supporting shipper(s): H. E. Simpson Lumber Company, Box 1097, Kalispell, MT 59901.*

MC 155131 (Sub-4-1TA), filed April 7, 1981. Applicant: CISZAR INTERSTATE TRANSPORTATION CO., INC., P.O. Box 446, Dolton, IL 60419. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. *Expanded plastic and expanded plastic articles, and materials, equipment, and supplies used in the manufacture and distribution of expanded plastic and expanded plastic articles, between the facilities of Free-Flow Packaging Corporation at Thornton, IL, on the one hand, and, on the other, points in IA, IN, MI, MN, MO, and WI. Supporting shipper: Free-Flow Packaging Corporation, 2500 Middlefield Road, Redwood City, CA 94063.*

MC 155136 (Sub-4-1), filed April 7, 1981. Applicant: RED TRAIL TRANSPORT, INC., Box 55, Beach, ND 58621. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Materials, equipment and supplies used in the development, exploration and production of oil and gas wells (except rigs and commodities in bulk), from points in TX, NM, LA, OK, CO, and WY, to points in ND. An underlying ETA seeks 120 days authority. Supporting shipper(s): Coastal Oil and Gas Corporation, Casper, WY; Terra Resources, Williston, ND; Moran Exploration, Inc., Midland, TX; Jerry Chambers Oil Producers, Belfield, ND.*

MC 155141 (Sub-4-1TA), filed April 7, 1981. Applicant: JAMES A. RUDOLPH, d.b.a. RUDOLPH EXPRESS, Route 1, St. Joseph, MN 56374. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. *Food and related products between points in Stearns County, MN, on the one hand, and, on the other, points in WI, IL, IN, MI, OH, NE and IA. Supporting shipper: Landy Packing Co., Box 670, St. Cloud, MN 56301.*

MC 155218 (Sub-4-1TA), filed April 9, 1981. Applicant: TRANS TRUCK, INC., 2626 Camp Jackson Road, Cahokia, IL 62208. Representative: Joseph E. Rebman, 314 North Broadway, Suite 1300, St. Louis, MO 63102. *Salt and materials and supplies used in the packaging, marketing and distribution of salt between points in the St. Louis, MO-East St. Louis, IL commercial zone, on the one hand, and, on the other, points in AR, IA, IL, IN, KY, MO, MS and TN. Supporting shipper: Domtar Industries, Inc., Sifto Salt Division, Schiller Park, IL.*

MC 151136 (Sub-4-2TA), filed April 9, 1981. Applicant: ROBERT C. ILLINGWORTH, d.b.a. CYCLE TRANSPORT, 1418 East Lake Street, Minneapolis, MN 55407. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402. *Motorcycles, parts, attachments and supplies therefor, from the Chicago, IL commercial zone to points in SD and MN. Supporting shippers: 10 supporting shippers.*

MC 149378 (Sub-4-6TA), filed April 9, 1981. Applicant: KIRBY TRANSPORT, INC., P.O. Box 17, Gilberts, IL 60136. Representative: A. Dayton Schell, 6 Eileen Way, Edison, NJ 08837. *Contract: irregular: Such commodities as are dealt in by grocery, hardware and drug business houses; cleaning and building maintenance supplies; swimming pool, spa and hot tub products; chemicals and materials, equipment and supplies (except in bulk), used in the manufacture, sale and distribution of such commodities, between the facilities of the Purex Corp. located at Columbus, London, Madison and Cleveland, OH, Brockport, NY, St. Louis, MO, Chicago, IL, Bristol, PA, Atlanta, GA, Tampa, FL, New Orleans, LA, St. Paul and Egan, MN, and points in the U.S., except AK and HI, restricted to traffic originating at or destined to facilities of the Purex Corp., under a continuing contract with the Purex Corp. Supporting shipper: Purex Corp., 6120 N. Detroit Ave., Toledo, OH 43612.*

MC 149378 (Sub-4-7), filed April 9, 1981. Applicant: KIRBY TRANSPORT, INC., P.O. Box 17, Gilberts, IL 60136. Representative: Miles L. Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212. *Contract: irregular: General commodities, (except classes A and B explosives) between points in the U.S., for the accounts of ABC-Trans National Transport, Inc./Acme Fast Freight, Inc. Supporting shipper: ABC-Trans National Transport, Inc./Acme Fast Freight, Inc., 2110 Alhambra Avenue, Los Angeles, CA 90031.*

MC 76266 (Sub-4-19TA), filed April 9, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 South 11th St., Minneapolis, MN 55403. Representative: ROBERT P. SACK, P.O. Box 6010, West St. Paul, MN 55118. *Paper and Paper Articles, between Flagstaff, AZ; Los Angeles, CA and Pryor, OK on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Orchid Paper Products Inc. Ponderosa Paper/Robel, Belco and Concells, Inc., 5911 Fresca Ave., LaPalma, CA 90623.*

MC 118696 (Sub-4-36TA), filed April 9, 1981. Applicant: FERREE FURNITURE EXPRESS, INC., 252 Wildwood Road, Hammond, IN 46324. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204. *Appliances and accessory parts and materials, equipment and supplies used in the manufacture and distribution thereof, between points in and east of ND, SD, NE, KS, OK, and TX. RESTRICTED to transportation provided for the account of Toshiba America, Inc. Supporting shipper: Toshiba America, Inc., 1420 Toshiba Drive, Lebanon, TN 37087.*

MC 41406 (Sub-4-5TA), filed April 9, 1981. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 8400 Westlake Drive, Merrillville, IN 46410. Representative: Ralph D. Artim, President, 8400 Westlake Drive, Merrillville, IN 46410, (219) 738-4500. *Rigid Board Insulation from Greenville, (Greenville County) SC to points in the U.S. in and east of ND, SD, NE, CO, OK and TX. Supporting shipper: RMAX, Inc., Rt. 8, P.O. Box 434, Greenville, SC 29651.*

MC 146808 (Sub-4-3TA), filed April 9, 1981. Applicant: ALCO EXPRESS CO., 4800 W. Jefferson, Detroit, MI 48209. Representative: James A. Russo, 4800 W. Jefferson, Detroit, MI 48209. *Iron and Steel Articles; between Detroit, MI and Toledo, OH and the Commercial Zones of each city as defined by the Commission. An underlying ETA seeks 120 days authority. Supporting shipper(s): Merritt International Corp., 26555 Evergreen, Suite 604, Southfield, MI 48076.*

MC 135658 (Sub-4-1TA), filed April 9, 1981. Applicant: ROCK RIVER CARTAGE, INC., R. R. #2, P.O. Box 430, Rock Falls, IL 61071. Representative: Michael W. O'Hara, 300 Reich Building, Springfield, IL 62701. *Contract: irregular: Anhydrous ammonia from Clinton and Washington, IA to points in IL and WI. Restricted to traffic moving under continuing contract with Farmland Industries, Inc. An underlying E/T/A*

seeks 120 days authority. Supporting shipper: Farmland Industries, Inc. 3375 North Oak Traffic Way, Kansas City, MO 64116.

MC 146573 (Sub-4-2TA), filed April 10, 1981. Applicant: LA SALLE TRUCKING, INC., P.O. Box 46, Peru, IL 61354. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *Ores and minerals, metal products, rubber and plastic products, and building materials*, between points in Peoria County, IL, and Shelby County, OH, on the one hand, and, on the other, points in IL, IN, OH, MO, CO, and IA. Restricted to traffic originating at or terminating at facilities of Aluminum Company of America. Supporting shipper: Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219.

MC 123294 (Sub-4-15TA), filed April 9, 1981. Applicant: WARSAW TRUCKING CO., INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant). *Insulation materials* from Lake Bluff, IL, and Sheboygan, WI, to Centerville and Mt. Pleasant, IA. Supporting shippers: ACS Company, 1301 Laura Lane, Lake Bluff, IL 60044, and K. W. Muth Company, 2021 North Ave., Sheboygan, WI 53081. An underlying ETA seeks 120 days authority.

MC 154904 (Sub-4-1TA), filed April 9, 1981. Applicant: RUSSELL TRUCKING, INC., 1860 W. Main, Ubly, MI 48475. Representative: James R. Davis, 1018 Michigan National Tower, Lansing, MI 48933. *Metal racks and other products of Evans Products Company* from the plantsite of Evans Products Company at or near Gagetown, MI, to points and places in the States of NE, IL, IN, KY, NJ and OH; and *new steel and materials* used in the manufacture of Evans products from points and places in the States of IN, IL, OH and NE to the plantsite of Evans Products Company at or near Gagetown, MI. Supporting shipper: Evans Products Company, Suite 900 East Tower, 2550 Golf Road, Rolling Meadows, IL 60008.

MC 155174 (Sub-4-1TA), filed April 8, 1981. Applicant: ILLINOIS CARGO, INC., 14634 S. Marshfield Avenue, Harvey, IL 60426. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract; irregular: Iron and Steel Articles; also, Materials, Supplies, and Equipment used in the operation of an iron and steel manufacturing and processing facility*, between points in the Chicago, IL, Commercial Zone; Danville, IL; and Jackson, MI; on the one hand, and, on the other, points in IL, IN, IA, KY, MI,

MO, OH, and WI, under continuing contract(s) with Wyman-Gordon Company, Harvey, IL. Supporting shipper: Wyman-Gordon Company, 14600 Wood St., Harvey, IL 60426.

MC 123124 (Sub-4-1TA), filed April 9, 1981. Applicant: BOOTH DELIVERY SERVICE, INC., P.O. Box 1364, Fargo, ND 58107. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. *Meats, meat products and articles distributed by meat packinghouses* from the facilities of Wilson Foods Corp. located at Albert Lea, MN to points in ND. Supporting shipper: Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105.

MC 133689 (Sub-4-78TA), filed April 9, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St. NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Building products and components*, between the facilities of General Products Company at Fredericksburg, VA on the one hand, and, on the other, points in the U.S. Supporting shipper: General Products Company, P.O. Box 887, Fredericksburg, VA 22401.

MC 154739 (Sub-4-1TA), filed April 8, 1981. Applicant: JEBCO LEASING, INC., 515 Elcamino Road, Greenwood, IN 46142. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 North Meridian Street, Indianapolis, Indiana 46204. *Paper, paper products, printed forms and material and supplies used in the manufacturing thereof*, between points in the U.S. under continuing contracts with Willamette Industries, Inc., Indianapolis, IN. Supporting shipper: Western Kraft Paper Group, Willamette Industries, Inc., 6461 Suguaro Court, Morenci Park, Indianapolis, IN 46268.

MC 155175 (Sub-4-1TA), filed April 8, 1981. Applicant: NAUMAN, INC., d.b.a. CAPITAL CITY TRUCKING, INC., 13th and Front Avenue, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract; irregular: General Commodities (except Class A and B explosives)*, between points in the U.S. (except AK and HI), under contract with Ed Phillips & Sons Co. of ND, Bismarck, ND; Dairyland Food Laboratories, Inc., Waukesha, WI; Capital City Foods, Inc., Bismarck, ND; Coca-Cola Bottling Co. of Bismarck, ND; and Beaver Valley Creameries, Inc., Wishek, ND. An underlying ETA seeks 120 days authority. Supporting shipper(s): Ed Phillips & Sons Co. of N. Dak., PO Box 998, Bismarck, ND 58501; Dairyland Food Laboratories, Inc., Box 408, Waukesha, WI 53186; Capital City Foods, Inc., 13th and Front, Bismarck, ND 58501; Coca-Cola Bottling Co. of

Bismarck, 3301 E. Rosser Ave., Bismarck, ND 58501; and Beaver Valley Creameries, Inc., 111 South 2nd St., Wishek, ND 58498.

MC 146065 (Sub-4-3TA), filed April 9, 1981. Applicant: DAY TRANSFER, INC., 1245 South West Street, P.O. Box 1426, Indianapolis, IN 46206. Representative: John H. Day, 3909 South Lynhurst Rd., Indianapolis, IN 46206. *Articles made in whole or part of metal, wood, plastic, paper, glass, or cloth, food and drug store products (except commodities in bulk)*, between points in the states of IN, OH, PA, NY, NJ, MA, CT, WV, VA, NC, SC, GA, TN, KY, IL, AL, MS, LA, TX, CA, AR, MO, WI, MI, FL, MD, and IA. An underlying ETA seeks 120 days authority. Supporting shippers: There are fifteen (15) supporting shippers.

MC 129987 (Sub-4-2TA), filed April 8, 1981. Applicant: TERRA COTTA TRUCK SERVICE, INC., IL Hwys. 176 & 31 (P.O. Box 424), Crystal Lake, IL 60014. Representative: Donald S. Mullins, 1033 Graceland Avenue, Des Plaines, IL 60016. *Contract: Sand and Gravel*, from points in Kenosha and Walworth Counties, WI, to points in Cook, DuPage, Kane, Lake, McHenry, and Winnebago Counties, IL, under continuing contract(s) with McHenry Sand & Gravel Co., Inc., McHenry, IL. Supporting shipper: McHenry Sand & Gravel Co., Inc., 1819 Dot Street, McHenry, IL 60050.

MC 147607 (Sub-4-2TA), filed April 8, 1981. Applicant: OFFUTT TRUCKING CO., P.O. Box 128, Glyndon, MN 56547. Representative: William J. Gambucii, 525 Lumber Exchange Bldg., 10 South Fifth Street, Minneapolis, MN 55402. *Contract; irregular: Food and related products, and equipment, materials and supplies used in the manufacture and distribution thereof*, between points in the U.S. under continuing contract(s) with Chef Reddy Foods Corp., Midwest, and Chef Reddy Foods Corp., MN. Supporting shipper: Chef Reddy Foods Corp., P.O. Box 100, Clark, SD 57225. An underlying ETA seeks 120 days authority.

MC 146094 (Sub-4-2TA), filed April 9, 1981. Applicant: BURK DELIVERY SERVICE, INC., 6524 Brookville Rd., Indianapolis, IN 46219. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract; irregular: Such commodities as are utilized, distributed and sold by retail drug stores*, from the facilities of Hook Drugs, Inc. at Indianapolis, IN, to points in OH, under continuing contract(s) with Hook Drugs, Inc., Indianapolis, IN. Supporting shipper: Hook Drugs, Inc.,

2800 Enterprise Street, Indianapolis, IN 46226.

MC 141573 (Sub-4-1TA), filed April 9, 1981. Applicant: EXPEDITIONS AMERICAS, LTD., 711 S. Dearborn Street, Chicago, IL 60605. Representative: Robert M. Hausman, Esq., Hausman and Rosenthal, P.C., 1747 Pennsylvania Avenue NW., Suite 300, Washington, DC 20006. *Passengers and their baggage in roundtrip special and charter operations: (1) Beginning and ending at New York, NY and extending to points in NY, RI, MA, VT, PA, VA, and DC; (2) beginning and ending at Denver, CO, and extending to points in CO, UT, AZ and NM; (3) beginning and ending at Los Angeles, CA, and extending to points in CA, AZ, and NV. Supporting shippers: Galleon World Travel, Ltd., King Street, Maidstone, Kent, England ME14 IEG; and British Airways Corporation, 67 E. Madison Street, Chicago, IL 60603.*

MC 116967 (Sub-4-1TA), filed April 8, 1981. Applicant: WONDAAL TRUCKING CO., INC., P.O. Box 334, 3056 East 170th Street, Lansing, IL 60438. Representative: Samuel Ruff, 2109 Broadway, East Chicago, IN 46312. *Face and common building brick, approximately 8" equivalents, and cement building blocks, building materials and building supplies, between Chicago, IL and points and places in OH, IL, MI, MO, WI, IA, IN, PA, KS, KY, MN, TN, MS, AL, NC, SC, VA, WV, NE, and return. Supporting shipper: American Brick Company, 6558 W. Fullerton, Chicago, IL.*

MC 95876 (Sub-4-1TA), filed April 3, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Iron and steel articles from Long Valley, NJ to Oxford, NC. An underlying ETA seeks 120 days authority. Supporting shipper: Frazier Industrial Co., Long Valley, NC 07853.*

MC 136899 (Sub-4-9TA), filed April 10, 1981. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 637, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Materials, equipment and supplies used in the manufacture and distribution of computers and computer parts from Mayville, WI to points in Minneapolis, MN and its commercial zone and Troy and Rochester, MI. An underlying ETA seeks 120 days authority. Supporting shipper: Control Data Corporation, 8100 34th Ave. So., Minneapolis, MN 55402.*

MC 150103 (Sub-4-12TA), filed April 10, 1981. Applicant: SCHWEIGER

INDUSTRIES, INC., 116 West Washington Street, Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *General commodities (except classes A and B explosives): from facilities of the U.S. government at or near Tooele and Salt Lake City, UT, Mercury Test Site, NV, Norfolk, VA, Starke, FL and Charleston, SC to the facilities of Federal Property Program at Madison, WI. Supporting shipper: Federal Property Program, 201 So. Dickinson, P.O. Box 1585, Madison, WI 53701.*

MC 107757 (Sub-4-1TA), filed April 10, 1981. Applicant: M. C. SLATER, INC., 2200 West Chain of Rocks Road, Granite City, IL 62040. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Lumber and Wood Products from Granite City, IL, to Lafayette, IN. Supporting shipper: Jennison Wright Corporation 900 22nd Street, Granite City, IL 62040.*

MC 18121 (Sub-4-6TA), filed April 10, 1981. Applicant: ADVANCE TRANSPORTATION COMPANY, 5005 South Sixth Street, Milwaukee, WI 53201. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Milwaukee, WI, on the one hand, and, on the other, points in Calumet, Columbia, Fond du Lac, Green Lake, Marquette, Outagamie, Sauk, Waupaca and Winnebago Counties, WI. An underlying ETA seeks 120 days authority. Applicant intends to tack this requested authority with all existing authority and to interline with other existing carriers. Supporting shipper: Caterpillar Tractor Co., 100 N.E. Adams Street, Peoria, IL 61629.*

MC 129387 (Sub-4-6), filed April 10, 1981. Applicant: PAYNE TRANSPORTATION, INC., P.O.B. 1271, Huron, SD 57350. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Commodities dealt in by grocery and food business houses, and equipment, materials and supplies used in the conduct of such businesses, (1) from points in ID, OR, UT, and WA to Rocky Mount, NC, and (2) from Rocky Mount, NC to points in IA, MO, KY, PA, KS, GA, FL, AR, and OK. An underlying ETA seeks 120 days authority. Supporting shipper: Fast Food Merchandisers, Inc., 1233 North Church St., Box 1619, Rocky Mount, NC 27801.*

MC 147644 (Sub-4-8TA), filed April 10, 1981. Applicant: JMC TRANSPORT, INC., 1719 Potters Ln., Jeffersonville, IN

47130. Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg, MD 20780. *Paint and paint supplies from points in Louisville, KY to Emeryville, CA and Houston, TX. An underlying ETA seeks 120 days authority. Supporting shipper: Porter Paint Co., 400 South 13th St., Louisville, KY 40201.*

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 35320 (Sub-5-59TA), filed April 9, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same as applicant). *General commodities, except Classes A and B explosives, serving points in St. Croix County, WI on the one hand, and, on the other, points in the U.S. Supporting shipper: McMillan Electric Co., 400 Best Road, Woodville, WI.*

Note.—Applicant intends to tack and interline.

MC 96992 (Sub-5-5TA), filed April 10, 1981. Applicant: HIGHWAY PIPELINE TRUCKING CO., P.O. Box 1517, Edinburg, TX 78539. Representative: Kenneth R. Hoffman, P.O. Box 2165, Austin, TX 78768, (512) 476-6083. *Liquefied petroleum gas from Union County, AR to Jefferson County, TX. Supporting shipper: Texas Olefins Company, Baytown, TX.*

MC 105774 (Sub-5-1TA), filed April 9, 1981. Applicant: JOHNSON TRUCK LINE, INC., P.O. Box 140, Osborne, KS 67473. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506. *Such commodities as are used by and dealt in by building materials and home improvement stores, between points in the U.S. Restricted to traffic moving for the account of Payless Cashways, Inc., Kansas City, MO. Supporting shipper: Payless Cashways, Inc., Suite 1000, 3100 Broadway, Kansas City, MO 64111.*

MC 107496 (Sub-5-58TA), filed April 9, 1981. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check, Attorney, P.O. Box 855, Des Moines, IA 50304. *Tree and weed-killing compounds (Sodium TCA), from Randolph, WI, to Schriever, LA, and Philadelphia, PA. Supporting shipper: Hopkins Agricultural Chemical Co., 537 Atlas Ave., P.O. Box 7532, Madison, WI 53707.*

MC 111401 (Sub-5-37TA), filed April 10, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock,

Vice President, Traffic (same as applicant). *Asphalt cutback, in bulk, in tank vehicle*, from Mt. Pleasant, TX, to Des Moines, IA. Supporting shipper: Dorchester Refining Co., P.O. Box 1011, Mt. Pleasant, TX 75455.

MC 115001 (Sub-5-2TA), filed April 9, 1981. Applicant: WESTERN OIL TRANSPORTATION CO., INC., P.O. Box 1183, Houston, TX 77001. Representative: Wm. L. Weddle (same as applicant). *Contract; irregular: Petroleum Products, in bulk, in tank vehicles between points in AL, AZ, AR, CO, FL, KS, LA, MS, MT, NE, NM, ND, OK, SD, TX, UT, and WY.* Supporting shipper: The Permian Corporation, P.O. Box 1183, Houston, TX 77001.

MC 119493 (Sub-5-59TA), filed April 10, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as above). *Pet food and materials and supplies used in the mfg. and distribution thereof, except commodities in bulk, between points in IL on the one hand, and points in the U.S., (except AR, IA, KS, MO, NE, & OK), on the other hand, restricted to traffic originating at or destined to facilities of The Wells Company.* Supporting shipper: Wells Company, 617 South D Street, Monmouth, IL 61462.

MC 119493 (Sub-5-60TA), filed April 10, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as above). *Fertilizer, plant care products, chemicals, containers, furniture, hardware, and materials and supplies used in the mfg. and distribution thereof, except commodities in bulk, between points in AR, GA, KS, NJ, OH, TX, & WI on the one hand, and points in the U.S. on the other hand, restricted to traffic originating at or destined to facilities owned or used by the Stim-U-Plant Company.* Supporting shipper: Stim-U-Plant Co., 2077 Parkwood Avenue, Columbus, OH 43219.

MC 124236 (Sub-5-17TA), filed April 9, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Lee Carpenter (same as applicant). *Petroleum products, in bulk, between TX, LA, OK, AR.* Supporting shipper: Racetrack Petroleum, Inc., P.O. Box 105035, Atlanta, GA 30348.

MC 126822 (Sub-5-54TA), filed April 10, 1981. Applicant: WESTPORT TRUCKING COMPANY, 15580 South 169 Highway, Olathe, KS 66061. Representative: John T. Pruitt (Same as Applicant). *Steel and steel products between points in the U.S., restricted to shipments for National Sign Co. Inc.*

Supporting shipper: National Sign Co. Inc., 1204 North Main, P.O. Box 25, Ottawa, KS 66067.

MC 127306 (Sub-5-4TA), filed April 10, 1981. Applicant: M. W. MC CURDY & CO., INC., 401 Nora's Lane, Houston, TX 77022. Representative: Daniel O. Hands, 205 W. Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. *Malt beverages, from Galveston, TX and points in its commercial zone to points in CA.* Supporting shipper: Pearl Brewing Company, 312 Pearl Parkway, San Antonio, TX 78296.

MC 129808 (Sub-5-1TA), filed April 9, 1981. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Contract, irregular. General commodities, between points in the U.S., under continuing contract(s) with Kaco Supplies.* Supporting shipper: Kaco Supplies, P.O. Box 1146, Grand Island, NE 68802.

MC 135070 (Sub-5-39TA), filed April 9, 1981. Applicant: JAY LINES, INC., Box 61467, DFW Airport, TX 75261. Representative: Gailyn L. Larsen, P.O. Box 81816, Lincoln, NE 68501. *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, From Grand Island, NE, to points in the U.S. (except AK and HI).* Supporting shipper: Monfort of Colorado, Inc., P.O. Box 2137, Grand Island, NE 68801.

MC 135691 (Sub-5-14TA), filed April 9, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas, TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. *(1) Rubber and plastic articles and (2) materials, equipment and supplies used in the manufacture, sale and distribution of the commodities in (1) above between points in Dallas County, TX, on the one hand, and on the other, points in the contiguous U.S.* Supporting shipper: Entek Corporation of America, Inc., 104 County Line Road, Irving, TX 75060.

MC 135691 (Sub-5-15TA), filed April 10, 1981. Applicant: DALLAS CARRIERS CORP., P.O. Box 38528, Dallas, TX 75238. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Medical supplies and materials and supplies used in the manufacture of medical supplies between Poca, WV, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Med-Pak Corporation, P.O. Box 548, Poca, WV 25159.

MC 139802 (Sub-5-1TA), filed April 10, 1981. Applicant: DEAN BACHKORA, BILL PEDEN, GARY BACHKORA, d.b.a. B P B TRANSPORTATION, P.O. Box 2849, 4820 San Bernardo, Laredo, TX 78041. Representative: Dean Bachkora or Archie Jones, 1903 Aduanales, Laredo, TX 78041. *Contract; irregular. Brooms and mops and products for the manufacture thereof, between Laredo, TX and points in AZ and CA.* Supporting shipper: The Thomas Monahan Company, P.O. Box 248, Arcola, IL 61910.

MC 143209 (Sub-5-1TA), filed April 10, 1981. Applicant: HOUSTON FREIGHTWAYS, INC., 90100 Clinton Drive, Houston, TX 77547. Representative: C. W. Ferebee, 720 N. Post Oak Road, Suite 230, Houston, TX 77024. *Plastic pipe, fittings and accessories and clay sewer pipe, fittings and accessories between Mineral Wells, TX on the one hand, and, on the other, points in NM, OK, CO, KS, AR, LA, MO, MS and TN.* Supporting shipper: Can Tex, Mineral Wells, TX.

MC 145317 (Sub-5-5TA), filed April 9, 1981. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel Road, San Antonio, TX 78217. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. *Potash between points in Eddy and Lea Counties, NM, on the one hand, and, on the other, Katy, TX.* Supporting shipper: Phillips Chemical Company, 734 Adams Building, Bartlesville, OK 74004.

MC 145396 (Sub-5-4TA), filed April 9, 1981. Applicant: BOYCE HOWARD, d.b.a. HOWARD TRUCKING, P.O. Box 165, Newport, AR 72112. Representative: John Paul Jones, P.O. Box 3140, Front Street Station, 189 Jefferson Avenue, Memphis, TN 38103. *Chemicals or allied products, including without limitation, herbicides and pesticides, from Memphis, TN to points in AR, LA, MS and MO, restricted to the facilities of U.S.S. Agri-Chemicals, its customers and suppliers.* Supporting shipper: U.S.S. Agri-Chemicals, a Division of U.S. Steel Corporation, 233 Peachtree St., N.E., Atlanta, GA 30303.

MC 151118 (Sub-5-10TA), filed April 10, 1981. Applicant: MDR CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *(1) Textile mill products and (2) equipment, materials and supplies used in the manufacture, assembly, sale and distribution of textile mill products between points in Kennebec County, ME, on the one hand, and, on the other, points in the U.S. In and east of AZ, CO, NE, SD, and ND.* Supporting shipper:

Albany International Corp., Main Street, North Monmouth, ME 04265.

Note.—Dual operations may be involved.

MC 153913 (Sub-5-1TA), filed April 9, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 408 Thompson Building, Tulsa, OK 74103. Representative: Mr. Robert J. Wiruth (address same as applicant). *Anhydrous ammonia* between points in MO and KS. Supporting shipper: Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101.

MC 154646 (Sub-5-3TA), filed April 9, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. *Clay, concrete, glass or stone products*, between pts in CA, on the one hand, and, on the other, pts in NC, NE, IL and OH. Supporting shippers: Anaheim Builders Supply, Inc. and Delpiso Tile Company, 1635 South State College Boulevard, Anaheim, CA 92806.

MC 154646 (Sub-5-4TA), filed April 9, 1981. Applicant: A & O ENTERPRISES, INC., d.b.a. GREATWEST TRANSPORTATION SYSTEMS, 2022 Kent Avenue, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Contract, irregular: *Metal products*, between pts in the U.S., under a continuing contract(s) with D. L. Steel Co. Supporting shipper: D. L. Steel Co., 4433 West Touhy Avenue, Chicago, IL 60646.

MC 154966 (Sub-5-1TA), filed April 10, 1981. Applicant: EARNEST H. KIENE & LAWRENCE E. KIENE d.b.a. KIENE BROTHERS, 508 Crossbow Road, Huntsville, AR 72740. Representative: Lawrence E. Kiene, 508 Crossbow Road, Huntsville, AR 72740. *Contract; Irregular. *Edible Oil products* between Bradley, IL and Huntsville, AR under continuing contract with supporting shipper, Swift Dairy & Poultry Plant, Huntsville, AR.

MC 155005 (Sub-5-1TA), filed April 9, 1981. Applicant: TRAMMELL CROW DISTRIBUTION CORPORATION, 1720 Hayden Road, Carrollton, TX 75006. Representative: Michael H. Lennox, 531 North Portland, Oklahoma City, OK 73147. Contract; Irregular. *Such commodities as dealt in by general commodity retail chain stores*, between Oklahoma City, OK; Midwest City, OK; and Tulsa, OK, on the one hand, and, on the other, Wichita, KS, and Wichita Falls, TX. Supporting shipper: Target Stores, Division of Dayton Hudson Corporation, 7120 Highway 65 N.E., Fridley, MN 55432.

MC 155206 (Sub-5-1TA), filed April 9, 1981. Applicant: WILLIAM A. SIMMONS AND MERLIN E. HUDSON, d.b.a. S & H TRUCKING, 1305 E. Washington, Washington, 52353. Representative: Ronald R. Adams or Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Dried silica sand and resin sand*, from Madison and Ogle Counties, IL, to pts in Washington County, IA. Supporting shipper: Crane Company, 1000 North 12th Street, P.O. Box 530, Washington, IA 52353.

MC 155208 (Sub-5-1TA), filed April 9, 1981. Applicant: ROY WHITE, d.b.a. WHICO HOTSHOT SERVICE, INC., 724 Santa Fe Drive, Clinton, OK 73601. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. *Oilfield commodities, in hotshot service*, between points in Beckham, Custer and Woodward Counties, OK, on the one hand, and, on the other, points in KS, NM and TX. Supporting shipper(s): Five Star Oil Field Supply, Inc., 607 South Main, Elk City, OK and Williams Tool Company, Inc., 408 South Jefferson, Elk City, OK 73648.

MC 155209 (Sub-5-1TA), filed April 9, 1981. Applicant: DOT TRANSPORTATION, INC., 1825 Midland Blvd., Ft. Smith, AR 72904. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Contract, irregular: *General commodities (except classes A & B explosives)*; between points in the U.S. under a contract or continuing contracts with H. T. Tucker Industries. Supporting shipper(s): H. T. Tucker Industries, P.O. Box 4167, 2701 Kelly Hwy, Ft. Smith, AR 72914.

MC 155217 (Sub-5-1TA), filed April 9, 1981. Applicant: MEXICO EXPRESS, INC., 2904 Cresthaven, Grapevine, TX 76051. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *General commodities (except Classes A & B Explosives and hazardous materials)*, between Dallas and Ft. Worth, TX, and their commercial zones, on the one hand, and, on the other, the international boundary between TX and MX, restricted to foreign traffic originating at or destined to MX. Supporting shipper(s): There are five supporting shippers.

MC 155221 (Sub-5-1TA), filed April 9, 1981. Applicant: ALL SERVICE TRANSPORTATION, INC., P.O. Box 2167, Hereford, TX 79045. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. *Meat, meat products, meat by-products and articles described in Appendix I to Descriptions in Motor Carrier Certificates, 61 M.C.C. 209*, from the plantsites and/or storage facilities of MBPXL Corporation at or near Plainview, Friona, Amarillo and

Lubbock, TX, and Dodge City, KS; to points in AZ, CA, ID, NV, OR, UT and WA. Supporting shipper: MBPXL Corporation, P.O. Box 2519, Wichita, KS 67201.

MC 69597 (Sub-5-1TA), filed April 8, 1981. Applicant: A. JAMES BONNER, INC., Swaledale, IA 50477. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract; Irregular. *Chemicals*, from Port Washington, WI, to points in IA. Supporting shipper: Contractors Steel Corporation, 1901 Easton Blvd., Des Moines, IA 50306.

MC 107064 (Sub-5-5TA), filed April 7, 1981. Applicant: STEERE TANK LINES, INC., P.O. Box 220996, Dallas, TX 75222. Representative: Hugh T. Matthews, 555 Griffin Sq., Ste. 850, Dallas, TX 75202. *Petroleum products*, in bulk, between Brazoria County, TX, on the one hand, and, on the other points in the U.S. (except AK and HI). Supporting shipper: Keeshan & Bost Chemical Co., Inc., P.O. Box 216, Manuel, TX 77578.

MC 118224 (Sub-5-2TA), filed April 7, 1981. Applicant: STANDARD FRUIT & VEGETABLE CO., INC., 2111 Taylor St., Dallas, TX 75201. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245. *Floor coverings and materials and supplies used in the installation thereof*, from the facilities of L. D. Brinkman, Inc. located at or near Irving, TX, to the facilities of L. D. Brinkman, Inc. located at or near Phoenix, AZ. Supporting shipper(s): L. D. Brinkman Company, P.O. Box 47586, Dallas, TX 75247.

MC 124174 (Sub-5-47TA), filed April 8, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Steel, decking, flooring, siding and roofing, and materials and supplies used in the installation thereof*, from Bristol, CT to Pontiac, MI; Wentzville, MO; Craig, CO; Huntsville, MO; Buelah, ND; Marquette, MI; and Baltimore, MD. Supporting shipper: Morin Bulding Products Co., Inc., 685 Middle Street, Bristol, CT 06010.

MC 135078 (Sub-5-11TA), filed April 8, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. Contract; irregular. *Such commodities as are dealt in and sold by department, grocery and drug stores*, between points in the U.S. Supporting shipper: Purex Corporation, 6500 Broadway, St. Louis, MO 63147.

MC 135691 (Sub-5-13TA), filed April 7, 1981. Applicant: DALLAS CARRIERS CORP., 12661 Perimeter Drive, Dallas,

TX 75228. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506. (1) *Such commodities as are dealt in by home improvement centers, and (2) materials, supplies and equipment used in the manufacture, sale, and distribution of the commodities in (1) above, between points in the U.S.* (except AK and HI). Supporting shipper: Color Tile Supermart, Inc., Two Tandy Center, 3rd and Throckmorton Streets, Fort Worth, TX 76113.

MC 135762 (Sub-5-7TA), filed April 8, 1981. Applicant: JOHN H. NEAL, INC., P.O. Box 3877, 6004 Highway 271 South, Fort Smith, AR 72913. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Contract: irregular. *General commodities (except classes A and B explosives, and household goods as defined by the Commission), between points in the U.S. (except AK and HI).* Supporting shipper: Olympic Distributors, Inc., 16666 Barker Springs Road, P.O. Box 219169, Houston, TX 77218.

MC 138328 (Sub-5-21TA), filed April 8, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, P.O. Box 37308, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). *Iron and steel articles, and materials, equipment and supplies used in the manufacture, sale and distribution of iron and steel articles, between points in Kane and Lee Counties, IL, on the one hand, and, on the other, points in the U.S., restricted to traffic originating at or terminating at facilities of or used by Henry Pratt Company.* Supporting shipper: Henry Pratt Company, 401 S. Highland Ave., Aurora, IL 60538.

MC 138366 (Sub-5-1TA), filed April 8, 1981. Applicant: DOUGLAS RUCKDASCHER, d.b.a. RUCKDASCHER TRUCK LINE, R.R. 1, Box 9, Postville, IA 52162.

Representative: Daniel O. Hands, 205 West Touhy Avenue, Suite 200-A, Park Ridge, IL 60068. *Food and related products, from the facilities of Hygrade Food Products Corporation at or near Postville, IA, and Jefferson, WI, to points in the U.S. in and east of MN, IA, MO, KS, AR and LA.* Supporting shipper: Hygrade Food Products Corporation, 26300 North Western Highway, Southfield, MI 48075.

MC 146814 (Sub-5-2TA), filed April 7, 1981. Applicant: VAN WYK, INC., "C" Street, Sheldon, IA 51201.

Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Meat and packinghouse products from Sioux County, IA to pts in the U.S.*

Supporting shipper: Hawarden of Iowa, Inc., P.O. Box 87, Hawarden, IA 51023.

MC 148152 (Sub-5-3TA), filed April 8, 1981. Applicant: K & H TRUCKING, INC., 3301 South Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne (same as applicant). (1) *Paint Coatings and Equipment and Supplies used in the manufacture, sale and distribution of Paint Coatings (Except Commodities in Bulk).* Between Columbus, OH, Atlanta, GA, and Birmingham, AL, restricted to shipments originating at or destined to the facilities of Hanna Chemical Coatings. Supporting shipper: Hanna Chemical Coatings, 1629 Vanderbilt Rd., Birmingham, AL 35234.

MC 148152 (Sub-5-4TA), filed April 8, 1981. Applicant: K & H TRUCKING, INC., 3301 South Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne (same as applicant). *Paint Coatings and Equipment and Supplies used in the manufacture, sale, and distribution of Paint Coatings (except Commodities in Bulk).* From points in OH, IL, IN, PA, NJ, NC, SC, and GA, to Birmingham, AL. Restricted to shipments originating at or destined to the facilities of Avondale Chemical Coatings, Inc. Supporting shipper: Avondale Chemical Coatings Co., Inc., Box 30116, Birmingham, AL 35222.

MC 148152 (Sub-5-5TA), filed April 8, 1981. Applicant: K & H TRUCKING, INC., 3301 South Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne (same as applicant). *Paint Coatings and equipment and supplies used in the manufacture, sale and distribution of Paint Coatings (except commodities in bulk).* From points in OH, IL, IN, PA, NJ, NC, SC, and GA, to Birmingham, AL, restricted to shipments originating at or destined to the facilities of Stabler Paint Mfg. Company. Supporting shipper: Stabler Paint Company, 2700 North 25th St., Birmingham, AL 35207.

MC 148152 (Sub-5-6TA), filed April 8, 1981. Applicant: K & H TRUCKING, INC., 3301 South Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne (same as applicant). (1) *Paint coatings (2) Equipment and supplies used in the manufacture, sale, and distribution of Paint Coatings (Except commodities in bulk).* From points in OH, IL, IN, PA, NJ, NC, SC, and Ga to Birmingham, AL. Restricted to shipments originating at or destined to the facilities of Indurall Coatings, Inc. Supporting shipper: Indurall Coatings, Inc., 3333 Tenth Avenue No., Birmingham, AL 35201.

MC 148209 (Sub-5-2TA), filed April 8, 1981. Applicant: MARRIOTT-RIDDLE, INC., Post Office Box 409, Green Forest, AR 72638. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville,

AR 72701. *New Furniture and Materials, Equipment and Supplies used in the manufacture, sale and distribution thereof—Between Boone and Washington Counties, AR, on the one hand, and, on the other, points in the U.S.* Supporting shipper: Harrison Furniture Company, Post Office Box 340, Harrison, AR 72601, P.F.I., Inc., Post Office Box 542, Springdale, AR 72764.

MC 149553 (Sub-5-4TA), filed April 7, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064. *Paper and paper products between the facilities of Union Camp Corporation at or near Lafayette, LA, and San Antonio, TX, on the one hand, and, points in LA, TX, OK, AR, MO, MS, KS, and CO on the other.* Supporting shipper: Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470.

MC 150578 (Sub-5-31TA), filed April 7, 1981. Applicant: STEVENS TRANSPORT, a DIVISION OF STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same as applicant). *Foods and Related Products from Chicago, IL; Denver, CO; Milpitas and Los Angeles, CA and their commercial zone to points in the U.S.* Restricted to traffic originating at the facilities of Fearn International, Inc. Supporting shipper: Fearn International, Inc., 9353 Belmont Ave., Franklin Park, IL 60131.

MC 150592 (Sub-5-9TA), filed April 7, 1981. Applicant: SUNFLOWER CARRIERS, INC., P.O. Box 561, 12th & Academy, York, NE 68467. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. *Food and related products, between pts in IA, on the one hand, and, on the other, pts in the U.S. (except AK, HI, and FL).* Supporting shipper: Hawkeye Wholesale Grocery Co., Inc., Dick Braverman, President, Highway 6 West, Iowa City, IA 55240.

MC 151158 (Sub-5-6TA), filed April 7, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: D. R. Beeler, 1261 Columbia Avenue, Franklin, TN 37064. *Motor cycles, parts, and accessories from Baton Rouge, LA and its commercial zone to Memphis, TN and its commercial zone.* Supporting shipper: M & S Cycle Shop, d.b.a. Honda of Millington, 5388 Pleasantview, Memphis, TN 38134.

MC 152650 (Sub-5-2TA), filed March 23, 1981. Applicant: SHAVER TRUCKING, INC., 3600 Highway 68 W.,

P.O. Box 104, Springdale, AR 72764. Representative: John C. Everett, 140 E. Buchanan, P.O. Box A, Prairie Grove, AR 72753. *Fresh and frozen meats and meat by-products* from all points and places in SD, NB, IA, MN, OH, WI, KS, MO, KY, CA, IL, and TX, to all points and places in TX, IL, IA, and CA. Supporting shipper: Agri-Energy Enterprises, Inc., 8918 Tesoro Dr., Suite 320, San Antonio, TX 78217.

MC 153962 (Sub-5-2TA), filed April 7, 1981. Applicant: NEBRASKALAND CONTRACT CARRIERS, INC., P.O. Box 1190, Kearney, NE 68847. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. *Contract, irregular: Metal products, machinery and building materials*, between pts in the U.S., under a continuing contract(s) with Modern Farm Systems, Inc. Supporting shipper: Modern Farm Systems, Inc., East 12704 Nora, Suite G, Spokane, WA 99216.

MC 155123 (Sub-5-1TA), filed April 7, 1981. Applicant: HIGHTOWER TRUCKS, INC., Highway 61 West, Fort Madison, IA 52627. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. (1) *Fertilizers and (2) anhydrous ammonia*, from Lee County, IA, to pts in IL and MO. Supporting shipper: Chevron Chemical Company, P.O. Box 282, Fort Madison, IA 52627.

MC 155145 (Sub-5-1TA), filed April 7, 1981. Applicant: FRED W. SMITH, d.b.a. FRED SMITH & SONS, Highway 2, West, Homer, LA 71040. Representative: Fred W. Smith (same as applicant). *Animal feeds, feed ingredients, fertilizers, paper bags, and related supplies*, between points in the states of AR, OK, TX, LA, and MS. Supporting shipper: Texas Farm Products Company, P.O. Box 9, Nacogdoches, TX 75961.

MC 155158 (Sub-5-1TA), filed April 7, 1981. Applicant: SEITZINGER ENTERPRISES, LTD., 920 Iowa Avenue, Onawa, IA 51040. Representative: D. Douglas Titus, Bikakis, Titus, Vohs & Storm, 340 Insurance Exchange Building, Sioux City, IA 51101. *Machinery, fabricated metal products, and supplies*, between pts in CA, CO, IL, IN, IA, KS, KY, MN, MO, NE, NJ, OH, SC, SD, and WI.

MC 155178 (Sub-5-1TA), filed April 8, 1981. Applicant: SPECIALIZED SERVICE EXPRESS, INC., 15 Court Street, Fort Smith, AR 72901. Representative: Troy R. Douglas (same as above). *General Commodities, except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment* (1) between points in states of AR, OK,

CO, KS, MO, TN and TX; (2) from points in AR, OK, CO, KS, MO, TN and TX on the one hand, and on the other, to points in the U.S. Supporting shippers: Coors Service Center Co., Sallisaw, OK; Rheem Mfg. Co., Fort Smith, AR; American Can Co., Fort Smith, AR.

MC 155181 (Sub-5-1TA), filed April 8, 1981. Applicant: TERRELL-JACKSON FARM SUPPLY COMPANY, INC., 135 Greenbriar, Sikeston, MO 63801. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101. *Limestone* from points in Union County, IL to points in Scott County, MO. Supporting shippers: Sikeston Board of Municipal Utilities, Fuel & Lime Supervisor, P.O. Box 370, Sikeston, MO 63801.

MC 155183 (Subs-5-1TA), filed April 8, 1981. Applicant: EVERETT TRENT AND MARION TRENT, d.b.a. J. H. TRENT & SONS, 2302 Fairlawn Drive, Carthage, MO 64836. Representative: Bruce McCarry, 910 Plaza Towers, Springfield, MO 65804. *Sand and lime in bulk in dump trucks and dump trailers* between points in OK on the one hand and points in MO on the other hand. Supporting shippers: McCabe-Woody & Company, Inc., 4717 S. Yale, Tulsa, OK 74135; Joplin Cement Co., Box 1000, Joplin, MO 64801; Coweta Sand and Gravel, Inc., Coweta, OK 74429; N&M Concrete, Inc., Box 525, Neosho, MO 64850.

MC 155185 (Sub-5-1TA), filed April 8, 1981. Applicant: GARY MEISTER, d.b.a. M&M WRECKER SERVICE, 2311 Fairlawn Drive, Carthage, MO 64836. Representative: Bruce McCarry, 910 Plaza Towers, Springfield, MO 65804. *Disabled and replacement vehicles and trailers*, (1) between points in the U.S. (except HI). Supporting shippers: 6.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 120249 (Sub-6-1TA), filed April 9, 1981. Applicant: GEORGE A. HORTON, d.b.a. ASHLAND-HARLO FREIGHT LINES, 640 St. Johns Ave., Billings, MT 59102. Representative: George A. Horton and/or Mary Lynne Horton Hobill (same as above). *Common carrier, Regular Routes: Class A General Commodities with no hazardous waste ever transported* between Billings, MT and the MT and N.D., border via Interstates 90 & 94 and excluding Miles City and Baker, MT via Hwy 12 serving all intermediate points now served in intrastate schedules, for 270 days; an underlying ETA seeks 120 days authority. Supporting shippers: L. M. Larsen, Inc., Box 227, Forsyth, MT 59327, Terry Chamber of Commerce, Terry, MT

59349, Manning International, Hysham, MT 59038.

MC 113531 (Sub-6-1TA), filed April 8, 1981. Applicant: B & M SERVICE, INC., Box 888, Rangely, CO 81648. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203. (1) *Machinery, equipment, materials and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, equipment, materials and supplies* used in, or in connection with the dismantling of pipelines, including the stringing and picking up thereof, between points in and west of ND, SD, NE, KS, OK and TX for 270 days. There are 21 shippers. Their statements may be examined at the office shown above.

MC 155189 (Sub-6-1TA), filed April 8, 1981. Applicant: R. B. BROWNS TRUCKING, INC., 5758 Crater Lake Hwy., Medford, OR 97501. Representative: Jerry R. Woods, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. *Lumber and lumber mill products*, from points in Douglas County, OR to points in CA, restricted to the transportation of traffic originating at the facilities of or used by P and M Lumber Products, Inc., for 270 days. Supporting shipper: P and M Lumber Products, Inc., P.O.B. 7349, Stockton, CA 95207.

MC 152238 (Sub-6-14TA), filed April 9, 1981. Applicant: CALIFORNIA-AMERICAN TRUCKING, INC., P.O.B. 288, Grenada, CA 96038. Representative: John R. Harleman (same address as applicant). *Contract Carrier; Irregular Routes: Gypsum wallboard, starch, paper, and vermiculite*, between the facilities of Western Gypsum Co. at or near Rosario, NM, on the one hand, and, on the other, points in CO, AZ, CA, TX, WY, KS, and MT, restricted to shipments moving under continuing contract(s) with Western Gypsum Co., Rosario, NM, for 270 days. Supporting shipper: Western Gypsum Co., P.O.B. 2636, Santa Fe, NM 87501.

MC 155222 (Sub-6-1TA), filed April 9, 1981. Applicant: DORRIGAN, INC., 3739 Hillsborough Drive, Concord, CA 94520. Representative: Donald R. Hedrick, Post Office Box 88, Norwalk, CA 90650. *Contract carrier, Irregular routes: Car care products*, between Azusa, CA, on the one hand, and, on the other, Cincinnati, OH and its commercial zone, for the account of Wynn Oil Company, for 270 days. Supporting shipper: Wynn

Oil Company 1151 W. 5th St., Azusa, CA 91702.

MC 121762 (Sub-6-3TA), filed April 8, 1981. Applicant: DRISKELL TRUCKING, INC., 4739 Durfee Ave., Pico Rivera, CA 90660. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. *Contract Carrier*, Irregular routes: (1) *Carpet, carpet padding and materials used in the sale and installation thereof*; and (2) *Expanded plastic articles, materials, equipment and supplies used in the manufacture and distribution thereof*. Between points in CA on the one hand, and, on the other, points in UT, NM, AZ, NV, OR, WA, ID, CO, CA, OK and TX, for 270 days. Supporting shippers: General Felt Industries, Inc., Park 80, Plaza West One, Saddlebrook, NJ 07662; Scott Paper Company, Scott Plaza II, Philadelphia, PA 19113.

MC 140643 (Sub-6-1TA), filed April 9, 1981. Applicant: EIGHT BALL LINE TRUCKING, INC., 2717 Goodrick Ave., Richmond, CA 94801. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Contract carrier*, irregular routes: *steel buildings and car ports KD, iron or steel articles and materials equipment and supplies used in the manufacture, distribution and assembly of steel buildings and car ports*, for the account of CUROCO between Albany, CA, on the one hand, and, on the other, points in CA, NV, OR, WA, ID, UT, CO, NM, AZ, WY, MT and TX, for 270 days. Supporting shipper: CUROCO, 536 Cleveland Ave., Albany, CA 94710.

MC 155225 (Sub-6-1TA), filed April 9, 1981. Applicant: PETER KARAGINES, d.b.a. FAST WAY FOODS, Post Office Box 1284, Brea, CA 92621. Representative: Donald R. Hedrick, Post Office Box 88, Norwalk, CA 90650. *Contract Carrier*, Irregular routes: *fruit flavored juice drinks, orange juice, and frozen orange juice concentrates*, from Fullerton, CA to points in AZ; and, Las Vegas, NV, for the account of World Citrus West, Inc., for 270 days. Supporting shipper: World Citrus West, Inc., 130 W. Santa Fe, Fullerton, CA 92632.

MC 96813 (Sub-6-1TA), filed April 8, 1981. Applicant: FISK TRUCKING AND TRANSFER COMPANY, 716 San Fernando Rd., Los Angeles, CA 90065. Representative: Gary Fisk (same as applicant). (1) *Aluminum ingots, billets, and pigs* from OR to CA (2) *Building Materials* from points in CA to points in OR and WA for 270 days. Supporting shipper: Elixir Industries, 17809 S. Broadway, Gardena, CA 90248.

MC 155223 (Sub-6-1TA), filed April 9, 1981. Applicant: HIGHWAY EXPRESS, INC., 5742 West Maryland, Glendale,

AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Contract carrier*, irregular routes: *computer peripheral machinery, materials, equipment, parts and supplies*, between Tucson and Nogales, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI) for the account of Memorex Corporation, for 270 days. Supporting shipper: Memorex Corporation, 4201 S. Santa Rita, Tucson, AZ 85713.

MC 155226 (Sub-6-1TA), filed April 9, 1981. Applicant: WILLIAM J. BARTLETT, d.b.a. J. B. TRANSPORT, P.O. Box 4487, Downey, CA 90241. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Contract carrier*, irregular routes, *General Commodities* (except Class A and B explosives). Between points in the U.S. under continuing contract(s) with Admiral Paperbox Corporation; Lazy Rest Shops, Ltd. and Humko Products Division of Kraft Foods, for 270 days. Supporting shippers: Admiral Paperbox Corporation, 3250 E. 70th Street, Long Beach, CA 90805; Lazy Rest Shops, Ltd., 220 East Santa Fe Ave., Placentia, CA 92670; Humko Products Division of Kraft Foods, 6301 Knott Ave., Buena Park, CA 90620.

MC 150255 (Sub-6-2TA), filed April 9, 1981. Applicant: LEPRINO TRANSPORTATION, INC., 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract carrier*, irregular routes: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of the Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from Sterling, Ft. Morgan and Denver, CO to points in IN, NY, OH and PA, under continuing contract(s) with Sterling Colorado Beef Company and Circle C Beef Company, for 270 days. Supporting shipper: Sterling Colorado Beef Company, POB 1728, Sterling, CO 80751.

MC 150793 (Sub-6-2TA), filed April 9, 1981. Applicant: MARINE TRANSPORT SERVICE, INC., P.O. Box 4523, Portland, OR 97208. Representative: Roger Weidner, 6825 S.W. Macadam, Portland, OR 97208. *Contract carrier*, Irregular routes, *General Commodities* (except class A and B explosives.) from points in CA, ID, OR, and WA, to points in the U.S. except AK, CA, ID, HI, OR, and WA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Marine Intermodal Cooperative

Association, P.O. Box 3589, Portland, OR 97208.

MC 126514 (Sub-6-30TA), filed April 9, 1981. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. *Paint, stains and varnishes, adhesive cement, balsawood, Film and sheeting, racks and stands and materials and supplies used in the manufacture and distribution of paints, stains, and varnishes* from Upland, CA to points East of U.S. Highway 85 for 270 days. Supporting shipper: Pactra Industries, Inc., 420 So. 11th Avenue, Upland, CA 91786.

MC 151471 (Sub-6-8TA), filed April 9, 1981. Applicant: STEINBECKER BROS., INC., P.O.B. 852, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Contract carrier*, irregular routes: *Meats meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of the Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), from Sterling, Ft. Morgan, and Denver, CO to points in CA, OR, WA, FL, NY and NJ, under continuing contract(s) with Sterling Colorado Beef Company and Circle C Beef Company, for 270 days. Supporting shipper: Sterling Colorado Beef Company, POB 1728, Sterling, CO 80751.

MC 155224 (Sub-6-1TA), filed April 9, 1981. Applicant: STEINFELD'S PRODUCTS CO., 10001 N. Rivergate Blvd., Portland, OR 97203. Representative: Richard L. Ferris (same as applicant). *Contract carrier*, Irregular routes: *Food and related items*, from points in WA to OR, for the account of Pepsi Cola Bottling Company, for 270 days. Supporting shipper: Pepsi Cola Bottling Company, East 4014 Sprague, Spokane, WA 99202.

MC 153318 (Sub-6-1TA), filed April 3, 1981. Applicant: AGILE FREIGHT SYSTEM, INC., 11514 Orum Rd., Los Angeles, CA 90049. Representative: Charles A. Webb, 1828 L St. N.W., Suite 1111, Washington, D.C. 20036. *General Commodities* (except classes A & B explosives, Bulk Commodities, Household Goods, as defined by the I.C.C., Specialized Heavy Hauling, Articles of unusual value, Hazardous Material Waste), between all points in CA having a prior or subsequent movement by rail or by freight forwarder or moving under freight forwarder bill of lading for 270 days.

Supporting shippers: There are 25 shippers. Their statements may be examined at the regional office listed.

MC 116645 (Sub-6-2TA), filed April 3, 1981. Applicant: BULK TRANSPORTERS, INC., P.O.B. 127, Gilcrest, CO 80623. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264. (1) *Molasses*, in bulk, between points in Wichita and Sedgwick Counties, KS on the one hand, and, on the other, Larimer, Morgan and Weld Counties, CO and Goshen County, WY and (2) *molasses and corn steep liquor*, in bulk, between Larimer, Morgan and Weld Counties, CO on the one hand, and, on the other Deaf Smith County, TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188.

MC 155150 (Sub-6-1TA), filed April 6, 1981. Applicant: CLAWSON TRUCKING COMPANY, INC., d.b.a. CLAWSON BROS., 1909 Mitchell, Ceres, CA 95307. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Talc and Equipment, Materials and Supplies used in the manufacture, mining and distribution of talc, mineral and/or asphalt filler* between Calaveras County, CA and points in OR, WA and UT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Certain Teed Corporation, P.O.B. 860, Valley Forge, PA 19482; Windsor Minerals, Inc., P.O.B. 680, Windsor, VT 05089; Western Source, Inc., P.O.B. 280, San Andreas, CA 95249.

MC 42487 (Sub-6-59TA), filed April 3, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Common carrier, regular routes: General commodities, (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Trempealeau County, WI, as off-route points in connection with carrier's existing regular route operations, for 270 days. (Transportation authorized will not include movement of hazardous wastes.)* Supporting shipper(s): Gale Products Division, Lake Center Industries, 419 West Mill Rd, Galesville, WI 54630; Blaschko Enterprises Corp., P.O.B. 45, Arcadia Industrial Park, Arcadia, WI 54612; Arcadia Furniture Corp., 350 Madison St., Arcadia, WI 54612; Etco Industries Division, American Trading and Production Corp., Ettrick, WI 54627.

Note.—Applicant intends to tack its existing authority to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers.

MC 154798 (Sub-6-1TA), filed April 3, 1981. Applicant: GW TRUCKING CO., INC., 734 E. Center St., Kaysville, UT 84037. Representative: Gary Garlick (same as applicant). *Contract Carrier, Irregular routes: Oilfield products and drilling mud additives (not in bulk), between Houston, TX and points in UT, WY, CO, and ND, for the account of Dowell Fluid Services, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Dowell Fluid Services, 5 S. Main, Coalville, UT.*

MC 89153 (Sub-6-1TA), filed April 6, 1981. Applicant: GAYLE T. McGARRY, d.b.a. EAGLE TRANSFER & STORAGE CO., P.O. Box F, Lewiston, ID 83501. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Empty Glass Bottles, from Sapulpa, OK, to Lewiston, ID, and Olympia, WA for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper(s): Idaho Beverages, Inc., 2108 1st Avenue, Lewiston, ID; and Columbia Beverages, Olympia, WA 98501.*

MC 1515 (Sub-6-13TA), filed April 2, 1981. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: R. L. Wilson (same address as applicant). *Common carrier, regular routes, passengers and their baggage and express and newspapers, in the same vehicle with passengers, between Buellton, CA and junction of California Highway 154 and U.S. Highway 101: from Buellton over California Highway 246 to junction California Highway 154, thence over California Highway 154 to junction U.S. Highway 101, south of Goleta, and return over the same route, serving all intermediate points for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC 1515. Supporting shippers: There are 11 shippers. Their statements may be examined at the Regional Office listed.*

MC 112391 (Sub-6-2TA), filed April 3, 1981. Applicant: HADLEY AUTO TRANSPORT, P.O. Box 96, Pico Rivera, CA 90660. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Contract carrier, irregular routes, Automobiles from points in the Denver, CO, commercial zone to points in CO and SD, under continuing contract(s) with Volvo of America Corporation of Rockleigh, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Volvo of*

America Corporation, One Volvo Drive, Rockleigh, NJ 07647.

MC 139906 (Sub-6-68TA), filed April 3, 1981. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O.B. 30303, Salt Lake City, UT 84127. Representative: Richard A. Peterson, P.O.B. 81849, Lincoln, NE 68501. *Bakery products (except those requiring refrigeration) from the facilities of Stella D'Oro Biscuit Co. Inc. at or near New York, NY and St. Elmo, IL, to points in the U.S. for 270 days. Supporting shipper: Stella D'Oro Biscuit Co. Inc., 184 West 237 Street, Bronx, NY 10463.*

MC 154634 (Sub-6-1TA), filed April 2, 1981. Applicant: ANTHONY A. GROSSMAN, GUADALUPE GARZA, and DONALD D. RESSELL, a partnership, d.b.a. J & G TRANSPORTATION, 16701 Edwards Rd., Cerritos, CA 90701. Representative: Anthony A. Grossmann (same as applicant). *Furnaces, air conditioners and parts; plastic or rubber articles; brass, bronze, copper, cupro-nickle, aluminum and articles made of same; equipment, materials or supplies necessary or incidental to the manufacture or distribution of the foregoing between AZ, CA, and NV, for 270 days. Supporting shippers: Grubbs Agencies, 2110 Tubeway, Commerce, CA 90040; Williams Furnace, 14540 Firestone Blvd., La Mirada, CA 90638; Reading Tube, 6180 Valley View St., Buena Park, CA 90620, Dayton Foundry, 1320 S. Alameda St., Compton, CA 90221.*

MC 155073 (Sub-6-1TA), filed April 2, 1981. Applicant: JOHNSON BROS. TRUCKING, INC., 4404 Wible Rd., Bakersfield, CA 93309. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. *Building and woodwork and prefabricated buildings from Bakersfield, CA to Los Angeles, and Long Beach, CA for export for 270 days. Supporting shipper: American Home Industries, Corp., 1400 Q St., Bakersfield, CA 93302.*

MC 154236 (Sub-6-2TA), filed March 23, 1981. Applicant: MAMMOTH OF CALIFORNIA, INC., d.b.a. MAMMOTH FREIGHT LINES, 6725 North Motel Dr., Fresno, CA 93711. Representative: Edward L. Fanucchi, 2409 Merced St., Suite 3, Fresno, CA 93721. *Contract Carrier, irregular routes: Returned or defective merchandise, (not in bulk), from points in NV to Fresno, CA, for 270 days. Supporting shipper: Ardan, Inc., 2534 San Benito, Fresno, CA 93721.*

MC 730 (Sub-6-17TA), filed April 3, 1981. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25

North Via Monte, Walnut Creek, CA 94598. Representative: Alfred G. Krebs (same address as applicant). Common Carrier: *Regular Routes: General commodities, except classes A and B explosives*. Serving points in Emery and Carbon Counties, UT as off-route points in connection with carrier's otherwise authorized regular route operations, for 270 days. Supporting Shipper: Utah Power & Light Company, P.O. Box 899, Salt Lake City, UT 84110.

Note.—Applicant requests authority to tack and interline. Common control may be involved.

MC 138624 (Sub-6-3TA), filed April 6, 1981. Applicant: CLIFF REED, INC., Route 1, Box 510, Corvallis, MT 59628. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Lumber and lumbermill products*, between points in WA, OR, CA, NV, ID, MT, WY, UT, CO, ND, SD, and NE, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Champion International Corporation, Knightsbridge Dr., Hamilton, OH 45020.

MC 52465 (Sub-6-3TA), filed April 6, 1981. Applicant: RICE TRUCK LINES, P.O.B. 395, Black Eagle, MT 59414. Representative: Ray F. Koby, P.O.B. 2567, Great Falls, MT 59403. *Petroleum and Petroleum Products*, in bulk, from points in MT to points WY, for 270 days. Applicant has filed an underlying 120 days ETA. Supporting shippers: Mountain States Petroleum Corp., 2341 First Ave. S., Billings, MT 59101; Montana Petroleum Supply, Inc., 3317 First Ave. S., Billings, MT 59101.

MC 138875 (Sub-6-51TA), filed April 6, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same as applicant). *Plumbing supplies* from Ford City, PA to Caldwell, ID, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Familian Sierra Craft, 710 North 11th St., Caldwell, ID 83605.

MC 155142 (Sub-6-1TA), filed April 6, 1981. Applicant: SOBEK EXPEDITIONS, INC., P.O. Box 7007 (1.7 miles South of Angels Camp on Hwy. 49), Angels Camp, CA 95222. Representative: Richard Shapiro (same as applicant). *Passengers and their baggage* in vehicles of 15 passenger or less capacity in special operations from San Francisco, CA and Denver, CO to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY for 180 days. Supporting shippers: There are eleven supporting shippers. Their statements may be examined at the Regional Office listed.

MC 155122 (Sub-6-1TA), filed April 3, 1981. Applicant: WESLEY H. DIGGS, an individual, d.b.a. SUNSET TRAILS, 239 East 76th Place, Los Angeles, CA 90003. Representative: Same as applicant. *Passengers and their baggage*, in special or charter service, between Los Angeles and Orange Counties, CA and Las Vegas, NV, for 180 days. Supporting shippers: Silver Square Lodge #9, 3620 Genesee Avenue, Los Angeles, CA 90016; Temple of God Missionary Baptist Church, 7711 So. Central Avenue, Los Angeles, CA 90001.

MC 155072 (Sub-6-1TA), filed April 2, 1981. Applicant: TERRY W. JONES, d.b.a. T. J. TRUCKING, 90289 Shore Ln., Eugene, OR 97402. Representative: Terry W. Jones (same as applicant). *Contract Carrier*, Irregular routes: *Malt Beverages and Wine* from Solano, Santa Clara, Madera, San Benito, San Joaquin, Stanislaus Counties in CA to points in OR for the account of McDonald Candy Co., Inc., d.b.a. Western Beverage Co. for 270 days. Supporting shipper: McDonald Candy Co., Inc., d.b.a. Western Beverage Co., 2350 W. Broadway, Eugene, OR 97402.

MC 128254 (Sub-6-1TA), filed April 6, 1981. Applicant: THEODORE SAVAGE, 16061 Warren Lane, Huntington Beach, CA 92649. Representative: Donald R. Hedrick, P.O.B. 88, Norwalk, CA 90650. *Contract Carrier*, Irregular routes: *General commodities, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring the use of special equipment*, from Los Angeles, CA to the Dallas-Fort Worth and Houston, TX airports; and, from the Dallas-Fort Worth and Houston, TX airports to Las Vegas, NV, for the account of WTC Air Freight, for 270 days. Supporting shipper: WTC Air Freight, 8900 Bellanca Ave., Los Angeles, CA 90045.

MC 150433 (Sub-6-2TA), filed April 2, 1981. Applicant: CRUSE H. THOMASON, Second and Houston, Yuma, CO 80759. Representative: Pam Phifer (same as applicant). *Contract Carrier*, Irregular routes: *Anhydrous Ammonia*, from Sheerin, TX, and Friend, KS to points in Yuma County, CO, for the account of Northeast Fertilizer and Chemical Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Northeast Fertilizer and Chemical Co., Eckley, CO 80727.

MC 26396 (Sub-6-65TA), filed April 2, 1981. Applicant: THE WAGGONERS TRUCKING, P.O.B. 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O.B. 82028, Lincoln, NE 68501. *Lumber or wood products* (STCC 24)

between points in Beltrami County, MN on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, PA, SD, TN, TX, UT, WA, WV, WI and WY, for 270 days. Supporting shipper: The Mead Corporation, Courthouse Plaza, NE, Dayton, OH 45463.

MC 74321 (Sub-6-1TA), filed April 3, 1981. Applicant: B. F. WALKER, INC., P.O.B. 17-B, Denver, CO 80217. Representative: Dale E. Isley, 50 S. Steele St., Suite 330, Denver, CO 80209. *Such commodities as are dealt in or used by manufacturers and distributors of cast iron products*, between the facilities of Griffin Pipe Products Co., at or near Lynchburg, VA, on the one hand, and, on the other, points in AL, GA, KY, MD, NC, SC, WV, PA, OH, MI, IN, IL, WI, MO, NJ, NY, DE, and KS, for 270 days. Supporting shipper: Griffin Pipe Products Co., 2000 Spring Rd., Oak Brook, IL 60521.

MC 155156 (Sub-6-1TA), filed April 6, 1981. Applicant: JERRY POPOVICH, d.b.a. B & J DISTRIBUTORS, RR #1, Wynndel, B.C. CD VOB 2NO. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Lumber and Wood products* between points on the International Boundary Line between the U.S. and Canada in WA, ID, MT and points in WA, ID and OR for 270 days. Supporting shipper: Brady International Hardwoods, 3002 Lind Ave., S.W., Renton, WA 98055; Hardwoods International, #6, 3834 54th Ave., S.E., Calgary, Alberta; Rocky Mountain Woodcraft Ent. Ltd., #34 4216 54th Ave., S.E., Calgary Alberta, Canada; Delta Pacific Lumber Co. Ltd., 1352A Hastings Ave., S.E., Calgary, Alberta, Canada.

MC 155159 (Sub-6-1TA), filed April 7, 1981. Applicant: R & R VISIONS, INC., d.b.a., B & N TRUCKING CO., 9768 Maine St., Lakeside, CA 92040. Representative: William R. Daly, P.O. Box 20521, San Diego, CA 92120. *Contract carrier*, irregular routes, *Electrical Equipment*, from Los Angeles County, CA to points in NY, IL, OH, NJ, TX, PA, FL, AZ, GA, MI, WA, OR and DC under a continuing contract or contracts with Teledyne-Inet, located in Torrance, CA for 270 days. Supporting shipper: Teledyne Inet, 2750 W. Lomita, Torrance, CA 90509.

MC 134387 (Sub-6-12TA), filed April 7, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Appliances*, from Phoenix, AZ to points

in Los Angeles, Orange, Riverside and San Diego Counties, CA, for 270 days. Supporting shipper: Applacance T. V.—City, 2202 S. 7th St., Phoenix, AZ 85040.

MC 155157 (Sub-6-1TA), filed April 6, 1981. Applicant: G & T TRUCKING, INC., Rt. 4 Box 4322, Rainier, OR 97048. Representative: Robert C. Gilbert, Rt. 4 Box 4322-B, Rainier, OR 97048. *Frozen assorted vegetables in steamship containers between Portland, OR and Seattle, WA on the one hand, and Boise, Caldwell, and Twin Falls, ID on the other hand, for 270 days. Supporting shipper(s): Japan Line (U.S.A.) LTD., 101 S.W. Main, Suite 1060, Portland, OR 97204.*

MC 125996 (Sub-6-6TA), filed April 6, 1981. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Such commodities as are dealt in or used by manufacturers and distributors of welding supplies and welders between Outagamie and Winnebago Counties, WI, on the one hand, and, on the other, points in WA, OR, CA, AZ, NV, ID, UT, MT, WY, CO, NM and TX, for 270 days. Supporting shipper: Miller Electric Manufacturing Co., P.O. Box 1087, Appleton, WI 54911.*

MC 154571 (Sub-6-1TA), filed April 6, 1981. Applicant: SOUTHERN INTERIOR HOLDINGS, LTD. d.b.a. SOUTHERN INTERIOR EXPRESS, P.O. Box 1519, Creston, B.C., Canada V0B 1G0. Representative: Herbert G. Rennich (same as applicant). *Contract Carrier, Irregular routes: Compressed wood waste pellets, between ports of entry on the U.S./Canada border at or near Boundry & Northport, WA on the one hand, and, on the other, Steilacoom, WA for the account of Sunwest Energy for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Sunwest Energy, 19707 64 Ave. W., Suite 108, Lynnwood, WA 98036.*

MC 155155 (Sub-6-1TA), filed April 6, 1981. Applicant: E. S. VAN ETEN AND LYLE E. VAN ETEN d.b.a. VAN ETEN TRUCKING, Umatilla Trailer Park, Lot No. 18, Umatilla, OR 97882. Representative: E. S. Van Eten (same as applicant). *Contract Carrier, Regular routes: Gravel in bulk from Jones Scott gravel pit in Umatilla, OR to Jones Scott yard in Walla Walla, WA. For the account of Jones Scott, for 270 days. Supporting shipper: Jones-Scott Co., Walla Walla, WA.*

MC 112989 (Sub-6-15TA), filed April 6, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 S., Eugene, OR 97405. Representative: John T.

Morgans (same as applicant). *Salt and salt products, from Multnomah County, OR to points in WA for 270 days. Supporting shipper: Leslie Salt Co., 7220 Central Ave., Newark, CA 94560.*

MC 154882 (Sub-6-2TA), filed April 6, 1981. Applicant: WESTERN BOTTLING CO., E. 4014 Sprague Ave., Spokane, WA 99202. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. *Contract carrier, irregular routes, bulk liquid sugar from Spokane, WA, to points in ID and WA, under continuing contracts with ADM Corn Sweeteners, for 270 days. Supporting shipper: ADM Corn Sweeteners, 1849 Old Bayshore Blvd., Suite 320, Burlingame, CA 94010.*

MC 150207 (Sub-6-2TA), filed April 6, 1981. Applicant: WILLIAM FRANK SUMSTINE, 241 Youngs Lane, Roseburg, OR 97470. Representative: William Frank Sumstine (same as applicant). *Automobiles in driveway service from points in the U.S., except AK and HI, to facilities of Ford Motor Dealers in OR and from points in OR to facilities of Ford Motor Dealers in the U.S., except AK and HI, for 270 days. Supporting shipper: Ford Motor Credit Company, 2350 Oakmont Way, Eugene, OR 97440.*

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11783 Filed 4-17-81; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-C-10799]

Petition for Declaratory Order, Transportation of Hazardous Wastes

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Declaratory Order Proceeding.

SUMMARY: In response to petitions filed by the Hazardous Waste Services Association (HWSA), the National Tank Truck Carriers Inc. (NTTC), and the Commission's Office of Consumer Protection (OCP), the Commission is instituting a declaratory order proceeding to determine whether hazardous wastes are "property" within the meaning of 49 U.S.C. 10521. In Administrative Ruling No. 130, OCP tentatively ruled that authority from the Commission is required for the for-hire transportation of hazardous materials and toxic wastes. Petitioners HWSA and NTTC request a formal ruling from the Commission that the transportation of hazardous wastes is exempt from Commission regulation. OCP seeks a formal ruling essentially affirming its position in Administrative Ruling No. 130.

DATES: Comments are due May 20, 1981.

ADDRESS: Send an original and, if possible, 15 copies of comments to:

MC-C-10799, Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of comments to petitioners' representatives:

Austin P. Olney, Suite 1100, 1333 New Hampshire Avenue, NW., Washington, DC 20036;

Clifford J. Harvison, National Tank Truck Carriers, Inc., 1616 P Street, NW., Washington, DC 20038.

FOR FURTHER INFORMATION CONTACT:

Karl Morell, (202) 275-7953

or

Edward E. Guthrie, (202) 275-7691.

SUPPLEMENTARY INFORMATION: On November 18, 1980, the Commission's Office of Consumer Protection (OCP), issued a tentative ruling which provides that authority from the Commission is required for the transportation of hazardous materials and toxic wastes in interstate or foreign commerce by for-hire carriers. Administrative Ruling No. 130, Transportation of Toxic Wastes, 45 FR 78246 (1980). OCP's ruling was based primarily on the decision in *Nuclear Diagnostic Labs., Contr. Car. Applic.*, 131 M.C.C. 578 (1979), where the Commission concluded that it has jurisdiction over the for-hire transportation of radioactive waste materials destined for burial.

By petition filed February 12, 1981, the Hazardous Waste Services Association (HWSA), requests the Commission to stay Administrative Ruling No. 130 pending reconsideration, or, alternatively, to issue a declaratory order removing all controversy and uncertainty concerning the validity of the ruling. By petition filed February 27, 1981, National Tank Truck Carriers, Inc. (NTTC), seeks a declaratory order from the Commission reversing Administrative Ruling No. 130 to the extent that it pertains to the transportation of hazardous wastes. By pleading filed March 4, 1981, OCP opposes HWSA's motion to stay, and requests the Commission to issue a declaratory order affirming OCP's position in Administrative Ruling No. 130.

Administrative Rulings are issued by OCP for purposes of stating that office's views on the correct interpretation of the Interstate Commerce Act and the Commission's rules in the absence of authoritative decisions on the matters by the Commission. The rulings, however, are not binding on the Commission when the matter is

presented in an appropriate proceeding. Also, OCP, in opposing the motion to stay, states that presently it is only conducting investigations, and that no active enforcement directed at the unauthorized transportation of hazardous wastes will commence in the next several weeks. In these circumstances, HWSA's request for a stay is denied. We believe, however, that petitioners are correct in noting that an ambiguity exists with regard to whether authority is required from this Commission for the for-hire transportation of hazardous wastes. Accordingly, we shall exercise our discretion to issue a declaratory order to clarify this matter.

HWSA attacks Administrative Ruling No. 130 essentially on two grounds. First, it contends that the ruling is invalid because it is in excess of the Commission's statutory authority. It points out that the ruling is based on the decision in *Nuclear Diagnostic, supra*, where the Commission decided to retain jurisdiction over the transportation of radioactive waste materials because of the Commission's duty to ensure adequate transportation is available. HWSA argues that the Commission cannot assert jurisdiction over the transportation of hazardous materials solely on the need to ensure adequate service for the public. It also argues that the ruling conflicts with the policy of reduced Federal regulation as expressed by Congress in the Motor Carrier Act of 1980. It further argues, in this regard, that the transportation of hazardous materials is already subject to extensive regulation by the Environmental Protection Agency (EPA) and the Department of Transportation (DOT), and that the additional regulation by this Commission would subject motor carriers of hazardous materials to an overly complicated maze of Federal regulations. HWSA contends that Administrative Ruling No. 130 is procedurally invalid because it constitutes a final rule of substantive law which is the product of neither an adjudicatory nor a rulemaking proceeding as required by the Administrative Procedure Act.

NTTC raises essentially three arguments in opposition to Administrative Ruling No. 130. First, it contends that the ruling ignores Commission and judicial precedent holding that commodities of no value, or negative value, are not subject to Commission regulation. See *Joray Trucking Corp. Common Carrier Application*, 99 M.C.C. 109 (1965). It also argues, in this regard, that the reliance in the ruling on the *Nuclear Diagnostic*

decision is misplaced in that, unlike radioactive wastes, carriers are not refusing to handle shipments of hazardous wastes, but rather are actively soliciting such traffic.

Second, NTTC contends that Congress, in recently enacting three separate pieces of legislation which specifically deal with the transportation of hazardous wastes, failed to create any regulatory role for the Commission regarding the transportation of such commodities. It points out that Congress, in section 30 of the Motor Carrier Act of 1980, transferred from this Commission to DOT the power to regulate mandatory levels of financial responsibility for motor carriers and specifically assigned a mandatory minimum level of financial responsibility (\$1,000,000) for carriers of hazardous wastes. Also, the Resource Conservation and Recovery Act and the Comprehensive Environment Response, Compensation, and Liability Act of 1980 (Superfund) specifically assign to EPA and DOT the task of overseeing, among other things, the transportation of hazardous wastes. NTTC contends that these three pieces of legislation demonstrate that Congress chose to deal with the problems associated with the transportation of hazardous wastes in the context of social, and not economic, regulation.

NTTC acknowledges the fact that section 306(c) of the Superfund legislation increases the penalties for the unauthorized transportation of hazardous wastes. Section 306(c) adds a new subsection (h)(1) to 49 U.S.C. 11901 which provides as follows:

(h)(1) A person subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title, or an officer, agent, or employee of that person, and who is required to comply with section 10921 of this title but does not so comply with respect to the transportation of hazardous wastes as defined by the Environmental Protection Agency pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Congress) shall, in any action brought by the Commission, be liable to the United States for a civil penalty not to exceed \$20,000 for each violation.

NTTC argues, however, that this provision is not, in and of itself, a mandate for the Commission to regulate hazardous wastes, but rather merely notes that the Commission has discretion to control entry into the for-hire transportation of these commodities.

Third, NTTC notes that EPA and DOT have established comprehensive regulatory and enforcement provisions covering virtually all aspects of

hazardous waste transportation. Therefore, it contends that Administrative Ruling No. 130 merely creates an unnecessary and burdensome duplication of Federal oversight and serves no public purpose.

OCP contends that Administrative Ruling No. 130 is not a statement of new policy, but rather a reiteration of the fact that the Commission has exercised its jurisdiction over the transportation of hazardous wastes. In support of its contention, OCP maintains that the Commission has historically granted motor carrier authority to transport hazardous waste materials. It acknowledges, however, that there remains some uncertainty in the industry as to whether authority for the transportation of such commodities is required from the Commission.

OCP argues that the same public policy which prompted the Commission to assert jurisdiction over the transportation of nuclear wastes in *Nuclear Diagnostics, supra*, clearly applies to the transportation of all hazardous wastes. It contends that the public's concern that hazardous wastes be disposed of safely requires the Commission to assert its jurisdiction over the transportation of hazardous wastes to ensure the availability of an adequate and economical supply of equipment to transport these commodities to safe, licensed dump sites. OCP also argues that the Commission's responsibilities, in this regard, are clearly defined in the Superfund legislation. It contends that section 306(c) of the Superfund legislation clearly demonstrates Congress' concern over the widespread transportation of hazardous wastes by unauthorized carriers. Finally, OCP argues that, while EPA and DOT regulate certain aspects of hazardous waste transportation, there is a void which only this Commission can fill. It contends that neither EPA nor DOT is authorized to scrutinize the fitness of carriers seeking to engage in the transportation of hazardous wastes. It maintains that only this Commission is empowered to determine which carriers may haul such commodities and, in so doing, take into account the carriers' safety records and compliance with EPA regulations.

No oral hearing is contemplated. Any person (including petitioners) desiring to participate in this proceeding shall file with the Commission an original and 15 copies of written representations, views, and arguments. A copy of each representation also shall be filed on petitioners' representatives.

This action does not appear to affect significantly either the quality of the human environment or conservation of energy resources.

It is ordered:

Pursuant to 5 U.S.C. 554(e) and in the sound exercise of our discretion, a declaratory proceeding is instituted.

Decided: April 14, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11845 Filed 4-17-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: April 15, 1981.

In recent decisions, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.6-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 19.0-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators. However, we are ordering the maximum surcharge for United Parcel Service and the bus carriers be reduced to 2.1 and 6.9-percent, respectively.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered: This decision shall become effective Friday 12:01 a.m. April 17, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp,

Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

April 13, 1981.

Appendix—Fuel Surcharge

Base date and price per gallon (including tax)	
January 1, 1979	63.5¢
Date of current price measurement and price per gallon (including tax)	
April 13, 1981	133.4¢

	Transportation performed by—			
	Owner operator ¹	Other ²	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (includes taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.6	3.2	6.9	*2.9
Percent surcharge allowed	19.0	3.2	6.9	*2.1

¹ Apply to all truckload rated traffic.

² Including less-than-truckload traffic.

*The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

*The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-11854 Filed 4-17-81; 8:45 am]

BILLING CODE 7035-01-M

[F.D. No. 29455 (Sub-No. 6); ¹ F.D. No. 29455 (Sub-No. 7)]

Illinois Terminal Railroad Co.—Abandonment of Certain Bridge Trackage Rights—Petition for Exemption and Chicago & Northwestern Transportation Co.—Acquisition of Line of Illinois Terminal Railroad Co. and of Trackage Rights Over Norfolk & Western Railway Co.—Petition for Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemptions and of letter-statement alleging lack of Commission jurisdiction.

SUMMARY: In F.D. 29455 (Sub-No. 6), Illinois Terminal Railroad Company (IT), has filed a petition under 49 U.S.C. 10505 requesting exemption from 49 U.S.C. 10903 *et seq.* in connection with the proposed abandonment of certain trackage rights agreements it has with Chicago & Northwestern Transportation Company (C&NW), Illinois Central Gulf Railroad Company (ICG) and Consolidated Rail Corporation (Conrail). The only shippers served by IT along these trackage rights are located on

¹ Also embraces Finance Docket No. 29455 (Sub-Nos. 1-5).

short track segments IT plans to transfer to the C&NW, ICG and Conrail. These rail assets are not part of the proposed purchase by the Norfolk and Western Railway Company (NW) of the principal assets and equipment of IT in Finance Docket No. 29455 (Sub-Nos. 1-5). The proposed IT conveyances and abandonment of trackage rights are contingent upon Commission approval of the applications contained in Finance Docket No. 29455 (Sub-Nos. 1-5).

(2) In F.D. 29455 (Sub-No. 7), C&NW has filed a petition under 49 U.S.C. 10505 requesting exemption from 49 U.S.C. 11343 *et seq.* in connection with its proposed trackage rights agreement over NW between Le Claire and Federal, IL, and its proposed acquisition from IT of 12,000 feet of track between Wilson and Monterey, IL. Both transactions are contingent upon Commission approval of the applications contained in Finance Docket No. 29455 (Sub-Nos. 1-5).

(3) Conrail intends to acquire certain IT peripheral rail assets, if the applications contained in Finance Docket No. 29455 (Sub-Nos. 1-5) are approved. Conrail has filed a letter with the Commission asserting that 49 U.S.C. 10907 exempts Conrail's proposed acquisition from Commission jurisdiction.

DATES: Comments must be received 20 days after this publication in the Federal Register. Pleadings should refer to Finance Docket No. 29455 (Sub-Nos. 6 and 7).

ADDRESS: Send comments to: Section of Finance, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245 or Ernest B. Abbott, (202) 275-3002.

SUPPLEMENTARY INFORMATION: On December 22, 1980, the Norfolk and Western Railway Company (NW) and Illinois Terminal Railroad Company (IT) jointly filed an application under 49 U.S.C. 11343 seeking approval for NW to purchase the principal assets and equipment of IT. A number of related trackage rights applications and a securities application were filed on the same day.¹ The NW/IT joint application includes a "Coordination Agreement and Plan for Liquidation of Assets" (Plan), which includes conveyance of certain IT peripheral assets to carriers

¹ By Decision and Notice served January 21, 1981 the applications contained in Finance Docket No. 29455 (Sub-Nos. 1-5) were accepted for consideration by the Commission.

By decision served March 18, 1981 the applications were set for limited oral hearings and modified procedure.

other than NW. The Plan also provides for the abandonment by IT of trackage rights agreements with C&NW, ICG and Conrail and the acquisition of certain trackage rights over NW by C&NW.

The purpose of this notice is to advise interested persons of two exemption petitions and a letter that have been filed respecting the IT Plan.

These documents request us to exempt from our jurisdiction (or find that we lack jurisdiction over) the various transactions necessary to implement the disposition and coordinations of IT "peripheral" assets. The same request is made respecting the C&NW/NW proposed trackage rights agreement.

The documents and involved trackage are as follows:

(1) IT exemption petition filed February 6, 1981:

IT-ICG transaction. IT proposes abandonment of its trackage rights over ICG between:

- (i) Decatur and Champaign, IL. (40.92 miles),
- (ii) Wood River and Springfield, IL. (77.08 miles), and
- (iii) Springfield (Starnes) and Kenney, IL. (33.84 miles).

In addition, IT proposed to deed to ICG small amounts of trackage (none exceeding 8,000 ft.) at Carlinville, Bondville, Champaign and Staleys, IL. These four track segments are the only authorized service points along IT's trackage rights over ICG. In all other respects the trackage rights are "bridge rights". That is, IT serves no shippers except those located on its own property. After transfer of IT's principal assets to NW, IT plans to convey these track segments to ICG. This transfer will make the associated trackage rights useless. Accordingly, IT intends to abandon the rights. In its petition, IT seeks exemption from the abandonment requirements of 49 U.S.C. 10903 *et seq.*

IT has not filed an application under 49 U.S.C. § 11343, or requested exemption from regulation, with respect to its transfer of the four track segments to ICG. Similarly, ICG has not filed an application or an exemption for authority to acquire the IT trackage. IT and ICG apparently view these transfers as beyond our jurisdiction under 49 U.S.C. 10907(b).

IT-C&NW transaction. IT proposes abandonment of its trackage rights over C&NW between Edwardsville and Wilson, IL (31.99 miles).

This line is owned by C&NW, but, as in the case with ICG, IT has bridge trackage rights over the line. IT owns about 2.3 miles of track between Wilson and Monterey Mine, IL. After transfer of IT's principal assets to NW, IT proposes

to deed its Monterey trackage to C&NW to ensure continued service to Monterey Mine. This conveyance will render IT trackage rights over C&NW useless. Therefore, IT requests exemption from the requirements of 49 U.S.C. 10903 *et seq.* with respect to abandonment of the trackage rights.

C&NW, as discussed below, has filed an exemption petition requesting relief from the requirements of 49 U.S.C. 11343 *et seq.* with respect to its acquisition of the Monterey segment.

IT-Conrail transaction. IT proposes abandonment of its trackage rights over Conrail between Champaign to Delong, IL (18.47 miles).

This line is owned by Conrail with IT again possessing bridge trackage rights only. IT owns trackage along this line at Fulls (898 ft.), Glover (3,991 ft.) and Delong (3,109 ft.) and provides service at those points to, in all, 4 shippers and 2 team tracks. After transfer of IT's principal assets to NW, IT proposes to deed these trackage segments to Conrail. This conveyance will render IT's trackage rights over Conrail useless. IT requests exemption from the abandonment requirements of 49 U.S.C. 10903 *et seq.*

As discussed below, Conrail believes its acquisition of the IT properties is not subject to our jurisdiction.

(2) C&NW exemption petition (filed March 6, 1981):

C&NW requests us to exempt its proposed acquisition of 2.3 miles of IT trackage between Wilson and Monterey Mine, IL from the requirements of 49 U.S.C. 11343 *et seq.*

C&NW also seeks exemption from the requirements of 49 U.S.C. 11343 *et seq.* regarding a proposed trackage rights agreement with NW between Le Claire (Edwardsville) and Federal (Alton), IL. This 16.7 mile stretch of track is currently owned by IT but will be acquired by NW if we approve NW's application in F.D. 29455 (Sub-Nos. 1-5). The proposed trackage rights will enable C&NW to connect with Burlington Northern Inc., (BN) at Federal. Thus, through unit trains will be able to operate from Monterey Mine to Federal exclusively over C&NW.

(3) Conrail letter (received March 18, 1981):

Conrail intends to acquire small segments of IT track at Fulls, Glover and Delong, IL—all located on Conrail's Champaign-Delong line (18.47 miles). The longest piece of IT track to be acquired is 3,991 ft.

Conrail submits that the IT trackage is "spur, industrial, team, switching or side tracks" within the meaning of 49 U.S.C. 10907(b), and thus that the transfer of this trackage is outside our jurisdiction.

Discussion

Under 49 U.S.C. 10505, we may exempt a transaction involving a rail carrier from the application of the Interstate Commerce Act (Subtitle IV, Title 49, United States Code). In granting an exemption we must find (1) that our regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a and (2) that either the transaction is of limited scope, or the application of a provision of the Interstate Commerce Act is not necessary to protect shippers from the abuse of market power.

As discussed above, all of the proposed transactions are predicated upon our ultimate approval of the application in Finance Docket No. 29455 (Sub-Nos. 1-5). Thus, any exemptions granted at this time would have to be conditioned upon approval and consummation of the underlying transactions. Moreover, the precise extent of exemptions, and their relationship to each other, is not clear from the petitions. For example, the map of the IT system submitted in Finance Docket 29455 (Sub-Nos. 1-5) does not indicate the location of several of the points involved in the exemption requests.

Public comment is also desired on Conrail's position, and the apparent position of IT and ICG, that the transfer of IT trackage to ICG and Conrail is outside our jurisdiction under 10907(b). We do not have sufficient information before us to determine whether all of the "islands" of IT trackage to be transferred are indeed spur, industrial, team, switching or side tracks. Accordingly, we are requesting public comment on both the exemption petitions and on Conrail's suggestion of lack of jurisdiction. Under these circumstances, it appears appropriate to provide an opportunity for a proceeding before ruling on the various exemption requests. See Ex Parte No. 400, *Modification of Procedure for Handling Exemptions Filed Under 49 U.S.C. 10505* (served December 29, 1980), at 3-4. All comments filed in response to this notice, along with the petitions and letter, will be used to determine whether or not exemptions under 49 U.S.C. 10505 should be granted and whether jurisdiction exists regarding the acquisition of IT properties by Conrail, ICG and C&NW.

These proceedings are instituted under the authority of 49 U.S.C. 10505 and pursuant to 5 U.S.C. 553, 559.

These proceedings are not a major federal action significantly affecting

energy consumption or the quality of the human environment.

Dated: April 10, 1981.

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

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-11837 Filed 4-17-81; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. 78; S.O. No. 1344]

Railroads; Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Wabash Valley Railroad Company is unable to transport traffic over its line between Paris and Decatur, Illinois, because of the termination of its Designated Operators Agreement with the State of Illinois.

It is ordered,

(a) *Rerouting traffic.* The Wabash Valley Railroad Company (WVRC) being unable to transport traffic over its line between Paris and Decatur, Illinois, because of the termination of its Designated Operators Agreement with the State of Illinois, that line's connections are authorized to divert or reroute any traffic destined to Decatur, Illinois, over WVRC via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements

now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 10:00 a.m., April 2, 1981.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1981, unless otherwise modified, amended or vacated.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 2, 1981.
Interstate Commerce Commission.

Joel E. Burns,
Agent.

[FR Doc. 81-11836 Filed 4-17-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

Report to the President

April 14, 1981.

To the President:

In accordance with Executive Order 11377 of October 23, 1967, to assist the President in the exercise of his authority under headnote 3, to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (TSUS) (79 Stat. 948; 19 U.S.C. 1202), the U.S. International Trade Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1980, the basis for that estimate, and information on U.S.

consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms for 1980. For convenience, the Commission also reports corresponding data for broom corn brooms for the years 1978 and 1979 and data for competitive brooms for 1978.

Estimated Consumption of Broom Corn Brooms

In the judgment of the Commission, consumption of brooms wholly or in part of broom corn in the calendar years 1978, 1979, and 1980 was as follows:

Brooms Wholly or in Part of Broom Corn: U.S. Consumption, 1978, 1979, and 1980

[In dozens]			
Type of broom	1978 ¹	1979 ²	1980
Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive	375,861	348,306	342,414
Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive	2,277,417	2,079,951	2,061,176

¹ As reported to the President on April 16, 1979.

² As reported to the President on March 31, 1980.

Source: Compiled from data supplied by U.S. producers and the U.S. Customs Service.

Basis for the Commission's Judgment With Respect to Broom Corn Brooms

The Commission estimated consumption of broom corn brooms in 1980 by the same methods it used to estimate consumption in its previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and then subtracting the quantity of exports. Data on imports were obtained from the U.S. Customs Service; data on shipments and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms were as shown in the following table.

Whiskbrooms Provided for in TSUS Items 750.26 to 750.28, Inclusive, and Other Brooms Provided for in TSUS Items 750.29 to 750.31, Inclusive: U.S. Producers' Shipments, Imports, Exports, and Apparent Consumption, 1978, 1979, and 1980

[In dozens]			
Item	1978 ¹	1979 ²	1980
Whiskbrooms provided for in TSUS items 750.26 to 750.28, inclusive			
U.S. producers' shipments	274,103	241,062	254,803
Imports	102,021	107,420	87,769
Exports	263	176	158

Whiskbrooms Provided for in TSUS Items 750.26 to 750.28, Inclusive, and Other Brooms Provided for in TSUS Items 750.29 to 750.31, Inclusive: U.S. Producers' Shipments, Imports, Exports, and Apparent Consumption, 1978, 1979, and 1980—Continued

[In dozens]

Item	1978 ¹	1979 ²	1980
Apparent consumption.....	375,861	348,306	342,414
Other brooms provided for in TSUS items 750.29 to 750.31, inclusive			
U.S. producers' shipments.....	2,081,860	1,934,655	1,939,006
Imports.....	198,441	150,747	126,017
Exports.....	2,884	5,451	3,847
Apparent consumption.....	2,277,417	2,079,951	2,061,176

¹ As reported to the President on April 16, 1979.

² As reported to the President on March 31, 1980.

Source: Compiled from data supplied by U.S. producers and the U.S. Customs Service.

Brooms Considered Competitive With Broom Corn Brooms

As reported to the President on May 23, 1980, the Commission concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further concluded that push

brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1978,¹ and 1980 of the brooms considered to be competitive with broom corn brooms were as shown in the table below:

Brooms Competitive With Broom Corn Brooms: Estimated U.S. Producers' Shipments, Imports, Exports, and Apparent Consumption, 1978 and 1980

[In thousands of dozens]

Type of broom	Producers' shipments		Imports		Exports		Apparent consumption	
	1978	1980	1978	1980	1978	1980	1978	1980
Whiskbrooms:								
Plastic fiber.....	133	116	43	16	1	2	175	130
Other fiber ¹	1	(²)	36	20			37	20
Other (upright) brooms:								
Plastic fiber.....	923	871	93	131	24	34	992	968
Other fiber.....	42	16	323	259	1	1	364	274
Push brooms (16" or less in width).....	218	180	9	4	3	1	224	183

¹ The absence of any substantial production of whiskbrooms of fibers other than plastics or broom corn is attributable in large measure to the substitution of plastics for "other fiber" in the production of whiskbrooms since 1968.

² Less than 500 dozen.

Source: Compiled from data furnished by domestic producers and official statistics of the U.S. Department of Commerce.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-11850 Filed 4-17-81; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities Advisory Committee; Meeting

April 15, 1981.

Pursuant to the provisions of the Federal Advisory Committee act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted in Washington, D.C. on May 7-8, 1981.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. A portion of the morning and afternoon sessions on May 7 and the afternoon session on May 8,

1981 will not be open to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: Trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which will constitute a clearly unwarranted invasion of personal privacy; and information the disclosure of which would significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated January 15, 1978.

The agenda for the sessions on May 7, 1981 follows:

(Open to the public)

8:30-9:00 Coffee for Council Members in Chairman's Office

9:00-10:30 Committee Meetings—Policy Discussion

Education Programs—Room 807

Fellowship Programs—Room 314

Planning and Special Programs—Room 1025

Public Programs and State Programs—1st Floor

Research Programs—Room 1134

10:30 to Adjourn Consideration of specific applications, (closed to the public for the reasons stated above).

The morning session on May 8, 1981 will convene at 8:30 a.m. in the 1st Floor Conference Room and will be open to the public. The agenda for the morning session will be as follows: (Coffee for Staff and Council Attending Meeting will be served from 8:30 a.m.-9:00 a.m.)

Minutes of the Previous Meeting

Reports

- A. Introductory Remarks
- B. Introduction of New Staff
- C. Chairman's Grants and Grants Departing from Council Recommendation
- D. Application Report
- E. Gifts and Matching Report
- F. FY 1982 Appropriation Request
- G. FY 1983 Budget Planning
- H. Selected Project Evaluations
- I. Committee Reports on Policy and General Matters
 - a. Planning and Assessment Studies
 - b. Special Programs
 - c. Research Programs
 - d. Education Programs
 - e. Public Programs
 - f. State Programs
 - g. Fellowship Programs

The remainder of the proposed meeting will be given to the consideration of specific applications (closed to the public for the reasons stated above).

It is suggested that those desiring more specific information contact the

¹ As reported to the President on April 16, 1979.

Advisory Committee Management
Officer, Mr. Stephen J. McCleary, 806
15th Street, N.W., Washington, D.C.
20506, or call area code 202-724-0367.
Stephen J. McCleary,
Advisory Committee Management Officer.

[FR Doc. 81-11853 Filed 4-17-81; 8:45 am]
BILLING CODE 1536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Decay Heat Removal Systems; Meeting

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting at 8:30 a.m. on May 5, 1981 in Room 1167 at 1717 H Street, N.W., Washington, DC. The Subcommittee will discuss the adequacy of the decay heat removal systems of the North Anna Type.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Tuesday, May 5, 1981

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. EST.

Dated: April 14, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-11778 Filed 4-17-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittees on Reactor Fuels and Emergency Core Cooling Systems; Meeting

The ACRS Subcommittees on Reactor Fuels and Emergency Core Cooling Systems will hold a meeting at 9:00 a.m. on May 5, 1981 in Room 1046 at 1717 H Street, N.W., Washington, D.C. The Subcommittee will review the Departure from Nucleate Boiling Ratio (DNBR) correlations for pressurized water reactors.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, May 5, 1981

8:00 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to

the cognizant Federal Employee, Mr. David Bessette (telephone 202/634-3267) between 8:15 a.m. to 5:00 p.m., EST. The Designated Federal Employee for this meeting is Mr. Gary Quittschreiber.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: April 15, 1981.

John C. Hoyle,
Advisory Committee Management Officer.

[FR Doc. 81-11864 Filed 4-17-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-361-OL; 50-362-OL]

Southern California Edison Company, et al. (San Onofre Nuclear Generating Station, Units 2 and 3); Time and Place of Prehearing Conference

April 13, 1981.

The Board's Memorandum and Order of March 31, 1981, stated that the exact time and place of the prehearing conference of April 29, 1981 would be specified at a later date. The Board was unable to obtain a suitable place for the hearing in San Clemente, California. The Conference will be held instead in San Diego at the United States Tax Court, located at 880 Front Street, 4-S-19 Federal Building, San Diego, California. It will begin promptly at 9:00 a.m. on the 29th.

It is so ordered

Dated at Bethesda, Maryland this 13th day of April 1981.

For The Atomic Safety And Licensing Board.

James L. Kelly,
Chairman, Administrative Judge.

[FR Doc. 81-11778 Filed 4-19-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Joint Subcommittees on Site Evaluation and Reactor Radiological Effects; Meeting; Additions

The following additions have been made regarding the ACRS Subcommittee on Site Evaluation:

(1) This will now be a two-day meeting, to be held on April 30, and May 1, 1981 at 8:30 a.m., Room 1046, 1717 H Street, N.W., Washington, DC.

(2) This will now be a joint meeting of the ACRS Subcommittees on Site Evaluation and Reactor Radiological Effects.

(3) The Subcommittees will also discuss siting rulemaking and hear presentations from the NRC Staff on current status of radiation protection standards for workers.

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 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12028 Filed 4-17-81; 12:12 pm]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2; Meeting; Postponement

The ACRS Subcommittee on Susquehanna Steam Electric Station, Units 1 and 2 scheduled for April 23, 1981 has been postponed indefinitely. Notice of this meeting was published on Tuesday, April 7, 1981 (46 FR 20809).

Dated: April 17, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12047 Filed 4-17-81; 12:12 pm]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

[OMB No. 31 1001]

Background

April 15, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms

received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

The Standard Industrial Classification (SIC) codes, referring to specific respondent groups that are affected;

Whether small businesses or organizations are affected;

A description of the Federal budget functional category that covers the information collection;

An estimate of the number of responses;

An estimate of the total number of hours needed to fill out the form;

An estimate of the cost to the Federal Government;

An estimate of the cost to the public;

The number of forms in the request for approval;

An indication of whether Section 3504(h) of Pub. L. 96-511 applies;

The name and telephone number of the person or office responsible for OMB review; and

An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the *Federal Register*, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information

you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Forest Service

Survey of Trends in Use Patterns and Visitor Characteristics in the Bob Marshall Wilderness

Nonrecurring

Individuals or households

Leaders of vis. grps. entering the Bob Marshall Wilderness

Conservation and land management, 364 responses, 127 hours; \$35,500 Federal cost, 1 form not applicable under 3504(H)

Charles A. Ellett, 202-395-7340

Information will be directly used in writing the National Forest Plans concerned with the Bob Marshall Wilderness, as required by the National Forest Management Act. The NFMA requires that information on recreation use and characteristics be used in developing the forest plans and to evaluate their effectiveness.

Reinstatements

• Forest Service

YCC Long-Term Benefits Evaluation—Evaluation of Benefits of the YCC to Enrollees

Biennially

Individuals or households

YCC applicants and their parents

Conservation and land management, 1,350 responses, 675 hours; \$20,000

Federal Cost, 4 forms, not applicable under 3504(H)

Charles A. Ellett, 202-395-7340

Information is used to evaluate:
Degree to which congressionally established program goals have been met; degree to which supplemental youth conservation corps program objectives have been met; and types and elements of the program which most effectively meet program goals and objectives.

DEPARTMENT OF DEFENSE

Agency Clearance Officer—John V. Wenderoth—703-697-1195

Extensions (Burden Change)

- Departmental and Others
Contractor Bulk Liquid Facilities Report DD1890 DFSC 1890
Annually
Businesses or other institutions
Petroleum suppliers
SIC: 291 517
Small businesses or organizations
Department of Defense—Military 225 responses, 338 hours; \$3,375 Federal cost, 1 form, not applicable under 3504(H)
Kenneth B. Allen, 202-395-3785

Indicates contractors' capabilities and facilities for handling bulk petroleum products and permits DFSC to order product so contractors' facilities are not congested and can process orders. Includes loading rate (barrels per month) for contractors supplying bulk petroleum products by tanker to compute laytime and determine contractor liability for demurrage.

- Department of the Army
Tenders of Service and Letters of Intent for Personal Property Household Goods/Unaccompanied Baggage and Mobile Homes
DD1433
On occasion
Businesses or other institutions
Carriers of hhd. goods/unaccompanied bag. and mobile homes
SIC: 421 441 471
Small Businesses or organizations
Department of Defense—Military, 15,300 responses, 7,800 hours; \$42,800 Federal cost, 9 forms; not applicable under 3504(H)
Andy Uscher, 202-395-4814

Since household goods move at Government expense, data is needed to choose the best service at least cost. The information provided amounts to a bid for contract to transport household goods, unaccompanied baggage and mobile homes. The best service for least cost carrier receives the contract.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202-426-5030

New

- Office for Civil Rights
Supplemental Information for Local Education Agency grants under the Emergency School Aid Act: Individual School Reports
AS/CR 532-1 and 532-2
Biennially
Businesses or other institutions
Local education agencies (school districts)
SIC: 941
Federal law enforcement activities, 400 responses, 46,100 hours; \$7,500 Federal cost, 2 forms, not applicable under 3504(H)
Federal Education Data Acquisition Council, 202-426-5030
These forms are used by the office for Civil Rights Regional Personnel to make pre-grant civil rights compliance determinations on schools applying for Emergency School Aid Act funds.

DEPARTMENT OF ENERGY

Agency Clearance Officer—Irene Montie—202-633-9464

New

- Federal Energy Regulatory Commission
Alternative Fuel Demand Due to Natural Gas Curtailment
EIA-50
Annually
Businesses or other institutions
Natural gas pipelines and distributors
Sic: 492
Small businesses or organizations
Energy information, policy, and regulation, 1,471 responses, 61,782 hours; 1 form, not applicable under 3504(h)
Jefferson B. Hill, 202-395-7340

To collect data that will provide early indicators of those geographic areas that are susceptible to changes in gas curtailment and alternative fuel needs, thus allowing for appropriate contingency planning and/or action at all levels of government where potentially serious conditions may exist.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202-245-7488

New

- Health Care Financing Administration
Health maintenance organization statement of reimbursable costs
Annually/quarterly
Businesses or other institutions

HMOS having contracts w/the sec. under S. 1876 of SS act
Sic: 808

Small businesses or organizations
Health, 570 responses, 23,370 hours; \$198,833 Federal cost, 1 form, not applicable under 3504(h)
Richard Eisinger, 202-395-6880

The statement of reasonable cost is completed by health maintenance organizations (HMOS) affiliated with medicare. Submission of this information permits the health care financing administration to compute the reasonable cost of HMO service to medicare beneficiaries, permitting computation of reimbursable rate.

- Social Security Administration
Statement concerning banking and business transactions
SSA 4366
On occasion
Individuals or households, SSI app. (incl. disabled) whose contin. elig. is determined
Other income security, 900,000 responses, 105,000 hours; \$8,290,000 Federal cost, 1 form, not applicable under 3504(h)
Barbara F. Young, 202-395-6880

Information is needed to identify financial institutions where applicants and beneficiaries transact business. Once identified, the financial institutions are contacted to determine the existence of undisclosed accounts.

- Human Development Services
New grantee questionnaire
Nonrecurring
Businesses or other institutions
Non-profit organizations
Sic: Multiple
Multiple functions, 500 responses, 125 hours; \$4,600 Federal cost, 1 form, not applicable under 3504(h)
Gwendolyn Pla, 202-395-6880

Capability survey of grantee accounting system as to stewardship of grant funds and determination of grantee need for technical assistance.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202-755-5184

New

- Policy Development and Research
Wage rate determination process wage rate survey of employees
PH-3, 4 and 5
Nonrecurring
State or local governments/businesses or other institutions
Employers of maintenance laborers and mechanics

Sic: Multiple

Small businesses or organizations
Community development, 750 responses,
248 hours; \$120,571 Federal cost, 3
forms, not applicable under 3504(h)
Richard Sheppard, 202-395-6880

A pilot test of the wage rate
determination process (WRDP) is
required prior to implementation. As
part of WRDP, designed to determine
compensation (based on prevailing
rates) for maintenance employees in
public housing authorities, a survey of
employers is required. The pilot test
includes a pre-test of this survey in May
1981.

- Housing Programs

Certificate of need for health facility and
assurance of state standards

HUD 2576-HF

On occasion

State or local governments

State health planning and development
agencies

Sic: 953

Mortgage credit and thrift insurance, 250
responses, 50 hours; \$5,079, Federal
cost, 1 form, not applicable under
3504(h)

Richard Sheppard, 202-395-6880

The form is needed to comply with
statutory requirements of sections 232
and 242 of the National Housing Act.
Certificates of need and assurance of
enforcement of state standards are
required by statute as a condition of
providing mortgage insurance for
nursing homes and/or intermediate care
facilities and hospitals. The form is to be
used by State agencies to report to HUD.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D.
Goodfriend—632-7513

Revisions

- Restricted radiotelephone operator
permit application

753

Nonrecurring

Individuals or households

Indiv. who meet basic req. such as age,
citizenship, etc.

Other advancement and regulation of
commerce, 200,000 responses, 20,000
hours; \$50,000 Federal costs, 1 form,
not applicable under 3504(h)

William T. Adams, 202-395-4814

Required of permit applicant. Data is
necessary to determine whether an
applicant is qualified (as determined by
the FCC) to receive a restricted
radiotelephone operator permit.

Extensions (Burden Change)

- Application for cable television relay
service station
Authorization

FCC-327

On occasion

Individuals or households/state or local
governments/businesses or other
insurance applicants for station
authorization

Sic: 489

Small businesses or organizations

Other advancement and regulation of
commerce, 2,000 responses, 8,000
hours; \$200,000 Federal costs, 1 form,
not applicable under 3504(h)

William T. Adams, 202-395-4814

Filing is required when applying for
cable television relay service (CARS)
station authorization for construction,
operation, re-instatement, transfer of
control or assignment, and renewal of
license. Data is used to determine
compliance with FCC rules.

- Ownership report for non-commercial
educational TV, FM or standard
broadcast station

323-E

On occasion

Businesses or other institutions

Licenses of broad. stations seeking
change in corp. struct.

Sic: 483

Small businesses or organizations

Other advancement and regulation of
commerce, 629 responses, 2,516 hours;
\$3,358 Federal cost, 1 form, not
applicable under 3504(h)

William T. Adams, 202-395-4814

Filing is required when there are
changes in officers, directors, or
ownership interests of licensee's
principle. It is also required following an
assignment of license or transfer of
control of corporate licensee, and
usually at the time of the station's
renewal application is filed. The data is
vital to commission's discharge of its
responsibilities under sections 308 and
310 of the Communications Act of 1934,
as amended.

- Application for consent to assignment
of broadcast station construction
permit or license

314

On occasion

Businesses or other institutions

AM, FM or TV broadcast appli. seeking
assign of const. etc.

Sic: 483

Small businesses or organizations

Other advancement and regulation of
commerce, 475 responses, 137,750
hours; \$287,152 Federal cost, 1 form,
not applicable under 3504(h)

William T. Adams, 202-395-4814

Filing is required when applying for
consent for assignment of radio
broadcast station construction permit or
license. The data is necessary to
determine whether the applicant is

qualified and whether granting the
application would serve the public
interest.

- Application for consent to transfer of
control of corporation holding radio
broadcast station construction permit
or license

315

On occasion

Businesses or other institutions

Broad. Station Appl. for transfer of
const. permit or lic.

Sic: 483

Small businesses or organizations

Other advancement and regulation of
commerce, 291 responses, 84,390 hours;
\$286,356 Federal cost, 1 form, not
applicable under 3504(h)

William T. Adams, 202-395-4814

Filing is required when applying for
transfer of control of corporation
holding radio broadcast station
construction permit or license. The data
is necessary to determine whether the
applicant is qualified and whether
granting the application would serve the
public interest.

NATIONAL FOUNDATION ON THE ARTS

Agency Clearance Officer—D. Keith
Stephens—202-634-6160

New

Leisure activities survey (LAS)

LAS-1

Monthly

Individuals or households

National sample of household members
18 yrs. and/or older

Research and general education aids,
24,000 responses, 8,000 hours; \$490,000
Federal cost, 1 form, not applicable
under 3504(h)

Diane Wimberly, 202-395-6880

The LAS will provide annual
measures of participation in selected
leisure activities. These data will enable
arts organizations to make certain basic
policy decisions based on such things as
current demand, potential audience, and
how to best serve the needs of their
constituent population.

NATIONAL TRANSPORTATION SAFETY BOARD

Agency Clearance Officer—Mr. William
H. Park—202-472-6158

Extensions (Burden Change)

- Aircraft passenger questionnaire
NTSB6221.1

On occasion

Individuals or households

Aircraft passengers

Other transportation, 300 responses, 150
hours; 1 form, not applicable under
3504(h)

Corrine Hayward, 202-395-7340

Required from passengers on aircraft which are involved in accidents being investigated by the safety board. This report is primarily used for air carrier accidents where there is a requirement for detailed information regarding post-crash survival.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—202-389-2146

Extensions (No Change)

- Notice of default—regulation 4600 loan
- VA26-8076
- On occasion
- Businesses or other institutions
- Loan servicers/holders
- Sic: 612 616
- Veterans housing, 2,400 responses, 400 hours; \$159,715 Federal cost, 1 form, not applicable under 3504(h)
- Robert Neal, 202-395-6880

Form is completed by holders or servicers to report defaults on lendee loans sold to investors with a VA guarantee to repurchase in event of default as specified by VA regulation 4600. (38 U.S.C. 10(c)(1)). Data collected facilitates servicing of such loans and thereby aids in reducing potential claims for repurchase.

C. Louis Kincannon,
Assistant Administrator for Reports
Management.

[FR Doc. 81-11886 Filed 4-17-81; 8:45 am]

BILLING CODE 3110-01-M

ROOSEVELT CAMPOBELLO INTERNATIONAL PARK COMMISSION

Identification of Integral Vistas Associated With Class I Area; Adoption of Criteria Guideline

AGENCY: Roosevelt Campobello International Park Commission.

ACTION: Final guidelines; final identification of integral vistas for the Roosevelt Campobello International Park.

SUMMARY: On December 2, 1980, the Environmental Protection Agency (EPA) promulgated final regulations (40 CFR Part 51—Subpart P) for visibility protection for Federal Class I areas. EPA's regulations provided for the identification of integral vistas by the Federal Land Manager based on criteria to be established by the Federal Land Manager. On January 15, 1981, criteria guidelines were proposed by the National Park Service and published in the *Federal Register* (46 FR 3646-3652). On February 27, 1981, the Roosevelt Campobello International Park

Commission through its Chairman, the Federal Land Manager for Roosevelt Campobello International Park, proposed to adopt the National Park Service's proposed guidelines in their entirety and it further proposed the identification of integral vistas associated with the Class I area, Roosevelt Campobello International Park (46 FR 14508). The Commission requested public comment on both the proposed guidelines and the integral vistas. The Roosevelt Campobello International Park Commission now adopts as its final guidelines the National Park Service's proposed guidelines and identifies its final list of integral vistas.

SUPPLEMENTARY INFORMATION: In EPA's proposed visibility rulemaking (45 FR 34762), certain draft integral vista guidelines were provided for public review. On January 15, 1981, the National Park Service proposed integral vista guidelines (46 FR 3646) which are essentially identical to those published by EPA. Comments received by EPA during its 90-day public comment period (see 45 FR 34762, 50825) were forwarded to the National Park Service and were responded to in the Park Service's January 15th notice which also provided for a 30-day public comment period. On February 27, 1981, the Roosevelt Campobello International Park Commission published its conclusion that the response of the National Park Service to the public comments submitted to EPA (see 46 FR 14508) was comprehensive and adequate. The Commission therefore proposed to adopt both the analysis of public comments and the proposed guidelines of the National Park Service. It also proposed, on the basis of the guidelines, a list of integral vistas associated with the Roosevelt Campobello International Park. Finally, the Commission solicited comments on its proposed guidelines and integral vistas during a 30-day comment period.

Although the National Park Service has not finalized its proposed guidelines, the Commission is adopting those guidelines in order to provide the State of Maine with timely information needed for the preparation of its State Implementation Plan (SIP) on visibility. The Clean Air Act requires the state to submit State Implementation Plans for visibility which are in accordance with EPA's visibility regulations promulgated on December 2, 1980 (40 CFR Part 51—Subpart P). EPA's visibility regulations provide that where the Federal Land Manager determines that a state should provide in its SIP for the protection of integral vistas associated with

mandatory class I areas, the Federal Land Manager must provide the state with a list of these integral vistas at least 6 months prior to the state's SIP submission to EPA (40 CFR 51.304(c)). The regulations further provide that the identification of such integral vistas must be made on the basis of criteria guidelines developed by the Federal Land Manager and subject to notice and comment (40 CFR 51.304(a), (d)). In accordance with these requirements, the Chairman of the Roosevelt Campobello International Park Commission as Federal Land Manager (see 40 CFR 51.301(g)), on behalf of the Commission has decided to adopt the National Park Service's proposed guidelines as the final guidelines for identifying integral vistas associated with the Roosevelt Campobello International Park and to notice its final identification of the Park's integral vistas (see Appendix 1). The Commission's response to the public comments it received during its 30-day comment period is set forth below.

Response to Public Comments

The Commission received three comments during its 30-day comment period. The Natural Resources Council of Maine (NRCM) submitted comments in support of the adoption by the Commission of the proposed National Park Service guidelines and further stated that the Commission's preliminary list of integral vistas appeared to be consistent with the criteria in the guidelines. The NRCM expressed concern that the guidelines appeared to place more emphasis on the significance of vistas which are visited by persons outside the local area than on those visited by local residents. The Commission does not believe this to be the case. The guidelines refer to "visitor" enjoyment (46 FR 3651). Any individual visiting the Roosevelt Cottage or Natural Area of the Park is considered a Park visitor, whether or not the visitor is a local resident. Many local residents return time after time, by themselves or with visiting friends or relatives, to enjoy the Park and its vistas. The Commission believes that these local residents as well as non-local persons have an equal opportunity to experience and enjoy the Park vistas.

The Washington County Regional Planning Commission also submitted comments. It supported the proposed designation of four integral vistas at Roosevelt Campobello International Park. It further stated its understanding that if the Federal Land Manager ever objected to discharges from existing fish processing plants on the ground that

they caused impairment of visibility, the State of Maine could override the objection based on the economic needs of the community. Under EPA's visibility regulations, the Washington County Regional Planning Commission is correct that the state has the ultimate decisionmaking authority over the appropriate measure of protection to be given any integral vista and may balance competing interests, such as economic impacts (40 CFR 51.302).

Finally, the Commission received comments by Jonathan B. Hill on behalf of the Pittston Company. These comments incorporated by reference a copy of comments filed with EPA on March 12, 1979, in response to EPA's proposed identification of Mandatory Class I Federal Areas where visibility is an important value (44 FR 8909). EPA's proposed identification of such areas was made final (40 CFR Part 81, Subpart D) in November 1979. Pursuant to section 169A of the Clean Air Act, as amended, EPA determined (40 CFR 81.437) that Roosevelt Campobello International Park should be identified as an area where visibility is an important value. The Pittston Company's comments of March 12, 1979, raised three issues with respect to identification of Roosevelt Campobello International Park as an important area for visibility. The Commission will respond to each of these comments in turn.

First, the Pittston Company commented that the legislation creating the Roosevelt Campobello International Park and the underlying agreement between the United States and Canada did not specify scenic values as an important reason for creating the Park. The United States' participation in the Roosevelt Campobello International Park was authorized under Pub. L. 88-363 (78 Stat. 299) in accordance with an agreement between the United States and Canada. While this legislation and the underlying agreement do not specifically mention scenic values, the Commission is directed to maintain the Roosevelt cottage and the Park grounds in conditions as close as possible to those which existed at the time the cottage served as the summer home of President Franklin Delano Roosevelt. This implies the maintenance and protection of the excellent visibility and clean air which originally drew the Roosevelt family to Campobello, which the President enjoyed when he occupied his home here, and which today play an important role at the Roosevelt Campobello International Park by contributing greatly to visitor experience and enjoyment of vistas which are much

the same today as they were when Franklin Roosevelt summered on Campobello Island. Furthermore, the integral vista guidelines which have been adopted by the Commission specify two overall criteria (46 FR 3651): (1) the importance of the vista to the objectives for which the area was created, and (2) the contribution of the vista to the visitor enjoyment of the area. The Commission believes that both of these criteria are met in the case of the four integral vistas identified today.

Second, the Pittston Company commented that EPA improperly identified Roosevelt Campobello International Park as a mandatory class I Federal area where visibility was an important value because the key features viewed from the Park were less than one mile distant and therefore did not meet EPA's criteria for identification. EPA's proposed identification criteria (44 FR 8910) asked whether there were any "sweeping views of background features, panoramas, or views of middle ground or background features present as opposed to only views of foreground features less than one-mile distant." Pittston is incorrect in stating that the four integral vistas identified today contain only key features less than one-mile distant. Key features as far as 23 miles distant can be viewed from the Park vistas. Notable key features visible from the Park at considerable distance include Cutler Naval Radio Station (21 miles viewed from Friar's Head), Grand Manan Island (6, 8, 10 miles viewed from Liberty Point, Con Robinson's Point

and Friar's Head, respectively), Deer Island (4-5 miles viewed from the Roosevelt Cottage and Grounds and Friar's Head), St. Andrews, New Brunswick (22 miles viewed from Friar's Head). As can be readily determined from the photographic materials available during the public comment period, all four integral vistas are sweeping panoramic views.

Third, the Pittston Company commented that, since Roosevelt Campobello International Park is situated in Canada, it cannot be considered a mandatory Class I Federal area under section 169A of the Clean Air Act, as amended, and further that the Park does not have a Federal Land Manager. Section 162(a)(1) of the Act, however, includes international parks as mandatory class I areas and EPA has recognized the Roosevelt Campobello International Park as a mandatory Class I Federal area (40 CFR 81.437). Furthermore, EPA's final visibility regulations (40 CFR 51.301(g)) provide that the Chairman of the Roosevelt Campobello International Park Commission is the Federal Land Manager for the Park.

EFFECTIVE DATE: April 20, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Stevens, Acting Executive Secretary/Superintendent, Roosevelt Campobello International Park, P.O. Box 97, Lubec, Maine 04652, Telephone (506) 752-2922.

Dated: April 11, 1981.

Approved:

Franklin D. Roosevelt, Jr.,
Chairman, Roosevelt Campobello
International Park Commission.

Appendix 1.—Integral Vistas Associated With Mandatory Class I Areas

Park	Observation point	View angle	Key features	Also viewed from
Roosevelt Campobello International Park	Roosevelt Cottage and Beach Area	244°-56°	Estes Head Eastport North Lubec Cobscook Bay Shackford Head St. Andrews Friar's Head Treat's Island Passamaquoddy Bay Deer Island Indian Island Rouen Island Cherry Island Thrumcap Island Owen House Wetshpool	Portions from Friar's Head
	Friar's Head	154°-94°	Roosevelt Cottage Campobello Island Weir Friar's Bay Wetshpool Wilson's Beach North Road Head Harbour Passage Cesco Island Green Island Pope Island	

Appendix 1.—Integral Vistas Associated With Mandatory Class I Areas—Continued

Park	Observation point	View angle	Key features	Also viewed from
			Thrumcap Island.....	
			Cherry Island.....	
			Rouen Island.....	
			Indian Island.....	
			Deer Island.....	
			Passamaquoddy Bay.....	
			Old Sow Whirlpool.....	
			St. Andrews.....	Portions Viewed From Roosevelt Cottage and Beach Area.
			Eastport.....	
			Friar Roads.....	
			Estes Head.....	
			Perry.....	
			Shackford Head.....	
			Pembroke.....	
			Cobscook Bay.....	
			Treat's Island.....	
			Major's Island.....	
			North Lubec.....	
			Passamaquoddy Dam, portion of.....	
			Roger's Island.....	
			Dudley Island.....	
			Johnson's Bay.....	
			Pope's Folly.....	
			Cutler Naval Radio Station.....	
			Lubec.....	
			Mulholland Point Lighthouse.....	
			FDR Memorial Bridge.....	
			South Lubec.....	
			Grand Manan Island.....	
			Herring Cove Beach.....	Portions Viewed From Liberty Point.
			Provincial Park.....	
			Eastern Head.....	
			Herring Cove.....	
			Mainland New Brunswick.....	
			Point La Poudre.....	
			Wolf Islands.....	
			Atlantic Ocean.....	
			Ragged Point.....	Portions Viewed From Con Robinson's Point.
			Mainland New Brunswick.....	
			Atlantic Ocean.....	
			Wolf Islands.....	
			Grand Manan Island.....	
			Sail Rock.....	
			West Quoddy Head Lighthouse.....	
			South Lubec.....	
	Con Robinson's Point.....	308°-150°		
	Liberty Point.....	34°-236°		

Corporation Ltd. (Development Ltd.), a corporation organized under the laws of the Province of Alberta, Canada. The principal offices of Developments are at Suite 105, 8447 Wilshire Boulevard, Beverly Hills, California 90211. The principal offices of Development Ltd. are at 2050-777 Hornby St., Vancouver, British Columbia, V6Z 1S4. By virtue of their collective indirect controlling interest in Developments and Development Ltd., Messrs. Samuel Belzberg, William Belzberg and Hyman Belzberg may be deemed to be "controlling persons" of Clarion upon consummation of the proposed transfer of Clarion's Common Stock.

Developments is a diversified real estate company engaged in land servicing and development, home building and condominium conversion, income property development and income property management in the United States. Development Ltd., directly or through its subsidiaries (including Developments), also is a diversified real estate company engaged in land servicing and development, home building and condominium conversion, income property development and income property management in the United States and Canada.

Assuming consummation of the proposed transfer of control, the management and 10 percent or more shareholders of Clarion will be:

Name and address	Position
Peter D. Van Oosterhout, Union Commerce Bldg., Cleveland, OH 44115.	President, Chief Executive Officer and Director
James R. Kraus, Union Commerce Bldg., Cleveland, OH 44115.	Vice President and Secretary
Michael S. Srsen, Union Commerce Bldg., Cleveland, OH 44115.	Treasurer and Assistant Secretary
Dr. Jordan L. Spencer, Engineering School, Columbia University, New York, NY 10027.	Director
Byron A. Mendes, 8 Hancock Hill Dr., Worcester, MA 01609.	Director
Morton A. Cohen, 9th Floor, 99 Avenue Rd., Toronto, Canada M5R 2G6.	Chairman of the Board
First City Development Corp., Suite 105, 8447 Wilshire Blvd., Beverly Hills, CA 90211.	59.2% Shareholder
Samuel Belzberg, 1200 Royal Center, 1055 W. Georgia St., Vancouver, British Columbia V6E 3S8.	10 + percent (indirect) Shareholder
William Belzberg, 9665 Wilshire Blvd., Beverly Hills, CA 90210.	10 + percent (indirect) Shareholder
Hyman Belzberg, 302-322 11th Ave., S.W., Calgary, Alberta T2R 0C5.	10 + percent (indirect) Shareholder

Clarion has approximately 500 additional shareholders, each owning less than 5 percent of the outstanding shares. Clarion will retain its corporate name. Effective May 1, 1981, Clarion's office will be changed to The

[ER Doc. 81-11810 Filed 4-17-81; 8:45 am]

BILLING CODE 4310-70-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/07-0023]

Clarion 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 Clarion Capital Corporation (Clarion), Union Commerce Building, Cleveland, Ohio 44115, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*). Clarion was licensed by SBA on September 25, 1968. The proposed transfer of control of Clarion is subject

to the prior written approval of SBA.

Pursuant to a certain letter agreement accepted December 3, 1980, as amended by an agreement dated as of January 21, 1981, Union Commerce Corporation and Union Commerce Bank, 300 Union Commerce Building, Cleveland, Ohio have agreed to sell 391,699 shares (approximately 49.99 percent) of Clarion's outstanding Common Stock to First City Developments Corporation (Developments). The aggregate purchase price of the 391,699 shares being purchased by Developments is \$4,387,028.80. As of March 23, 1981, Developments beneficially owned 72,526 shares (approximately 9.2 percent) of Clarion's outstanding Common Stock.

Developments, a corporation organized under the laws of the State of Washington, is a wholly-owned subsidiary of First City Development

Chesterfield, 1801 East 12th Street, Room 210, Cleveland, Ohio 44114.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed 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 May 5, 1981, submit written comments on the proposed transfer of control to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Cleveland, Ohio, Vancouver, British Columbia, and Beverly Hills, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 15, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-11631 Filed 4-17-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09-0289]

Rocky Mountain Equity Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (CFR 107.102 (1981)), under the name of Rocky Mountain Equity Corporation, 4949 E. Lincoln Drive, LaPosada, Scottsdale, Arizona 85253, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 *et seq.*), and the rules and regulations promulgated thereunder.

The proposed officers, directors and stockholders are as follows:

Name, Title, and Ownership

Anthony J. Nicoli, 36 Biltmore Estates, Phoenix, Arizona 85016, President and Director, 100 percent
F. Raymond Evarts, 4035 E. Pershing, Phoenix, Arizona 85035, Vice President, Chief Operating Officer, Secretary, Treasurer and Director
Robert N. Verratti, 1742 N. Forge Mountain Drive, Valley Forge, Pa. 19481, Director

The Applicant which is a Delaware Corporation, proposes to commence operations with a capitalization of \$500,000. Initially Applicant plans; to concentrate its efforts in Arizona and the Rocky Mountain States and subsequently expand its activities to other states, territories and possessions of the United States. Applicant does not plan to specialize in any particular industry.

Matters involved in SBA's considerations of the application include the general business reputation of the owner and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than May 5, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 13, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-11633 Filed 4-17-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposal No. 07/07-0085]

R. W. Allsop Capital Corp.; Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA regulations (13 CFR 107.102 (1980)), by R.W. Allsop Capital Corporation, 1241 Park Place, NE., Cedar Rapids, Iowa 52402, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and sole shareholder will be:

Name & Address, Title or Relationship and Percent of Ownership

R.W. Allsop & Associates, 1241 Park Place, N.E., Cedar Rapids, Iowa 52402, Sole Shareholder, 100
Robert W. Allsop, 522-23rd Street, N.E., Cedar Rapids, Iowa 52402, President, Treasurer, Director
Paul D. Rhines, 261 Windsor Drive, N.E., Cedar Rapids, Iowa 52402, Executive Vice President, Secretary, Director

Larry C. Maddox, 11931 W. 68th Street, Shawnee, Kansas 66216, Vice President, Director

Robert L. Kuk, 1650 Preston Park Lane, St. Louis, Missouri 63141, Vice President, Director

Gregory B. Bultman, 21055 Bramblewood Trail, Waukesha, Wisconsin 53186, Vice President, Director

R.W. Allsop & Associates is a venture capital limited partnership whose general partners are all officers and directors of the Applicant.

The Applicant proposed to begin operations with a total capitalization of \$1,000,000 and will be a source of equity capital and long term loans for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any person may, not later than May 5, 1981, submit written comments on the proposed SBIC to the Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Cedar Rapids, Iowa.

(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. 81-11632 Filed 4-17-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/396]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on International Data Flows of the Advisory Committee on International Investment, Technology, and Development on May 14, 1981 from 10:00 to noon. The meeting will be held in the Auditorium of the National Academy of Sciences, 2101 Constitution Avenue, N.W., Washington, D.C. Entry to the

Academy building can be made on C Street, diagonally across from the Department of State. The meeting will be open to the public.

The purpose of the meeting will be to discuss preparations for the OECD Workshop on the Vulnerability of the Computerized Society to be held in Sigüenza, Spain, on May 19-21.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632-2728. Please notify this office if you plan to attend the meeting.

Dated: April 2, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-11817 Filed 4-17-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/397]

Oceans and International Environmental and Scientific Affairs; Advisory Committee; Open Meeting

The General Panel of the Oceans and International Environmental and Scientific Affairs Advisory Committee will meet at 9:15 a.m. on Friday, May 8, 1981 in Room 150, National Academy of Science, 2101 Constitution Avenue, N.W., Washington, D.C.

At this meeting, officers responsible for nuclear, scientific, and oceans affairs in the Department of State and members of the Advisory Committee will discuss U.S. Nuclear non-proliferation policy, funding of international science and technology cooperation, the Law of the Sea, biogenetic engineering, and energy cooperation with developing nations. This session will be open to the public, which will be admitted to the limits of seating capacity. Individuals may be given the opportunity to participate in discussions according to the instructions of the Chairperson.

Requests for further information on the meeting may be directed to Michael Congdon, OES Policy Assessment Staff, Department of State (202) 632-3325.

Dated: April 9, 1981.

Harry R. Marshall, Jr.,

Acting Chairman.

[FR Doc. 81-11818 Filed 4-17-81; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice CM-8/395]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Meeting

The U.S. SOLAS Working Group on Subdivision, Stability and Load Lines will conduct an open meeting on May 5, 1981, at 10:00 A.M., in Room 1303 of the Coast Guard Headquarters, 2100 Second Street, SW, Washington, D.C. 20593.

The purpose of the meeting will be a review of the agenda items and delegation papers received by that time in preparation for the 26th Session of the Subcommittee. In particular the Working Group will discuss final U.S. positions for all agenda items.

For further information contact Mr. William A. Cleary, Jr., U.S. Coast Guard (G-MMT-5/TP12), 2100 2nd Street, SW, Washington, D.C. 20593. Telephone (202) 426-2188 or LCDR K. Feeney, U.S. Coast Guard (G-MMT-5TP12), 2100 2nd Street, SW, Washington, D.C. 20593. Telephone (202) 426-2188.

Dated: March 30, 1981.

James A. Treichel,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 81-11819 Filed 4-17-81; 8:45 am]

BILLING CODE 4701-07-M

[Public Notice 750]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its March 1981 list of U.S. accredited Delegations which included private-sector representatives. Publication of this list is required by Article IV(c)(4) of the guidelines published in the Federal Register on August 24, 1978.

Dated: April 10, 1981.

John W. Kimball,

Director, Office of International Conferences.

United States Delegation to the Committee on Commodity Problems; IGG on Hard Fibers; 16th Session; Food and Agriculture Organization (FAO); Salvador, Brazil; March 25-31, 1981

Delegate

Mark Lore, Tropical Product Division, Bureau of Economic and Business Affairs, Department of State

Alternate Delegate

Emanuel McNeil, Horticultural and Tropical Products Division, Foreign Agricultural Service, Department of Agriculture

Private Sector Adviser

James Dudley, C. H. Dexter Corporation, Windsor Locks, Connecticut

United States Delegation to the Working Group on the Establishment of a Guide on the Organization of Industrial Property Activities of Enterprises in Developing Countries of the World Intellectual Property Organization (WIPO); Geneva; March 23-27, 1981

Representative

Rosemarie C. Bowie, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Private Sector Adviser

Homer O. Blair, Vice President for Patents and Licensing, Itek Corporation, Washington, D.C.

United States Delegation to the Joint Meeting on the Working Party on Facilitation of International Trade Procedures, Group of Experts on Data Requirements and Documentation, and Group of Experts on Automatic Data Processing and Coding; Economic Commission for Europe (ECE); Geneva; March 23-27, 1981

Representative

William R. Myers, Director, Office of Facilitation, Research and Special Programs Administration, Department of Transportation

Private Sector Adviser

Arthur E. Baylis, Executive Director, National Committee on International Trade Documentation, New York, New York

United States Delegation to the Fourth Session of the United Nations Ad Hoc Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting; New York, March 16-27, 1981

Representative

Philip T. Lincoln, Jr., Deputy Director, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Clarence G. Staubs, Chief Accountants Office, Security and Exchange Commission

Adviser

Arnold J. Croddy, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Private Sector Adviser

Richard D. Fitzgerald, Price Waterhouse International, New York, New York

United States Delegation to the Committee on Commodity Problems; Intergovernmental Group on Rice; 24th Session; Food and Agriculture Organization (FAO); Rome; March 16-20, 1981

Delegate

Thomas Slayton, Foreign Agricultural Service, Department of Agriculture

Alternate Delegate

Avram Guroff, Office of FAO Affairs, American Embassy, Rome

Adviser

Gregory Miller, Office of Food Policy, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

J. Stephen Gabbert, Executive Vice President, U.S. Rice Millers Association, Washington, D.C.

Martin Simon, Senior Vice President, Connell Rice and Sugar Company, Westfield, New Jersey

United States Delegation to the United Nations Negotiating Conference on Tin (Resumed Session); United Nations Conference on Trade and Development (UNCTAD); Geneva; March 9-27, 1981

Representative

The Honorable, Michael B. Smith, Deputy U.S. Trade Representative, Geneva

Alternate Representatives

Ralph R. Johnson, Industrial and Strategic Materials Division, Bureau of Economic and Business Affairs, Department of State
Frederick McEldowney, Office of the U.S. Trade Representative, Geneva

Advisers

Timothy Dulaney, Office of Raw Materials and Oceans Policy, Department of the Treasury

Paul P. Pilkauskas, American Embassy, London

William Sugg, International Commodities Division, Department of Commerce

Private Sector Advisers

William Bothe (March 23-27) Vice President, National Steel Corporation, Pittsburgh, Pennsylvania

George Cagle (March 16-20) Director of Purchasing, U.S. Steel Corporation, Pittsburgh, Pennsylvania

James Ferrigan (March 9-14) Vice President, Bethlehem Steel Corporation, Bethlehem, Pennsylvania

Daniel McEvoy (March 16-20) Vice President, Amalgam Corporation, New York, New York

Malcolm Owings (March 23-27) Vice President, Continental Can Corporation, Chicago, Illinois

William Silverstein (March 23-27) Vice President, Associated Metals and Minerals Corporation, New York, New York

United States Delegation to the Preparatory Meeting on the Revision of the Paris Convention for Protection of Industrial Property; World Intellectual Property Organization (WIPO); Geneva; March 9-20, 1981

Representative

Michael K. Kirk, Office of Legislation and International Affairs, U.S. Patent and Trademark Office, Department of Commerce

Alternate Representative

Harvey J. Winter, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State

Private Sector Advisers

Donald W. Banner, Schuyler, Banner, Birch, McKie and Beckett, Washington, D.C.

George R. Clark, Vice President, Sunbeam Corporation, Washington, D.C.

United States Delegation to the Committee on Commodity Problems; Intergovernmental Group (IGG) on Oilseeds, Oils and Fats and Its Statistical Subgroup; Food and Agriculture Organization (FAO); Rome; March 9-13, 1981

Delegate

Charles J. O'Mara, Deputy Director for Analysis, Oilseeds and Products Division, Foreign Agricultural Service, Department of Agriculture

Alternate Delegate

Gregory Miller, Office of Food and Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Adviser

Avram Guroff, Attache for UN Food and Agricultural Affairs, American Embassy, Rome

Private Sector Advisers

Carl Campbell, Special Project Representative, Cotton Council International, Washington, D.C.

Sheldon Hauck, President, National Soybean Processors Association, Washington, D.C.

United States Delegation to the Second Session; Intergovernmental Committee on Physical Education and Sport; United Nations Educational, Scientific and Cultural Organization (UNESCO); Paris; March 3-10, 1981

Representative

Simon A. McNeely, Senior Program Coordination Officer, Department of Education

Alternate Representative

Raymond E. Wanner, Ph.D., Education Attache, U.S. Permanent Delegation to UNESCO

Adviser

Howard Hardy, Culture and Communication Attache, U.S. Permanent Delegation to UNESCO

Private Sector Adviser

Carl A. Troester, Jr. Ed.D., Executive Director, American Council on International Sports

United States Delegation to the Fourth Preparatory Meeting on Vegetable Oils and Oilseeds, of the United Nations Conference on Trade and Development (UNCTAD); Geneva; March 2-6, 1981

Representative

Frederick L. McEldowney, Office of the United States Trade Representative, Geneva

Alternate Representative

Charles J. O'Mara, Deputy Director for Analysis, Oilseeds and Products Division, Foreign Agriculture Service, Department of Agriculture

Private Sector Adviser

Carl C. Campbell, National Cotton Council of America, Washington, D.C.

United States Delegation to the Forty-Fifth Session of the Legal Committee; Intergovernmental Maritime Consultative Organization (IMCO); London; March 2-6, 1981

Representative

Paul E. Versaw, Commander, USCG, Chief, Maritime and International Law Division, United States Coast Guard, Department of Transportation

Alternate Representative

Robert B. Ellard, Lt. Commander, USCG, Office of the Chief Counsel, Maritime and International Law Division, United States Coast Guard, Department of Transportation

Advisers

Peter Bernhardt, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Michael D. Morrisette, Hazardous Materials Division, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation

John F. Simmons, Jr., Shipping Attache, American Embassy, London

Private Sector Adviser

Ernest J. Corrado, Assistant to the President, American Institute of Merchant Shipping, Washington, D.C.

United States Delegation to the Third Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); New Delhi; February 25 to March 8, 1981

Representative

Ronald E. Lambertson, Associate Director, Federal Assistance, United States Fish and Wildlife Service, Department of the Interior

Alternate Representative

Richard M. Parsons, Chief, Federal Wildlife Permit Office, United States Fish and Wildlife Service, Department of the Interior (Chairman, CITES Standing Committee)

Advisers

Clark R. Bavin, Chief, Division of Law Enforcement, United States Fish and Wildlife Service, Department of the Interior

Joseph J. Dowan, Staff Botanist, Office of the Scientific Authority, United States Fish and Wildlife Service, Department of the Interior

George A. Furness, Jr., Deputy Director, Office of International Conferences, Bureau of International Organization Affairs, Department of State (Secretary of Delegation)

William S. Huey, Secretary, Natural Resources Department, State of New Mexico

Richard Jachowski, Ph.D., Chief, Office of the Scientific Authority, United States Fish and Wildlife Service, Department of the Interior

Dennis O. Johnson, Ph.D. Science Attache,
American Embassy, New Delhi
Arthur W. Lazarowitz, Staff Specialist, Office
of Federal Wildlife Service, United States
Fish and Wildlife Service, Department of
the Interior
Thomas McIntyre, III, Assistant to the
Administrator, Animal and Plant Health
Inspection Service, Department of
Agriculture
Thomas Parker, Jr., Office of Food and
Natural Resources, Bureau of Oceans and
International Environmental and Scientific
Affairs, Department of State

Congressional Staff Adviser

Jeffrey Curtis, Counsel, Subcommittee on
Fisheries and Wildlife Conservation and
the Environment, Merchant Marine and
Fisheries Committee, House of
Representatives

Private Sector Adviser

Fred L. Jones, Wildlife Expert, Evergreen,
Colorado

United States Delegation to the Seventh
Meeting of the Obstacle Clearance Panel;
International Civil Aviation Organization
(ICAO); Montreal; February 23 to March 13,
1981

Representative

Thomas H. Quinlan, Aircraft Programs
Division, Office of Flight Operations,
Federal Aviation Administration

Advisers

Maurice Anders, Flight Standards National
Field Office, Office of Flight Operations,
Federal Aviation Administration
Earnest E. Callaway, Flight Standards
National Field Office, Office of Flight
Operations, Federal Aviation
Administration
Louis C. Cusimano, Air Transportation
Division, Federal Aviation Administration
Walter M. Frucht, Office of Airport
Standards, Federal Aviation
Administration
Ted O. McCarley, Flight Standards National
Field Office, Office of Flight Operations,
Federal Aviation Administration
Harvey R. Payne, Flight Procedures
Specialist, Headquarters AFCC, Scott Air
Force Base

Private Sector Adviser

Lawrence Gillespie, Manager, Flight
Operations, Air Transport Association

[FR Doc. 81-11812 Filed 4-17-81; 8:45 am]

BILLING CODE 4710-19-M

[Public Notice 751]

Fishery Conservation and Management Act of 1976; Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign

fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the Federal Register.

Individual vessel applications for fishing in 1981 have been received from Taiwan and the Governments of Japan,

the Union of Soviet Socialist Republics, Korea, the Federal Republic of Germany, Poland, Portugal, the Netherlands, Greece and the People's Republic of Bulgaria.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, (Telephone: (202) 634-7432).

Dated: April 13, 1981.

Brain S. Hallman,
Acting Director, Office of Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, Caribbean, North Pacific.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Giltet.	North Pacific.
CRS	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England, Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl	Pacific.
PBS	Pacific Billfish and Sharks	Western Pacific.

Activity codes specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

Nation and vessel	Vessel type	Application No.	Fishery	Activity
Japan:				
Daiyu Maru	Long liner	JA-81-3879	PBS	1
Shinyo Mar No. 18	Longline fishing	JA-81-14-1498	ABS	1
Masa Maru No. 31	Longline fishing	JA-81-1499	ABS	1
Taka Maru No. 35	Longline fishing	JA-81-1500	ABS	1
Taisei Maru No. 5	Longline fishing	JA-81-1485	ABS	1
Taiyo Maru No. 58	Longline fishing	JA-81-1487	ABS	1
Taiyo Maru No. 38	Longline fishing	JA-81-1488	ABS	1
Taishin Maru No. 25	Longline fishing	JA-81-1489	ABS	1
Taikan Maru No. 15	Longline fishing	JA-81-1490	ABS	1
Sumi Maru No. 18	Longline fishing	JA-81-1491	ABS	1
Daiyoku Maru No. 28	Longline fishing	JA-81-1492	ABS	1
Koshin Maru No. 58	Longline fishing	JA-81-1493	ABS	1
Koshin Maru No. 38	Longline fishing	JA-81-1494	ABS	1
Tokuji Maru No. 35	Longline fishing	JA-81-1495	ABS	1
Fujisel Maru No. 18	Longline fishing	JA-81-1496	ABS	1
Fujisel Maru No. 6	Longline fishing	JA-81-1497	ABS	1
Sumiyoshi Maru No. 86	Longline fishing	JA-81-1236	ABS	1
Shoel Maru No. 7	Longline fishing	JA-81-3881	PBS	1
Sanei Maru	Cargo/transport	JA-81-0568	BSA, GOA	3
Kouei Maru No. 8	Longline fishing	JA-81-3880	PBS	1
Chiyo Maru No. 7	Longline fishing	JA-81-1484	ABS	1
Korea: 501 Dong Sod	Cargo/transport	KJ-81-0119	BSA, GOA	3
Poland:				
Zyrdow	Reef vessel	PL-81-0089	NWA, BSA, GOA, WOC	3
Gdynski Kosmyr	Reef vessel	PL-81-0090	NWA, BSA, GOA, WOC	3
Dzieli Polskie	Reef vessel	PL-81-0091	NWA, BSA, GOA, WOC	3
Lacerta	Large Stern Trawler	PL-81-0076	WOC, GOA, BSA	1
The Netherlands: M/S Baltic	Cargo/Transport	NL-81-0001	BSA	3
Taiwan: Hsiny No. 301	Stern trawler	TW-81-0002	SMT	1

Nation and vessel	Vessel type	Application No.	Fishery	Activity
Portugal:				
<i>Senhora Das Candeias</i>	Side trawler	PO-81-0001	NWA	1
<i>Sao Rafael</i>	Stern trawler/gillnetter	PO-81-0002	NWA	1
<i>Inacio Cunha</i>	Stern trawler	PO-81-0003	NWA	1
<i>Joao Alvares Fagundes</i>	Stern trawler	PO-81-0004	NWA	1
<i>Luis Ferreira de Carvalho</i>	Stern trawler	PO-81-0005	NWA	1
<i>Navegante</i>	Side trawler	PO-81-0006	NWA	1
<i>Santa Isabel</i>	Stern trawler	PO-81-0007	NWA	1
<i>Vila Do Conde</i>	Stern trawler	PO-81-0008	NWA	1
<i>Combra</i>	Stern trawler	PO-81-0009	NWA	1
<i>Praia Do Restelo</i>	Side trawler	PO-81-0010	NWA	1
<i>Ilha Sao Vicente</i>	Stern trawler	PO-81-0011	NWA	1
Korea:				
<i>Soo Gong No. 91</i>	Stern trawler	KS-81-0115	BSA, GOA	1
<i>Soo Gong No. 82</i>	Stern trawler	KS-81-0116	BSA, GOA	1
<i>Jinam No. 308</i>	Stern trawler	KS-81-0117	BSA, GOA	1
<i>No. 77 Dong Bang</i>	Cargo/transport	KS-81-0118	BSA, GOA	3
Joint Venture Applications				
<i>Korea: Book Neung Ho</i>	Factory ship	KS-81-0079	BSA, GOA	1
This vessel has previously been granted a 1981 permit for Joint Venture activities. The current application is a request for the vessel's permit to be modified to allow directed fisheries activities as well as Joint Venture activities.				
<i>Greece: Possidonia</i>	Factory ship	GR-81-0001	WOC, NWA	2
This vessel has applied for two Joint Venture operations. The NWA Joint Venture (April to June, 1981) would be for up to 3500 MT of Loligo Squid. The U.S. partner would be Bjorn Stackellus, Joint Trawlers USA, Ltd., P.O. Box 1209, 63 Main Street, Gloucester, MA 01930. It envisions employing 9-10 U.S. catcher boats. The WOC Joint Venture request (April-October 1981) would be for up to 15,000 MT of Pacific Whiting (Hake). The U.S. partner would be Mr. Fish, Inc., c/o Frank Mateljan, P.O. Box 1241, Wilmington, CA 90748. It envisions employing 3-6 U.S. catcher boats.				
Federal Republic of Germany:				
<i>Friedrich Busse</i>	Large stern trawler	GE-81-0010	BSA, GOA	2
This vessel has previously been granted a 1981 permit to conduct directed fisheries activities. The current application is a request for the vessel's permit to be modified to allow Joint Venture operations in addition. Principle U.S. contact is Mr. Al Birch, Alaska Shrimp Trawler Association. The envisioned operations would be conducted June to September for Pacific Cod (16,000 MT) and Pollock (9,000 MT), and would utilize at various times 5-6 shrimpers and 3-4 larger U.S. druggers.				
<i>Mond</i>	Large stern trawler	GE-81-0015	BSA, GOA	1
Planned 1981 fishing operations in USFCZ cancelled due to mechanical problems with the vessel.				
<i>Regulus</i>	Large stern trawler	GE-81-0011	BSA, GOA	1
This vessel will replace the <i>Mond</i> . It is applying for both directed fisheries and Joint Venture activities. It will participate in the same Joint Ventures as the <i>Friedrich Busse</i> .				
Bulgaria:				
<i>Sapiti</i>	Freezer-trawler	BU-81-0020	WOC	1
<i>Rotala</i>	Freezer-trawler	BU-81-0005	WOC	1
<i>Kaprela</i>	Freezer-trawler	BU-81-0019	WOC	1
<i>Argonaul</i>	Freezer-trawler	BU-81-0002	WOC	1
These vessels have applied for both directed fisheries and Joint Venture activities in WOC for up to 40,000 MT of Pacific Whiting (Hake). The U.S. partner would be Continental Marine Corp., Suite 1601 or Banco Building, 1001 S.W. 5th, Portland, Oregon 97204. It envisions employing 4 U.S. catcher boats, and would operate between May 15 and November 1, 1981.				
U.S.S.R.:				
<i>Saraput</i>	Stern trawler	UR-81-0735	WOC, BSA, GOA	2
<i>Sevkar</i>	Stern trawler	UR-81-0736	WOC, BSA, GOA	2
<i>Ivan Mal'yakin</i>	Stern trawler	UR-81-0737	WOC, BSA, GOA	2
<i>Mys Kronotsky</i>	Stern trawler	UR-81-0738	GOA, BSA, WOC	2
<i>Mys Chasovoy</i>	Stern trawler	UR-81-0176	GOA, BSA	2
<i>Mys Obrucheva</i>	Stern trawler	UR-81-0075	GOA, BSA, WOC	2
These vessels have applied for Joint Venture permits (receiving processing support) for the ongoing US/USSR Joint Venture.				
<i>Japan: Shirane Maru</i>	Stern trawler/factory ship	JA-81-0362	NWA	2
This vessel has applied for authorization to conduct Joint Venture operations in NWA for 1,000 MT long-finned squid. The U.S. partner is Lund's Fisheries, Inc., 997 Ocean Drive, Cape May, NJ 08204. The operation is scheduled for a 30 to 45 day period sometime in May, June or early July. It anticipates employing between 4 to 15 U.S. catcher boats.				

[FR Doc. 81-11811 4-17-81; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 81-027]

Coast Guard Academy Advisory Committee; Charter Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Coast Guard Academy Advisory Committee has been renewed by the Secretary of

Transportation for a two-year period beginning January 16, 1981 through January 16, 1983.

The Coast Guard Academy Advisory Committee was established under section 6 of an Act of Congress, Pub. L. 75-38 of April 16, 1937 (14 U.S.C.) to examine the course of instruction at the Academy and advise the Commandant relative thereto.

Interested persons may seek additional information by writing: CAPT. R. M. WHITE, USCG, Executive

Secretary, Coast Guard Academy Advisory Committee, U.S. Coast Guard Academy, New London, CT 06320 or by calling: 203-444-8275

Dated: April 6, 1981.

W. H. Stewart,

Chief, Office of Personnel.

[FR Doc. 81-11510 Filed 4-17-81; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

Conversion of Aircraft Records to Microfiche

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of conversion of aircraft records to microfiche.

SUMMARY: The aircraft records maintained at the FAA Airmen and Aircraft Registry, Oklahoma City, Oklahoma, are being converted to microfiche. Microfiche will become the official record once each record is converted. Effective May 1, 1981, all persons requesting aircraft records or copies of aircraft records which have been converted will be provided microfiche copies.

DATE: Effective May 1, 1981, aircraft records converted to microfiche, and thereafter, as the balance is converted, microfiche records will become the official records of the Airmen and Aircraft Registry.

FOR FURTHER INFORMATION CONTACT: James E. Henderson, Chief, Aircraft Registration Branch (AAC-250), Mike Monroney Aeronautical Center, Federal Aviation Administration, P.O. Box 25082, Oklahoma City, Oklahoma 73125. Telephone: (405) 686-2131.

SUPPLEMENTARY INFORMATION: Since 1926, the records pertaining to United States registered aircraft have been maintained in folders, identified by the registration number of the aircraft, which contain either the original documents, or certified copies of such documents, submitted for recordation.

In October 1978, following a comprehensive study, it was determined that the aircraft records would be replaced by an updateable microfiche system. It was further determined that the microfiche would be the official aircraft records of the Airmen and Aircraft Registry.

Effective May 1, 1981, any person requesting record, which has been converted to microfiche, will be provided with a copy of the microfiche record concerning that aircraft. In the case of the aircraft records which have been converted, the original records will

be forwarded to the Federal Records Center and will not be available for review.

Issued in Oklahoma City, Oklahoma, on April 9, 1981.

Benjamin Demps, Jr.,
Director, Aeronautical Center.

[FR Doc. 81-11551 Filed 4-17-81; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Rulemaking, Research and Enforcement Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on June 17, 1981, to answer questions from the public and industry regarding the Agency's rulemaking, research and enforcement programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the June meeting, representatives of DOT will answer questions received in writing from the industry and the public relating to NHTSA's rulemaking, research and enforcement programs (including defects) phases of these activities which are technical, interpretative or procedural in nature. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the June 17 meeting must be submitted in writing by June 5 to Michael M. Finkelstein, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, D.C. 20590. Every effort will be made to answer appropriate questions received. Questions received after the June 5 date may be answered at the meeting, if sufficient time is available. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of questions submitted by June 5 will be available at the meeting and this list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington, D.C., within four weeks after the meeting. Copies of the transcript will be available in four or five weeks at twenty-five cents for the first page and five cents for each additional page (length has varied from

100 to 150 pages) upon receipt to NHTSA, Technical Reference Section, room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

Succeeding meetings will be held on September 23 and December 9, 1981. Issued in Washington, D.C. on April 9, 1981.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 81-11829 Filed 4-17-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Privacy Act of 1974, Deletion of Systems of Records

AGENCY: Department of the Treasury, Office of the Secretary.

ACTION: Deletion of Two Privacy Act Systems of Records.

SUMMARY: This notice serves to delete Treasury/OS 00.101—International Criminal Police Organization (INTERPOL) Criminal Investigative Records (46 FR 16473) and Treasury/OS 00.102—Treasury Enforcement Communications System (TECS) (46 FR 16473). The information in Treasury OS 00.101 is now maintained by the United States National Central Bureau (USNCB) of the Department of Justice and is entitled "Criminal Investigative Records System—Justice/DAG-007", published at 45 FR 13847. The information in Treasury/OS 00.102 is duplicative of CS 00.244—Treasury Enforcement Communications System (TECS) published at 345 FR 18780.

EFFECTIVE DATE: MAY 20, 1981.

FOR FURTHER INFORMATION CONTACT: Phyllis De Piazza, Departmental Disclosure Officer, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, (202) 566-6535.

Dated: April 13, 1981.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 81-11794 Filed 4-17-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Education Benefits; Payments to Incarcerated Claimants—Elementary and Secondary Training Provisions

AGENCY: Veterans Administration.

ACTION: Request for public comments.

SUMMARY: The Veterans Administration is publishing for public comment statements of procedures which have been adopted by the agency in order to

implement some of the provisions of the Veterans' Rehabilitation and Education Amendments of 1980. These statements will better acquaint veterans, eligible persons, educational institutions and the public at large with the way these provisions will be implemented.

DATES: Comments must be received on or before May 20, 1981.

ADDRESS: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for review at the above address during normal business hours until June 1, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, N.W., Washington, DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: This publication contains Appendix C and Appendix D to DVB Circular 22-80-39. Appendix C implements the provisions of the Veterans Rehabilitation and Education Amendments of 1980 which deal with paying educational assistance allowance to incarcerated claimants. Appendix D implements those provisions of the Act that deal with paying benefits and making charges against the entitlement of claimants enrolled in elementary or secondary training. These appendixes have been distributed through normal channels. The Veterans Administration is implementing the procedures contained in the appendixes. All comments will be reviewed and used in changing the appendixes, if necessary.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays until June 1, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for inspection only in Central Office, and

furnished the address and the above room number.

Approved: April 13, 1981.

Rufus H. Wilson,

Acting Administrator.

[DVB Circular 22-80-39]

Appendix C—Paying Education Benefits to Incarcerated Claimants

January 28, 1981.

1. Purpose. Public Law 96-466 has changed a number of provisions, restricting the payment of educational assistance benefits to incarcerated veterans and eligible persons. The purpose of this appendix is to describe the policies and procedures to be used for paying these claimants. Paragraphs 2, 3, 4 and 5 describe the new policy provisions and some additional concepts involved in these changes. Methods for identifying incarcerated claimants as well as claims development are described in paragraphs 6 and 7; award processing procedures are described in paragraph 8.

2. General.

a. The new law has amended three sections of title 38, U.S. Code, section 1682 (chapter 34), section 1732 (chapter 35) and section 1780(a) (chapter 36).

b. The changes to chapters 34 and 35 involve claimants who, as a result of a felony conviction, are incarcerated or are in a halfway house or work-release program.

c. The changes to chapter 36 concern all incarcerated claimants enrolled in programs which have no tuition and fee costs or which have all or part of these costs paid by a local, State or Federal government program.

d. It is important to note that incarcerated felons could be affected by more than one section of the new law. Given this, the following paragraphs will not outline the changes in terms of the amended sections of the law but rather, in terms of individual claimant status.

3. New Provisions

a. *Incarcerated Felons.* The following provisions apply to chapter 34 and 35 cases only:

(1) Claimants incarcerated for a *felony conviction* can be authorized only the costs of tuition, fees and necessary books, equipment and supplies (38 U.S.C. 1682(g)).

(2) Tuition and fee payments cannot be authorized if they are already being paid in full by some other Federal, State, or local government program (38 U.S.C. 1780(a)). However, payments for necessary books, equipment and supplies could be paid in such cases.

(3) If only part of the tuition and fees are being paid by some other

government program, then the claimant can be paid for the remainder of the tuition and fees plus the costs for the necessary books, equipment and supplies (see par. 8h).

(4) In no event can the actual amount paid by the VA to the incarcerated claimant exceed the institutional training time rate for a veteran with no dependents.

(5) Apportionment awards will not be reduced based on these provisions as long as the veteran's award was apportioned for a period on or before October 17, 1980 (date of enactment of Public Law 96-466) and all subsequent apportionable periods.

(6) Inservice claimants or students pursuing training less than half time cannot be paid, while incarcerated, for books, equipment and supplies if tuition and fees are being paid by VA. The reason for this restriction is that these payments would provide them with a greater benefit than if they were not incarcerated.

b. *All Other Incarcerated Claimants.* The following provisions apply to all incarcerated chapter 32 claimants and all chapter 34 and chapter 35 claimants incarcerated for other than a felony conviction (it does not matter if the claimant has not been convicted):

(1) Payments cannot be authorized for any course which has no tuition and fee charges or which is being paid for in its entirety under any other Federal, State or local government program.

(2) If only a portion of the tuition and fees for the course are being paid for by a local, State or Federal government program, then depending on the amount, the costs paid by such a program may have to be deducted from the payments made to the claimant by the Veterans Administration (see par. 8h).

(3) Costs of books, equipment and supplies are not payable to claimants who come under this category (under subpar. (1) or (2) above).

c. *Claimants in a Halfway House or Work-Release Program.* Chapter 34 and chapter 35 claimants who are in a halfway house or work-release program as a result of a *felony conviction*, and are having all living expenses paid by a local, State or Federal government, can be authorized only the costs of tuition, fees and necessary books, equipment and supplies (38 U.S.C. 1682(g)).

4. Effective Dates.

a. The effective date for these new provisions is October 1, 1980. (VAR's 14135(T) and 1114(B) will not be applied to these cases.) As a result of the October 1, 1980 effective date, some claimants have already received payments for periods after this date at the higher (institutional) rates.

b. Overpayments which result from these new provisions will not be entered into a claimant's master record unless there are compelling reasons to believe that he or she was aware of the new provisions before having negotiated a check issued at the higher rate.

c. If there is no evidence in the claims folder to show that the claimant knew of the new provisions before negotiating the check(s), the award will be reduced to the new rate effective the DLP (Date Last Paid).

d. If there is evidence in the claims folder to show that the claimant negotiated a check which he or she personally knew to be in excess of the amount due, the award will be reduced effective the first day of the month following the date the claimant became aware of the new provisions.

e. Awards which have not as yet been processed will be reduced effective the beginning date of the award or October 1, 1980, whichever is later.

f. Awards which are in a suspended status will be reduced effective the earlier of DLP or the first day of the month following the date the claimant became aware of the new provisions.

5. *Allowable costs.* All claimed expenses must be certified by the school or training institution.

a. The charges certified for tuition, fees, books, equipment or supplies cannot exceed the rates charged to similarly circumstanced nonveterans.

b. Tuition, fees, books, equipment or supplies certified must be required of all students in the course, including nonveterans. NOTE: If only the veterans in a particular program are required to pay these costs because of the entitlement to VA educational benefits, then these costs are *not* reimbursable.

c. The same books, equipment or supplies which have been paid for one enrollment period cannot again be paid for any subsequent period. The only exception to this would be consumable supplies such as pens, pencils, notebooks, paper, etc.

6. Identifying Incarcerated Claimants.

a. *Correctional Facilities.* Instructions for establishing a liaison with the State corrections authority and Federal corrections institutions are provided in DVB Circular 21-80-10, change 1. The revised VA Form 21-4193, Notice to Veterans Administration of Veteran or Beneficiary Incarcerated in Penal Institution, (see exhibit A) will also be used by prison officials to notify stations of incarcerated education claimants.

b. *Work-Release Programs.* Stations need not make any special attempts to notify work-release programs of the

changes in the law since these programs are conducted through correctional facilities. These facilities will have already been notified per subparagraph a above.

c. Halfway Houses.

(1) Stations will write to all identifiable halfway houses within their jurisdiction to notify them of the changes in the law (see exhibit B).

(2) A listing of halfway houses in each State has been provided to each station Director.

(3) Halfway house officials will be asked to notify the claimants in their program of the changes in the law and to ask them to contact the field station if they are currently enrolled in or considering enrolling in a program of education using VA benefits.

d. Schools and Training Establishments.

(1) All schools and training establishments must be told of the changes to payments for incarcerated claimants. The station ELR (education liaison representative) should contact each school or training establishment which is known to conduct a program involving incarcerated claimants, outlining the basic changes to the law and the information that will be required to pay incarcerated beneficiary claims. A sample letter (exhibit C) is provided as an outline of the information that should be conveyed.

(2) In certain instances, education programs conducted within correctional institutions have been assigned their own unique facility code. ELR's should request message code 860 writeouts (STATION REQUEST FOR SCHOOL CODE) for each of these facilities. Adjudication will review these writeouts along with the claims folders and develop for information concerning the claimant's status and the costs of the program, as necessary.

7. Development. When notice is received that a claimant with a running award or pending claim is incarcerated or in a work-release program or halfway house, the following information will be needed in order to process the claim:

a. Incarcerated Claimants. In order to process claims from incarcerated claimants, stations must determine:

- (1) The date the incarceration began;
- (2) If the claimant is incarcerated for a felony conviction; and
- (3) If the tuition and fees for the program are being paid by a local, State or Federal government program.

b. Claimants in a Halfway House or Work-Release Program. In order to process claims from claimants in halfway houses or work-release programs, stations must determine:

(1) The date the claimant entered the halfway house or work-release program;

(2) If the claimant is there as a result of a felony conviction; and

(3) If all living expenses are being paid by a local, State or Federal government.

c. Certification from Schools.

(1) Schools should indicate in the "Remarks" section of VA Form 22-1999 (Enrollment Certification) or VA Form 22-1999b (Notice of Change in Student Status) that a claimant is incarcerated.

(2) The charges for books, equipment and supplies will also be shown in the "Remarks" section.

(3) Books, equipment and supplies certified must be listed individually with the cost of each item shown.

(4) Consumable supplies such as pens, pencils, notebooks, and paper, which total under \$10 need not be listed individually.

(5) The charges for tuition and fees will be shown in the designated areas of the certification forms.

(6) The school should state if the tuition and fees are being paid by the local, State or Federal government and show the amounts.

d. When the requested information is obtained, the claimant's award will be adjusted accordingly. Flow charts (exhibits D, E, and F) are provided to help in making such determinations.

8. Award Adjustments.

a. All awards for incarcerated claimants require the following actions:

(1) All copies of the award will be annotated to clearly show that the claimant is incarcerated; running awards which are reduced other than 10/1/80 due to the instructions contained in this appendix (see par. 4) will be annotated to show "REDUCED PER DVP CIR. 22-80-39, APP. C";

(2) The award copy will be back-filed in the claims or DEA folder;

(3) An additional copy of the award will be maintained in a centralized file in the Adjudication Division for future adjustments;

(4) The Target file pull indicator will be set; and

(5) A dictated letter will be sent to the claimant outlining the changes in the law, how his or her benefits will be affected by these changes, and appellate rights.

b. Assistance in processing any claim from an incarcerated chapter 32 claimant who comes under the provisions of paragraph 3b(2) may be obtained from Central Office at FTS 389-2829.

c. Running or Suspended Awards.

(1) Running awards which are to be reduced because of these new provisions should be suspended pending

receipt of cost information, etc.

Attempts should also be made to intercept checks paid at the wrong rates if the check has already been mailed but has not yet been received by the claimant (see DVB Circular 20-79-25).

(2) Claimants who have already received education assistance allowance payments which equal or exceed the amount payable by the VA for the particular award period, will have their awards terminated on the effective date as determined in paragraph 4. The amount payable can be determined by using the calculations in paragraph 8h (1) or (2), as appropriate.

(3) If the amount of educational assistance allowance already received by the claimants is less than the amount payable, then the difference will be paid by prorating the difference over the remaining months of the award (see M22-2, pt. VIII, par. 2.03).

d. Less Than Half-Time or Inservice Training. Awards involving exclusively less than half-time training or awards to inservice students can be prepared for entry according to current procedures.

e. Half-Time or Greater Training. Until computer programing can be changed, awards for incarcerated claimants training at a half-time or greater rate must be entered using special procedures.

(1) *Graduate or Undergraduate (Type A or B) Training.*

(a) Awards for periods involving half-time or greater training must be entered as "Independent Study" awards in order to bypass the computer editing between the monthly rate and training time. A "Total Charges" amount will be computed based on allowable costs and a monthly rate based on these total charges will be calculated based on the provisions of M22-2, part VIII, paragraph 2.03.

(b) OCR awards (on VA Form 22-1997S or 22-1997S-1 only) will be entered in accordance with the description of Independent Study awards on page 4-57, M22-2, part IV, (see exhibit G). NOTE: VA Form 22-1999-1, Reenrollment Certification, cannot be used to process awards for incarcerated veterans training half time or greater.

(c) Target awards will be prepared normally except that the Total Charges and the (reduced) monthly rates will be entered. The Target System automatically will assume awards processed in this manner to be independent study (see exhibit H).

(d) Magnetic diskette input can also be used to enter these awards by entering the reduced rate in the

"Monthly Rate" field of VA Form 22-1997, Education Award Code Sheet.

(e) Any award paying a nonstandard monthly rate will result in a VA Form 20-8271, Notice of Exception—CP&E Input Transaction, being issued from the DPC Hines under message code 578, "POSSIBLE UNDERPAYMENT—PL 89-358—NONREJECT." These writeouts should be annotated to show that the payment is reduced because the claimant is incarcerated and then filed in the claims folder.

(2) *Noncollege (NCD) and Apprenticeship Training.*

(a) All (half-time or greater) NCD courses or OJT/Apprenticeship awards must be processed via magnetic diskette using VA Form 22-1997 since both Target and VA Form 22-1997S edits will permit entry of reduced rates only when the type training equals B (undergraduate) or A (graduate).

(b) Awards will be prepared normally except for the reduced monthly rate.

(c) OJT/Apprenticeship awards must show each scheduled 6-month step line, even if the monthly rate remains the same (see exhibit I).

f. *Apportioned Cases.*

(1) Apportionee awards which come under the provisions of paragraph 3a(5) will not have the apportioned amount reduced as long as the veteran's rate of pursuit (training time) can support such a rate. At the extreme, an incarcerated veteran might not be entitled to any monthly payment (because there were no reimbursable tuition, fees, books, equipment or supply charges) while his or her apportionee could continue to receive the existing apportioned amount.

(2) Apportionee awards will continue to be paid according to the instructions in M22-2, part IV, chapter 7.

(3) Finance and Adjudication must closely coordinate apportioned payments involving incarcerated claimants particularly those in which the veteran receives no payments since no computer-generated control

messages will be issued. Awards for all apportioned payments should be clearly annotated to indicate that an incarcerated claimant is involved.

g. *Awards to Pay For Books, Equipment and Supplies.*

(1) For payment purposes, the costs of allowable books, equipment and supplies will be added to the tuition and fee costs (of any) and entered in the "Total Charges" field of the award.

(2) If there are no tuition and fee costs being paid (only costs for books, equipment and supplies), the training time entered on the award will be based on the rate of pursuit (number of credit or clock hours). OJT/Apprenticeship will always be charged as full-time training.

(h) *Awards for Which Partial Tuition and Fees are Paid.* Awards which involve the partial payment of tuition and fees by some other Federal, State or local government program (par. 3a(3)), will be processed as follows:

(1) *Convicted Incarcerated Chapter 34 and Chapter 35 Felons.*

(a) Calculate the total costs of the course—tuition, fees, books, equipment and supplies.

Note.—Do not include the costs of books, equipment and supplies if the claimant is in service or training is less than half time.

(b) Calculate the institutional amount payable for the entire award period based on the (no dependent) training time rate (number of months of attendance x monthly rate).

(c) Subtract the amount paid by the other Federal, State or local government program from the costs of the course (subpar. (a)).

(d) Enter the lesser of the institutional amount (subpar. (b)) or the result of subparagraph (c) as the "Total Charges" on the award being entered.

(2) *All Other Incarcerated Claimants (Chs. 32, 34 and 35).*

(a) Calculate the total tuition and fee costs of the course. (Do not include books, equipment and supplies.)

(b) Calculate the institutional amount payable for the entire award period based on the claimant's training time and number of dependents.

(c) If the costs (subpar. (a)) do not exceed the institutional amount (subpar. (b)), then the total charges to be entered on the award are determined by subtracting the amount paid by the other government program from the institutional amount.

(d) If the costs exceed the institutional amount, the total charges will equal the lesser of:

1. The institutional amount (subpar. (b)), or

2. The difference obtained by subtracting the amount paid by the other government program from the costs.

i. *Awards Paying Minimal Benefits.* Claimants entitled to only minimal educational payments should be advised prior to the entry of their education award that entitlement charges are based on the rate of pursuit of the program and not the amount of benefits paid. Also, claimants should be advised that it might be more advantageous for them to conserve their entitlement for later use by electing not to receive benefits at this time.

9. *Future Adjustments.* It is important that all awards adjusted because of these changes be controlled (par. 8a(3)) until computer programming can be altered to automatically handle such awards. When these programming changes are installed, additional adjustments will be required for each of these awards.

10. Questions or problems concerning these instructions should be referred to Central Office at FTS 389-3150.

Dorothy L. Starbuck,
Chief Benefits Director.

BILLING CODE 8320-01-M

Exhibit A

 Veterans Administration		NOTICE TO VETERANS ADMINISTRATION OF VETERAN OR BENEFICIARY INCARCERATED IN PENAL INSTITUTION	
NOTE: Pursuant to Title 38, U.S.C. sections 505, 1682, 1780 and 3113, awards of Veterans Administration benefits for veterans and beneficiaries are subject to adjustment or discontinuance while such persons are incarcerated.			
ADDRESS OF VA REGIONAL OFFICE TO VA Regional Office 941 N. Capitol St. Washington, D.C. 20421		NAME AND ADDRESS OF INSTITUTION FROM U. S. Prison Arlington, VA 22207	
2. FIRST-MIDDLE-LAST NAME OF VETERAN		3A. SERVICE NO.	
5. NAME OF PERSON INCARCERATED, IF OTHER THAN VETERAN		4. DATE OF VETERAN'S BIRTH	
8. DATE OF COMMITMENT FOLLOWING CONVICTION		7. IS INDIVIDUAL IN A WORK RELEASE OR HALFWAY HOUSE PROGRAM? ☐ YES ☐ NO	
9. TYPE OF OFFENSE FOR WHICH COMMITTED ☐ FELONY ☐ MISDEMEANOR		10. LENGTH OF SENTENCE	
11. DATE		11. SCHEDULED RELEASE DATE	
12. NAME AND TITLE OF INSTITUTIONAL OFFICIAL		14. SIGNATURE OF INSTITUTIONAL OFFICIAL	
VA FORM 1981 21-4193 SUPERSEDES VA FORM 21-4193, DEC 1977, WHICH WILL NOT BE USED.			

BILLING CODE 8320-01-C

Veterans Administration

There recently have been changes made to Veterans Administration laws and regulations concerning the payment of educational benefits to veterans or their dependents who are in halfway houses as a result of a felony conviction, and are having all living expenses paid by the local, State or Federal government.

Effective October 1, 1980, payments to these students are limited to the reimbursement of the costs of tuition, fees and necessary books, equipment and supplies. In most cases, this will reduce the amount of payment which they receive for attending school.

I would appreciate it if you would inform all VA beneficiaries in your program of these changes in the law. If they are currently enrolled in a program of education, or wish to begin a program, they should be urged to contact the above office as soon as possible so that their claims can be adjusted, if necessary.

If you have any questions or problems concerning these changes, please contact (Station Contact Representative) at the above address or by telephoning (Phone Number).

I greatly appreciate your help in this matter.

Station Director.

Veterans Administration

There recently have been changes made to Veterans Administration laws and regulations concerning the payment of education benefits to students or trainees who are incarcerated or who are in a halfway house or work-release program.

Effective October 1, 1980, payments to claimants who have been incarcerated because of a felony conviction are limited to the costs of tuition, fees and necessary books, equipment and supplies.

In addition, the VA cannot pay for any course which has no tuition and fee costs or for which such costs are already being paid by a local, State or Federal government program. This provision applies to all incarcerated claimants, even those not convicted of a felony.

Claimants who (1) are in a halfway house or work-release program as a result of a felony conviction, and (2) are having all living expenses paid by a local, State or Federal government, can be paid only for the costs of tuition, fees and necessary books, equipment and supplies.

We are asking you to furnish us with the names and file numbers of any beneficiaries in your program(s) who might be affected by the above regulatory changes. We realize that, in some cases, you might not know if a student or trainee is in a halfway house or work-release program, but we must be informed of all those of whom you are aware.

These students could be held liable for any overpayment made as a result of these changes to the regulations. It is very important that you notify us of them as soon as possible so that their rates of payment can be adjusted, if necessary.

If we determine that one of your students comes under these new provisions, we will ask you to verify the appropriate costs of the program. Upon receipt of this cost information, we will adjust the student's education award.

In the near future, questions concerning incarcerated status will be added to those forms used to certify attendance and apply for benefits.

For the time being, all information concerning costs should be included on the current version of VA Form 22-1999 (Enrollment Certification) or VA Form 22-1999b (Notice of Change in Student Status). We ask that you provide the following information for any student in your program who might come under the new provisions:

(1) Please indicate in the "Remarks" section of the form if the person is

incarcerated or is in a halfway house or work-release program.

(2) The charges for books, equipment and supplies should also be shown in the "Remarks" section.

(3) Books, equipment and supplies must be listed individually with the cost of each item shown.

(4) Consumable supplies such as pen, pencils, notebooks and paper, which total under \$10 need not be listed individually.

(5) The charges for tuition and fees should be shown in the designated areas of the certification forms.

(6) Please state if the student's educational costs are being paid by the local, State or Federal government and show the amounts received or expected.

Any reimbursable costs which you might certify must meet the following criteria in order to be allowable:

(1) Tuition, fees, books, equipment and supplies certified cannot exceed the rates charged to similarly circumstanced nonveterans.

(2) Tuition, fees, books, equipment or supplies certified must be required by all students in the course, including nonveterans.

(3) Books, equipment or supplies which have been certified and paid for one enrollment period cannot again be paid for any subsequent periods. The only exception to this would be consumable supplies such as pens, pencils, notebooks, and paper.

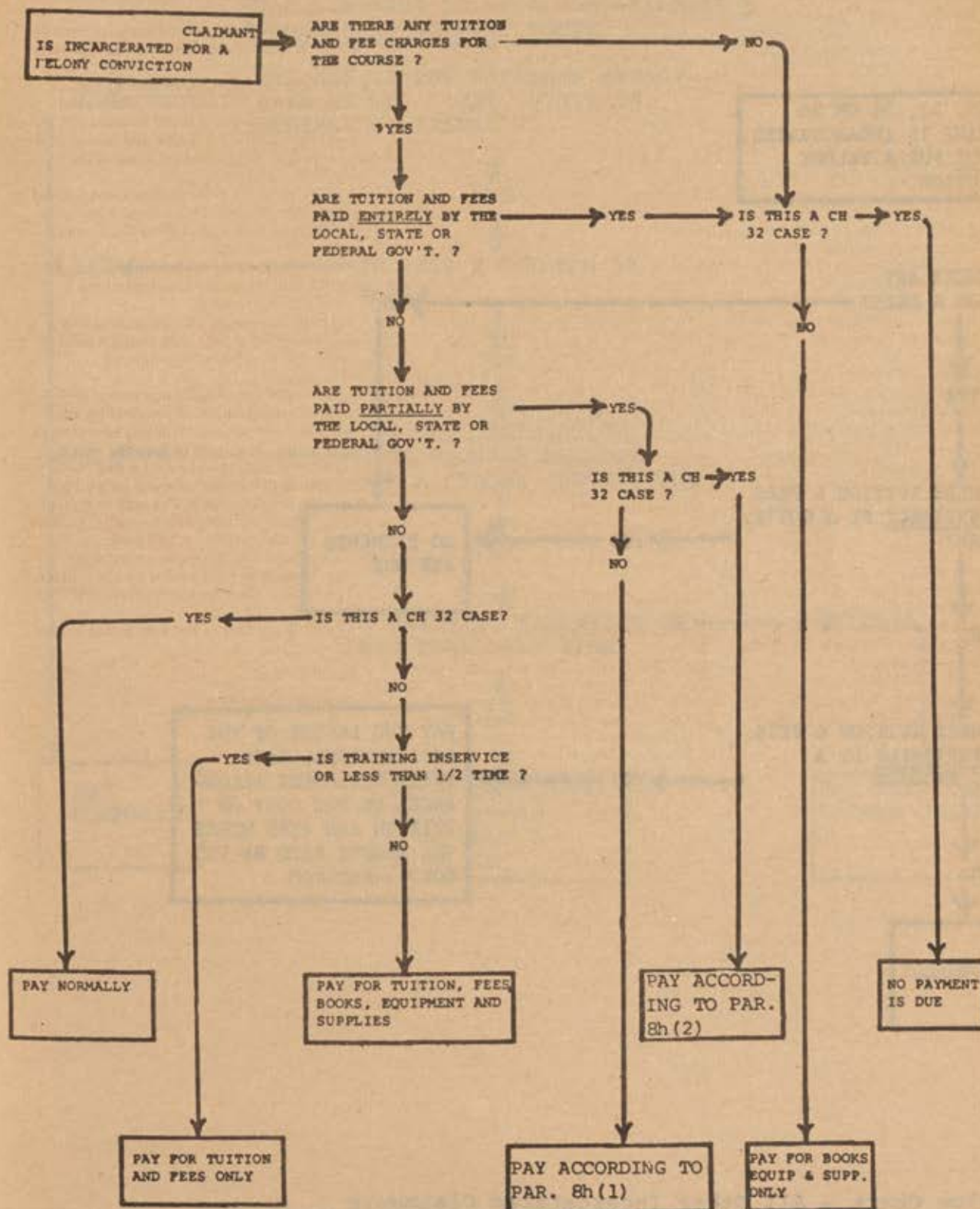
If you have any questions or problems concerning these instructions please contact (Education Liaison Representative) at (Phone Number).

I greatly appreciate your help in this matter.

Station Director.

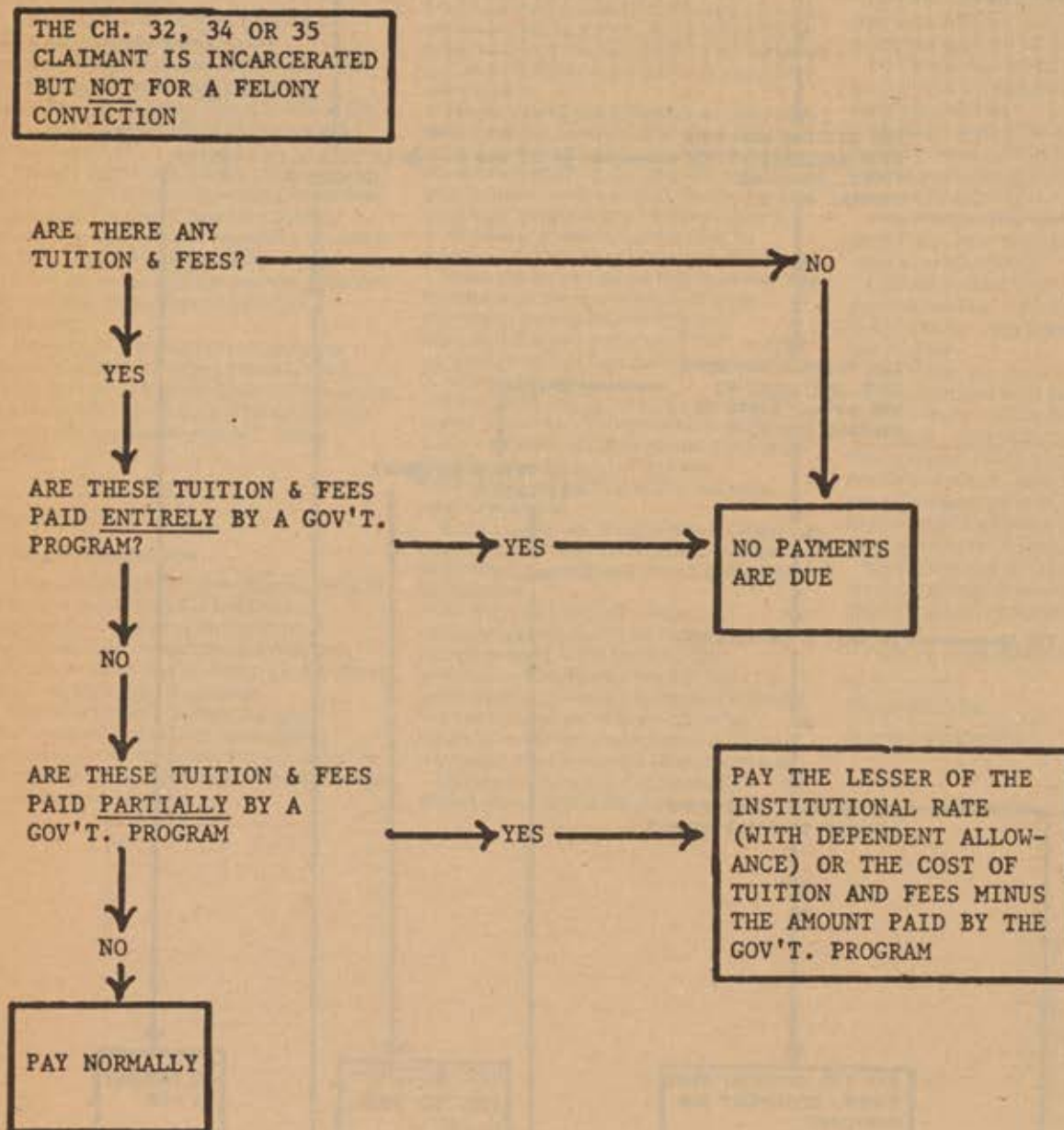
BILLING CODE 8320-01-M

Exhibit D



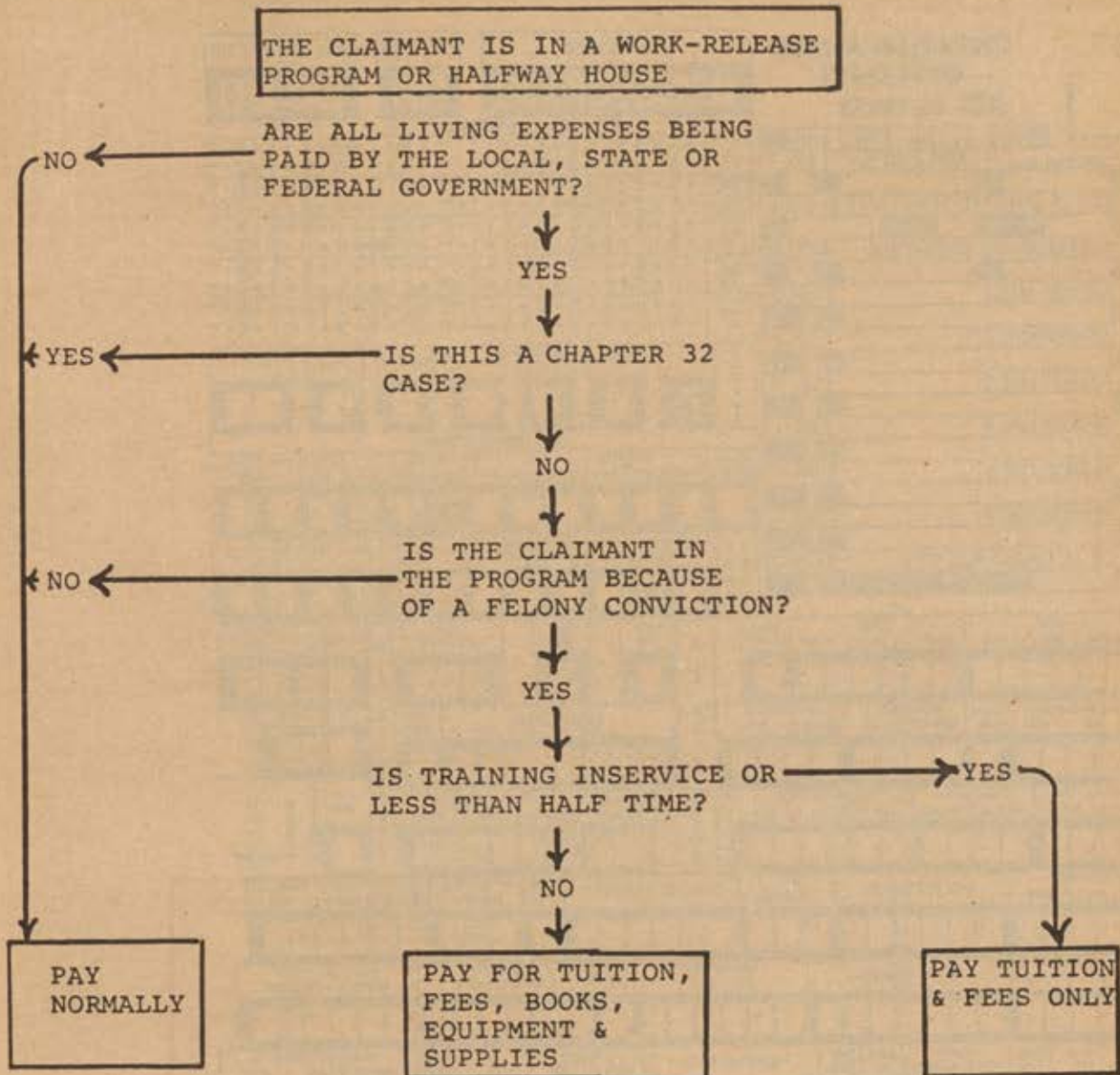
Flow Chart - Incarcerated Convicted Felons

Exhibit E



Flow Chart - All Other Incarcerated Claimants

Exhibit F



Flow Chart - Halfway House and Work Release

97

VA FORM 22-1997S
SEPT 1977

22-1997S

HHH ALIGN TYPE HHH

FILE NUMBER

PAYEE NO.	
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R.O. NO.	UNIT NO.
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0610

NAME CODE

		ALPHABET															
		1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16															
J	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
K	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
L	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
M	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
N	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
O	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
P	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
Q	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
R	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
S	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			
T	1ST IN	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	
	2ND IN	N	O	P	Q	R	S	T	U	V	W	X	Y	Z			

STATUS	VET	IN SVC	WIDOW /ER	SPOUSE	ORPHAN	CHILD	OTHER
	X						

TYPE OF ACTION

TYPE OF ACTION												
DENIAL (CODE)	C/E DATA				TYPE AWARD					STOP PAY	CHG STAT	M/R WRITE
	TEMP	O/T	ORIG	SUPP	ORIG	REEN	AMO	N COD	N VER			

[illegible]

1	DATE OF BIRTH	ED LEVEL	DATE OF CLAIM
2	VETERAN NAME	VETERAN SSN	VET SVCS
3	ADDRESS LINE 1		DEL 1
4	ADDRESS LINE 2		DEL 2
5	ADDRESS LINE 3		DEL 3
6	ADDRESS LINE 4		DEL 4
7	ADDRESS LINE 5		DEL 5
8	ADDRESS LINE 6		DEL 6
9	ZIP OR FOREIGN MAIL CODE		DEL ADDR

BR SVC	EOD			RAD			L 181
	MONTH	DAY	YEAR	MONTH	DAY	YEAR	
CLOD (2 yr max period)			1879	NON-CREDIT		NOT ON	
MONTH	DAY	YEAR	MO	MONTHS	DAYS	MONTHS	
AMOUNT PRIOR TRNG			TIME USED		DELIMITING DATE		
TYPE	MONTHS	DAYS	MONTHS	DAYS	MONTH	DAY	Y

[illegible][illegible][illegible]

CORR UNIT	DEPT THIS	CHILD DATA	ACT	BIRTH DATE			STATUS	O/R	6 MOS O/T/APP	INDEP STUDY	EXT EXT	LUMP NOT PAY	TOTAL CHARGES
				MONTH	DAY	YEAR							
							OVER 3	COMPLETED BY INCARCERATED VETERAN <i>Perry Johnson</i> 12-15-80					

COMPLETED BY INCARCERATED VETERAN
Perry Johnson 12-15-80

Amended OCR Award

Exhibit H

FILE NO: 346 57 3650-00
 PHILLIP J ROSSIE
 141 GYRG
 RESTON VA
 22090

EDUCATION INSTITUTIONAL AWARD
 NAME: P J ROSSI
 RO: 390 DTE OF CLM: 11-12-
 CH 34 VETERAN EPC: 220
 GDN: PWR ATTY:

TRANS: 12C 11/25/80
 FGC CDE:
 TYP TNG: B-UNDERGRAD
 CRS/OBJ:
 GTH DTE:

DISALLOW CODE/RSN:

EFFECTIVE DATE 12-01-80 60
 ENDING DATE 02-01-81 61
 NO RTE/ LSN RTE TO/TH TNE H LS WK CHG TNG
 10.00 00/00 4 S 12 4 B 20.00

CHARGES S O WITH-
 T R HOLD

REMARKS: INDEPENDENT STUDY ASSUMED

ENTERED BY: 2203 TRAINING AUTHORIZED BY: DATE:

Target Award (GAP Print)

Exhibit I

NOTE - SHADED ITEMS TO BE COMPLETED BY INPUT ACTIVITY

1. TRANS. CODE		2. LETTER INDICATOR		3. COPY TO		4. R.D. NO.		5. FILE NUMBER		6. PAYEE NO.		7. R.D. NO.					
		☐ 1-DICTATED		☐ GDN UNIT				999999990099									
7. CODE		NAME		8. VETERAN'S SOCIAL SECURITY NUMBER													
POWER OF ATTORNEY		☐ 74-AL ☐ 75-ARC ☐ 77-AMVETS															
		☐ 83-DAV ☐ 87-VFA ☐ OTHER (Specify)															
11A. NAME AND ADDRESS OF PAYEE				11B. NEW ADDRESS				9. INITIALS AND SURNAME OF VETERAN									
PAYEE NAME				☐ 1-YES ☒ 2-NO				J Q VETER									
JOHN Q VETERAN								10. INITIALS AND SURNAME OF PERSON ENTITLED (Other than vet)									
PAYEE ADDRESS								12. PRIOR NET AWARD DATA									
								MONTHLY PAYMENT				EFFECTIVE DATE					
11C. MAIL CODE																	
13. AWARD DATA												TRAINING TIME CODES					
CHANGE REASON (Codes on reverse)	DEPENDENCY TOTAL THIS (B) (C)	MONTHLY RATE OR RATE PER LESSON (D)	EFFECTIVE DATE (E)	TRAINING TIME (F)	ENT. CODE (G)	ATTENDANCE HOURS TYPE (H) NO. (I) DAYS PER WEEK (J)		*ENT. CHARGE (K)	0-1/4 TIME OR LESS 1-MORE THAN 1/4 BUT LESS THAN 1/2 TIME 2-1/2 TIME 3-3/4 TIME 4-FULL TIME 5-COOP. (Other than farm) 6-CORRESPONDENCE 7-FLIGHT								
29 00		62 20	1-1-81	4	61	C	40	5									
77		62 20	3-1-81														
77		62 20	9-1-81														
67		NONE	3-1-82														
									ATTENDANCE TYPE								
									*D-NONCREDIT DEFIC. ETC. (If code "D" is used in col. H, enter ent. charge code in col. K) U-HIGH SCHOOL UNITS C-CREDIT HOURS Q-QUARTER HOURS S-SEMESTER HOURS C-CLOCK HOURS P-CLOCK-SHOP PRED. R-CLOCK-RESID. INTERN.								
14. REMARKS												24. CHILDREN DATA					
INCARCERATED VETERAN																	
CHAPTER 35 DATA		17. TOTAL CHARGES		18. NUMBER OF CORRESPONDENCE LESSONS		19. COURSE CODE CURRENT		ACTION 1-ESTAB 2-CANCEL 3-MOVE		PAYEE NO.		SEX M-F		BIRTHDATE		STATUS 1-NOT IS 2-SCHOOL 3-HELP	
15. VETERAN'S SERVICE (Original and only)		DOLLARS CENTS				007		(A)		(B)		(C)		(D)		(E)	
☐ 1-WW1 ☐ 2-WW2 ☐ 3-KOREAN ☐ 4-PTE ☐ 5-SAN ☐ 6-POST K.C. ☐ 7-VIETNAM ERA																	
16. EXCESS CHARGE (SRT/VA 12333)		20. ENROLLMENT PERIOD (Lump-sum indicator) - (Complete for original and reinstatement institutional awards.)		LUMP SUM PAYABLE 1-SCHOOL OPERATES ON TERM-QUARTER SEMESTER BASIS		LUMP SUM NOT PAYABLE 2-SCHOOL OPERATES ON YEAR-ROUND BASIS											
☐ 1-YES ☐ 2-NO				☐ 1-SEMESTER ☐ 3-OTHER													
				☐ 2-QUARTER ☐ 4-6 MONTHS (Undergraduate)													
22. CONTROL TOTAL		23. SOCIAL SECURITY NO. FOR PERSON ENTITLED															
25. DATE OF CLAIM		26A. ADJUDICATOR		26B. DATE		27A. AUTHORIZER		27B. DATE									
12-28-80						Sven Kinson		1-5-81									
VA FORM 22-1997		SUPERSEDES VA FORM 22-1997		MARCH 1973, WHICH WILL NOT BE USED		EDUCATION AWARD (CH. 34 & 35)											

Apprenticeship Award - Magnetic Diskette Input

BILLING CODE 8320-01-C

[DVB Circular 22-80-39]

Appendix D—Elementary and Secondary Training for Chapters 32, 34 and 35

February 10, 1981.

1. *Purpose.* Pub. L. 96-466 has changed certain provisions of the law concerning elementary and secondary training under chapters 32, 34 and 35. The purpose of this circular is to describe these new provisions and to provide procedures to process these claims under the new law.

2. *General.* The following provisions of the new law are effective October 2, 1980:

a. Chapter 32.

(1) Enlisted persons may pursue elementary or secondary level courses during the last 6 months of the participant's first enlistment and at any time thereafter. However, this provision applies only to current and former enlisted persons; it does not apply to officers.

(2) The enlisted person who is eligible to receive VA benefits for an elementary or secondary program will be paid the cost of the tuition and fees charged for the course with no charge to entitlement. The prorated monthly rate may not exceed the chapter 34 single-veteran institutional rate for the particular training time.

(3) However, the claimant is entitled to elect to receive the monthly rate that is based on the participant's contributions, matching funds, DOD contributions, and the particular training time, which will have the appropriate charge to entitlement. In order to receive this election, the claimant must provide the VA with the signed statement to the effect, "I elect to receive payment for my (elementary/secondary) program at the monthly rate with the appropriate charge to my entitlement in lieu of tuition and fees." The statement may be furnished separately or may accompany the enrollment certification document.

(4) Once the election is made to receive the regular chapter 32 monthly payment, the student may only change the method of payment at the beginning of a new enrollment period. The election may be made within 1 year of the date of notification of the right to elect the regular chapter 32 monthly rate.

b. Chapters 34 and 35.

(1) Inservice students will no longer be charged entitlement for elementary or secondary training leading to a high school diploma or an equivalency certificate.

(2) Inservice students will be charged entitlement for deficiency, remedial and special educational assistance programs.

(3) Veterans not on active duty and eligible spouses (including surviving spouses) will receive payment for the cost of tuition and fees charged, not to exceed the single-veteran institutional rate for the particular training time, with no charge to entitlement for enrollments in elementary or secondary training. (For veterans and eligible spouses already enrolled in elementary or secondary training on or before October 1, 1980, see par. 3.)

Note.—The word "veteran" used throughout the circular refers to a veteran not on active duty.

(4) However, the veteran or eligible spouse is entitled to elect to receive payment at the institutional rate, including additional amounts for dependents, for the particular training time with the appropriate charge to entitlement. In order to receive this election, the claimant must provide the VA with the signed statement to the effect, "I elect to receive payment for my (elementary/secondary) program at the monthly rate with the appropriate charge to entitlement in lieu of tuition and fees." The statement may be furnished separately or may accompany the enrollment certification document.

(5) Once the election is made to receive the institutional rate, the student may only change the method of payment at the beginning of a new enrollment period. The election may be made within 1 year of the date of notification of the right to elect the institutional rate.

c. Use exhibit 1 of this appendix for an easy reference guide to the provisions of the law for chapters 32, 34 and 35 claimants.

3. Protected Students (Chapters 34 and 35).

a. The new law permits those veterans and eligible spouses who were enrolled in elementary or secondary school training on or before October 1, 1980, to continue to receive the institutional training time rate with no charge to entitlement as long as they remain continuously enrolled in the program.

b. To be continuously enrolled means that the student must attend all regularly scheduled school terms, not including summer terms or special mini-terms. An enrollment may also be considered continuous if a "break" in enrollment is wholly due to circumstances beyond the student's control such as serious illness. As long as continuous enrollment is maintained in the program, stations will continue to authorize payments to veterans and spouses based on the institutional training time rate (rather than tuition and fees).

4. *Liaison Responsibilities.* The Education Liaison Representative should instruct schools to include the amount of tuition and fees charged for the period being certified on the enrollment certification document. The amount of tuition and fees being certified cannot exceed those charged a nonveteran student. Tuition and fees should be certified regardless of whether the veteran/spouse elects the institutional training time rate or is entitled to receive the institutional training time rate because of continuous enrollment. Schools are not required to provide the election statement from the veteran/spouse, but may include the veteran's/spouse's signed statement if furnished.

5. *85-15% Requirements.* All elementary and secondary education programs, including those offered on or adjacent to a military base, must have the 85-15% ratio computed separately when a serviceperson applies to enroll in the program. The 85-15% computation will include all students receiving VA benefits.

6. Adjudicative Action—Chapter 32.

a. Application Review.

(1) *Inservice Participant.* The application for elementary or secondary training may be approved for benefits if both of the following conditions are met:

(a) The participant is an enlisted person; and

(b) The elementary or secondary training is to be pursued during the last 6 months of the participant's first enlistment and at any time thereafter.

(2) *Veteran Participant.* If the participant is a veteran, it will be necessary to review the DD Form 214 to insure that he/she was an enlisted person before approving the application.

b. *Enrollment Certification Review.* The enrollment certification will be reviewed for completeness as defined in M 22-2, part IV, chapter 1, and must include the tuition and fees charged for the course.

(1) If tuition and fees are included, prepare the award to pay the tuition and fees certified and notify the claimant that an election may be made to receive the regular monthly rate payable under chapter 32. See subparagraph c(1) below for the award procedure.

(2) If tuition and fees are not included and an election to receive the regular chapter 32 monthly rate has not been made, notify the claimant that an election may be made. At the same time establish controls on the claim and contact the school for the tuition and fees as described in M22-2, part IV, paragraph 1.04.

(3) If an election to receive the regular chapter 32 monthly rate has been made (tuition and fees are not a factor), prepare the award to pay the chapter 32 monthly rate as described in subparagraph c(2) below.

c. Award Action.

(1) **Tuition and Fees.** Prepare the award as currently done in chapter 32 cases by entering "ONE SUM" in Monthly Rate and the amount of tuition and fees in Total Charges. Also enter "0" in Entitlement Charge and in Remarks write "No entitlement charge per PL 96-466."

(a) If an election to receive the regular chapter 32 monthly rate was not made, suppress the computer-generated letter and dictate a letter to the claimant to include the claimant's right to election as described in paragraph 2a(3).

(b) If the election to receive the regular chapter 32 monthly rate is refused, suppress the computer-generated letter and dictate a letter to the claimant to include award data and the claimant's choice not to elect regular chapter 32 payments.

(2) **Monthly Rate.** If the election to receive the regular chapter 32 monthly rate is made, prepare the award as currently done in chapter 32 cases, with "COMPUT" in the Monthly Rate. The computer-generated letter may be released.

7. Adjudicative Action—Chapters 34 and 35.

a. Enrollment Certification Review. The enrollment certification document will be reviewed for completeness, including tuition and fees, as defined in M22-2, part IV, chapter 1. If the claimant is a veteran or spouse, the following procedures apply:

(1) If tuition and fees are included, prepare the award to pay the tuition and fees and notify the veteran or spouse that an election may be made to receive the institutional rate with charge to entitlement. See subparagraph b(3)(a) below for the award procedures.

(2) If tuition and fees are not included and an election has not been made, notify the veteran or spouse that an election may be made. At the same time, establish controls on the claim and contact the school for the tuition and fees as described in M22-2, part IV, paragraph 1.04.

(3) If an election has been made (tuition and fees are not a factor), prepare the award to pay the institutional rate as described in subparagraph b(3)(b) below.

b. Award Action.

(1) Awards for *inservice students* pursuing elementary or secondary training on or after October 2, 1980, will be prepared as follows using any of the

three methods of input (Target, OCR, or magnetic diskette):

(a) Type Training "F" or "L," as appropriate, must be indicated on the award.

(b) Deficiency "D" hours must be entered in the Type Hours field.

(c) Any entry of "0" must be made in the Entitlement Charges field.

(2) Awards for inservice students pursuing deficiency, remedial or special educational assistance programs on or after October 2, 1980, will be prepared with an entitlement charge consistent with the training time. Deficiency "D" type hours will *not* be entered on these awards.

(3) Awards for veterans or spouse entering or reentering training without continuous enrollment in a program of elementary or secondary training on or after October 2, 1980, will be prepared as follows:

(a) If tuition and fees are included and no election is made, prepare VA Form 22-1997, Education Award (Ch. 34 & 35), as high school or elementary training with the prorated monthly rate and total charges entered. Do *not* use Target or OCR input. VA Form 20-8271, Notice of Exception—CP&E Input Transaction, will be generated with message 478, "Possible Underpayment—PL 89-356—Nonreject." These messages should be reviewed using the Target System. If the master record shows a veteran or spouse receiving tuition and fees for an elementary or secondary course, no further action is necessary and the messages may be disposed of according to DVB Records Control Schedule VB-1, part I, item 13-052.2.

1. If an election was not made, suppress the computer-generated letter and dictate a letter to the claimant to include the claimant's right to election as described in paragraph 2b(4).

2. If the election is refused, suppress the computer-generated letter and dictate a letter to the claimant to include award data and the claimant's choice not to elect the institutional rate.

(b) If the veteran or spouse elects payment of the institutional rate with charge to entitlement, prepare the award as follows:

1. If the school is an IHL (second digit of the facility code is 1, 2, 3 or 4), use type training "C," course code 451 or 452, and complete the rest of the award as for type "C" training. Annotate the award to show that the student has elected to receive full benefits with entitlement charge; or

2. If the school is an NCD (second digit of the facility code is 5, 6, 7 or 8), use type training "E," course code 451 or 452, and complete the rest of the award

as for NCD training. Annotate the award as stated in subparagraph 7 above.

3. Set the File Pull indicator on the M23 or 501 screen. The awards may be prepared via Target, OCR or magnetic diskette systems. The computer-generated letter may be released.

8. Special Audit.

a. Field stations do not have to take special actions to identify previously input cases which come under the new provisions of the law. In the future, a special computer audit will be conducted to identify education awards with enrollment periods on or after October 2, 1980, where secondary or elementary training and deficiency hours are a factor. When this special audit is processed, writeouts identifying these cases will be sent to the field stations with instructions for processing these cases.

b. In the meantime, if any of these cases are identified in the routine processing of claims, the following actions should be taken:

(1) If a chapter 32 enlisted person's case (including persons on active duty and veterans) with type training "F" or "L" (no deficiency "D" hours) is found, follow the procedures outlined in paragraph 6.

(2) If a chapter 34 inservice person's case with type training "F" or "L" (no deficiency hours) is found, amend the award as specified in paragraph 7a and b(1). Prepare a dictated letter to the student explaining the reason for the adjustment to the entitlement charge.

(3) If a chapter 34 inservice person's case with deficiency "D" hours (with other than "F" or "L" type training) is found, amend the award as specified in paragraph 7a and b(2).

(4) If a chapter 34 veteran's or chapter 35 spouse's case with type training "F" or "L," and with payments being paid at the institutional training time rate, is found, take the following actions as appropriate:

(a) If the student began training October 1, 1980, or before and is continuously enrolled and is entitled to the institutional rate, no award action need be taken. Flash the claims folder to indicate entitlement to the institutional rate and set the File Pull indicator.

(b) If the student began his or her program on October 2, 1980, or later, suspend the award and inform the student of the right to election as described in paragraph 2b(4) and ask for a reply within 30 days. Also inform the student that if he/she does not wish to elect full benefit payments, the award will be reduced to pay tuition and fees effective DLP (date last paid).

(c) If the student does not reply within 30 days or does not wish to elect full benefits, reduce the award as specified in paragraph 7b(3)(a). Prepare a dictated letter indicating the reduction in benefits and the reason for the reduction. If the record has already terminated, flash the claims folder to indicate that subsequent awards for "F" or "L" type training are payable only at the reduced rates and set the File Pull indicator.

(d) If the student elects to receive full benefits, complete the award as described in paragraph 7b(3)(b).

Dorothy L. Starbuck,
Chief Benefits Director.

[FR Doc. 81-11814 Filed 4-17-81; 8:45 am]

BILLING CODE 8320-01-M

60-Bed Nursing Home Care Unit, Veterans Administration Medical Center Boise, Idaho; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the 60-Bed Nursing Home Care Unit at the Veterans Administration Medical Center (VAMC), Boise, Idaho.

The proposed project involves the construction of a 60-Bed Nursing Home Care Unit of approximately 16,900 net square feet. The building shall be designed with the capability of future vertical expansion of one floor for a potential of 120-beds total. The estimated costs of this project is \$6 million.

Alternatives analyzed as part of this project include two potential site locations:

(1) Site One is located due south of building No. 85 and presently the site of the main outpatient parking lot.

(2) Site Two lies in the open undeveloped area northwest of building No. 6.

The "no-action" alternative was not considered a viable alternative due to the severe need of long-term patient care facilities at VAMC Boise.

Impacts anticipated as a result of this project are primarily in the area of cultural resources and aesthetics. The addition of a contemporary building to the historic structures at Boise constitutes an intrusion. Additionally, since viable sites for development are limited due to natural and historic constraints, open space areas will be impacted by proposed construction.

Other impacts will be associated with the construction phase of development. Temporary impacts to air and noise quality will result from construction.

Additional temporary impacts to traffic conditions will also result from construction.

Mitigative actions to be taken are as follows:

Air Quality: Air borne particulates from construction will be controlled by dust palliatives. Enclosure of the preliminary construction by acceptable methods will confine fugitive dust.

Onsite noise abatement will be achieved through the installation of silencers on construction equipment.

Traffic: Transportation of construction materials will be scheduled to change the volume and type of traffic as little as possible. Construction traffic will avoid peak medical center traffic load times. Construction traffic will be routed through alternative site entrances.

Aesthetic and Cultural Impact: Potential adverse effects to this National Register property can be mitigated through sensitive architectural design of a low profile building with small plane facades. Use of compatible construction materials and vegetative buffers will further reduce the visual impact of the proposed NHCU.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: April 14, 1981.

Rufus H. Wilson,
Acting Administrator.

[FR Doc. 81-11815 Filed 4-17-81; 8:45 am]

BILLING CODE 8320-01-M

120-Bed Nursing Home Care Unit, Veterans Administration Medical Center, Lyons, N.J.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the construction of a 120-Bed Nursing Home Care Unit (NHCU), at the Veterans Administration Medical Center (VAMC), Lyons, New Jersey.

The NHCU project will provide new construction for 120-beds for long term care. The proposed project will aid in meeting the identified need of additional and replacement beds.

The proposed action will consist on a one or two story structure, with possibly a connecting corridor, built with associated parking for possibly 20-25 automobiles. A limited amount of exterior recreational area would also be constructed within the project scope. The NHCU will be developed based on the latest projections for need in the demographic areas.

Project alternatives have been considered in the project planning to date. The project currently has not been located on a specific site. Three different project locations are being considered along with the "No Action" alternative.

Site Location No. 1 is situated southwest of building no. 2 on a slightly sloping site. It contains 6-8 trees of varying sizes along with existing roads and one structure—building no. 10. Site Location No. 2 is an area directly north of building no. 7 with a slope of 6-7 percent containing one large tree. Site Location No. 3 contains various trees with a considerable open space area also. This area is located directly across a road, east of building no. 6.

The "No Action" alternative would sustain all facilities in an "as is" basis with only continued yearly maintenance. No offsite construction alternative was considered, primarily because available site area for development exists at the VAMC.

Development of the project will have impacts on the human and natural environment affecting open space, air quality—relative to construction dust, and minor aspects of solid waste disposal. Additionally, architectural significance of existing structures, near the project locations, will require consideration be given to the project's visual impact. Consultation will occur with the State Historic Preservation

Officer (SHPO) and this agency.

All environmental attributes analyzed would not be affected to any extent should the "No Action" alternative be selected. The commitment of resources, energy and labor to implement the development of the project is irreversible and permanent. However, products utilized in the project operations can be reclaimed and recycled.

Mitigation will occur during project development. Construction contract documents will include Environmental Protection Specifications, section EP, which specifically addresses the actions which will be undertaken to avoid adverse environmental effects and the impacts identified above.

The significance for the identified impacts has been evaluated relative to the considerations of both contexts and intensity, as defined by the Council on Environmental Quality (40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National

Environmental Policy Act Regulations, §§ 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C. (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Office (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: April 13, 1981.

Rufus H. Wilson,
Acting Administrator.

[FR Doc. 81-11816 Filed 4-17-81; 8:45 am]

BILLING CODE 8320-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on May 5, 1981, at 9:00 A.M., the Veterans Administration Regional Office, Atlanta, Georgia Station Committee on Educational Allowances shall at Room 550, 730 Peachtree Street, N.E., Atlanta, Georgia 30365 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the Academy of Professional Drafting, 1655 Peachtree Street, N.E., Atlanta, Georgia 30309 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: April 13, 1981.

Samuel J. Maraman,
Assistant Director, VA Regional Office.

[FR Doc. 81-11820 Filed 4-17-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 75

Monday, April 20, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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(M-312 (Amdt. 1), April 14, 1981)

CIVIL AERONAUTICS BOARD.

Deletion of Items

TIME AND DATE: 9:30 a.m., April 16, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

24. Dockets 39255, 39385, 39383, Applications of Pan American World Airways, Eastern Air Lines and Air Florida for amendment to their certificates of public convenience and necessity: (U.S.-Italy) (BIA, OGC)

25. Docket 38861, Application of Capitol International Airways Inc. for an exemption pursuant to section 416(b) (U.S.-Italy) (BIA, OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-624-81 Filed 4-16-81; 3:50 pm]

BILLING CODE 6320-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Thursday, April 23, 1981, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and

expenses incurred in connection with receivership and liquidation activities.

Miller, Hamilton, Snider & Odom, Mobile, Alabama, in connection with the liquidation of Southern National Bank, Birmingham, Alabama.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Francis, Doval, Munoz, Acevedo, Otero & Trias, San Juan, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Memorandum and Resolution re: Policy Statement on the Disposition of Income from the Sale of Credit Life Insurance.

Memorandum re: Revised Budget of Liquidation Expenses for Budget Year 1981—Franklin National Bank (In Liquidation), New York, New York.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 16, 1981.

Federal Deposit Insurance Corporation.

Alan J. Kaplan,

Assistant Executive Secretary.

[S-615-81 Filed 4-16-81; 11:19 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Thursday, April 23, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8),

(c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

First State Bank of Sedona, Sedona, Arizona, a proposed new bank, to be located at the intersection of West 89A and Northview Drive, Sedona, Arizona.

The Bank of Rancho Bernardo, San Diego, California, a proposed new bank, to be located at 17070 Bernardo Center Drive, San Diego, California.

Application for Federal deposit insurance (United States branch of a foreign bank):

Bank Leumi le-Israel B.M., Tel Aviv, Israel, for Federal deposit insurance of deposits received at and recorded for the account of its branch located at 9731 Wilshire Boulevard, Beverly Hills, California.

Applications for consent to establish a branch:

The Williamsburgh Savings Bank, New York (Brooklyn), New York, for consent to establish a branch in the Cedarhurst Shopping Center, 131 Spruce Street, Cedarhurst, New York.

Equibank, Pittsburgh, Pennsylvania, for consent to establish a branch at the intersection of Jancey and Greenwood Streets, Pittsburgh, Pennsylvania.

Application for consent to merge and establish branches:

Princeton Bank and Trust Company, Princeton, New Jersey, for consent to merge, under its charter and title, with The Fellowship Bank, Mount Laurel Township, New Jersey, and to establish the three offices of The Fellowship Bank as branches of the resultant bank.

Notices of acquisition of control:

Strong's Bank, Dodgeville, Wisconsin. Names and location of another bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Request for relief from reimbursement for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a

breach of trust as directors, officers, or employees of insured banks:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Request for exemption pursuant to Part 348.6(a)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks":

Bellevue Commercial & Savings Bank, Bellevue, Kentucky.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

- Case No. 44,709-L—The Drivers' National Bank of Chicago, Chicago, Illinois
 Case No. 44,737-L (Addendum)—North Point State Bank, Arlington Heights, Illinois
 Case No. 44,743-L—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico
 Case No. 44,745-L—The Mission State Bank & Trust Company, Mission, Kansas
 Case No. 44,747-L—Franklin National Bank, New York, New York
 Case No. 44,748-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee
 Case No. 44,749-L—American City Bank & Trust Company, National Association, Milwaukee, Wisconsin
 Case No. 44,750-L—Franklin National Bank, New York, New York
 Case No. 44,753-L—Tri-City Bank, Warren, Michigan
 Case No. 44,755-L—Banco de Ahorro de Puerto Rico, San Juan (Hato Rey), Puerto Rico
 Case No. 44,756-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee
 Case No. 44,757-L—Chicopee Bank & Trust Company, Chicopee, Massachusetts
 Case No. 44,761-L—The Hamilton Bank & Trust Company, Atlanta, Georgia
 Case No. 44,762-SR—The Metro Bank of Huntington, Inc., Huntington, West Virginia
 Memorandum and Resolution re: International City Bank & Trust Company, New Orleans, Louisiana
 Memorandum and Resolution re: American City Bank & Trust Company, National Association, Milwaukee, Wisconsin

Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii))

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6))

Grievance Officer's report and recommendation with respect to the formal grievance of a Corporation employee:

Name of employee authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6))

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: April 16, 1981.

Federal Deposit Insurance Corporation.
 Alan J. Kaplan,
Assistant Executive Secretary.

[S-616-81 Filed 4-20-81; 11:19 am]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION.

April 15, 1981.

TIME AND DATE: 10:00 a.m., April 22, 1981.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Power Agenda—487th Meeting, April 22, 1981, Regular Meeting (10 a.m.)

CAP-1. Project Nos. 233 and 2735, Pacific Gas & Electric Co.

CAP-2. Project No. 2934, New York State Electric & Gas Corp.

CAP-3. Project No. 3424, Water Power Development Corp.

CAP-4. Docket No. EL80-19, Massachusetts Municipal Wholesale Electric Co. v. Power Authority of the State of New York; Docket No. EL80-24, Connecticut Municipal Electric Energy Cooperative v. Power Authority of the State of New York

CAP-5. Docket No. ER81-311-000, Northern States Power Co. (Wisconsin)

CAP-6. Docket Nos. E-9329 (limited issue), ER76-792 and ER76-716, Indiana & Michigan Electric Co.

CAP-7. Docket No. ER79-121, Utah Power & Light Co.

CAP-8. Docket No. ER80-5, Minnesota Power & Light Co.

CAP-9. Docket No. ER80-488, Cleveland Electric Illuminating Co.

CAP-10. Docket No. ER78-381, Indiana & Michigan Electric Co.

CAP-11. Docket No. EL78-21, Seminole Electric Cooperative, Inc. v. Florida Power Corp.

Miscellaneous Agenda—487th Meeting, April 22, 1981, Regular Meeting

CAM-1. Iowa Electric Light & Power Co.

CAM-2. Docket No. QF80-28, Stieren Farms, small power production and cogeneration facilities—qualifying status

CAM-3. Docket No. RO79-10, Rhodes Drilling Co.

CAM-4. Docket No. RA80-9, Southland Oil Co./VGS Corp.

Gas Agenda—487th Meeting, April 22, 1981, Regular Meeting

CAG-1. Docket Nos. RP74-48 and RP75-3, Transcontinental Gas Pipe Line Corp.; Docket Nos. RP74-48 and RP75-3 (AP76-1), et al., Transcontinental Gas Pipe Line Corp.; Docket No. RP77-108 (advance payments), Transcontinental Gas Pipe Line Corp.

CAG-2. Docket No. RI80-11, Amoco Production Co.

CAG-3. Docket No. RI76-31, Tenneco Oil Co. (operator), et al. (agent for Tema Oil Co.), and Ashland Oil Co.; Docket No. RI80-13, Amoco Production Co.

CAG-4. Docket No. CI81-120-000, Texas Eastern Exploration Co.; Docket No. G-13746-002, Mobil Oil Exploration & Producing Southeast Inc.; Docket Nos. CI73-639 and CI76-588, Arco Oil & Gas Co.; Docket No. CI78-29, Anadarko Production Co.; Docket No. CI79-52, Southland Royalty Co.; Docket No. CI-81-93-000, Union Oil Co. of California; Docket No. CI81-95-000, Marathon Oil Co.; Docket Nos. CI80-223, CI80-405 and CI80-406, Placid Oil Co.; Docket No. CI80-100-000, Amoco Production Co.; Docket No. G-13299-002, Arco Oil & Gas Co., Division of Atlantic Richfield Co.; Docket No. CI80-179-000, Newmont Oil Co.; Docket Nos. G-10167, G-10495, CI62-1187 and CI67-0973, Mobil Oil Corp.; FERC gas rate schedule Nos. 148, 154, 155 and 149, Exxon Corp.; Docket No. CI78-37, the Superior Oil Co.; Docket No. CI80-523, Arco Oil & Gas Co., a Division of Atlantic Richfield Co.; Docket No. CI81-1-000, Kerr McGee Corp.

CAG-5. Docket Nos. CP75-140, et al., Pacific Alaska LNG Co., et al.; Docket Nos. CP74-160, et al., Pacific Indonesia LNG Co., et al.; Docket No. CI78-453, Pacific Lighting Gas Development Co.; Docket No. CI78-452, Pacific Simpco Partnership

CAG-6. Docket No. CP77-659, Southern Natural Gas Co.; Docket No. CI77-854, Sonat Exploration Co.

CAG-7. Docket Nos. CP78-123, et al., Northeast Alaskan Pipeline Co.; Docket No. CP78-124, Northern Border Pipeline Co.

CAG-8. Docket Nos. CP75-140, et al., Pacific Alaska LNG Co., et al.; Docket Nos. CP74-160, et al., Pacific Indonesia LNG Co., et al.; Docket No. CI78-453, Pacific Lighting Gas Development Co.; Docket No. CI78-452, Pacific Simpco Partnership

CAG-9. Docket No. CP80-383, Transcontinental Gas Pipe Line Corp.

CAG-10. Docket No. CP80-484, Panhandle Eastern Pipe Line Co.

CAG-11. Docket No. CP80-551, Panhandle Eastern Pipe Line Co.; Docket No. CP81-15-000, Kansas-Nebraska Natural Gas Co.

CAG-12. Docket No. CP80-567, Columbia Gulf Transmission Co.

CAG-13. Docket No. CP80-577, Transcontinental Gas Pipe Line Corp.

CAG-14. Docket No. CP81-13-000, Michigan Wisconsin Pipe Line Co.; Docket No. CI81-13-000, Union Oil Co. of California.

CAG-15. Docket No. CP81-14-000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. and Southern Natural Gas Co.

CAG-16. Docket No. CP81-47-000, Southwest Gas Corp.

Power Agenda—487th Meeting, April 22, 1981, Regular Meeting

I. Licensed Project Matters

P-1. Project No. 2780, Solano Irrigation District; Project No. 3220, Napa County, Calif.

P-2. Project Nos. 67 and 2868, Southern California Edison Co.; Project No. 2904, Cities of Anaheim and Riverside, Calif.

II. Electric Rate Matters

ER-1. Docket No. ER81-316-000, Southeastern Electric Power Co.

ER-2. Docket No. ER77-578, Kansas Gas & Light Co.

ER-3. Docket No. EF79-4011, Southwestern Power Administration (system rates)

Miscellaneous Agenda—487th Meeting, April 22, 1981, Regular Meeting

M-1. Reserved

M-2. Reserved

M-3. Docket No. RM80-42, tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes

M-4. Docket No. RA78-4, Bayou State Oil Corp.

M-5. Docket No. GP80-24, Transcontinental Gas Pipe Line Co.

M-6. Docket No. GP80-45, Eastern Shore Natural Gas Co.

Gas Agenda—487th Meeting, April 22, 1981, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP81-48-000, Mississippi River Transmission Corp.

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Docket No. TC81-23, Alabama-Tennessee Natural Gas Co.; Docket No. TC81-24, Algonquin Gas Transmission Co.; Docket No. TC81-25, Arkansas-Louisiana Gas Co.; Docket No. TC81-26, Cities Service Gas Co.; Docket No. TC81-27, Colorado Interstate Gas Co.; Docket No. TC81-28, Columbia Gas Transmission Corp.; Docket No. TC81-29, Consolidated Gas Supply Corp.; Docket No. TC81-30, East Tennessee Natural Gas Co.; Docket No. TC81-31, Eastern Shore Natural Gas Co.; Docket No. TC81-32, El Paso Natural Gas Co.; Docket No. TC81-33, Florida Gas Transmission Co.; Docket No. TC81-34, Michigan-Wisconsin Pipe Line Co.; Docket No. TC81-35, Midwestern Gas Transmission Co.; Docket No. TC81-36, Mississippi River Transmission Co.; Docket No. TC81-37, National Fuel Gas Supply Corp.; Docket No. TC81-38, Natural Gas Pipeline Co. of America; Docket No. TC81-39, Northern Natural Gas Co.; Docket No. TC81-40, Northwest Pipeline Corp.; Docket No. TC81-41, Panhandle Eastern Pipe Line Co.; Docket No. TC81-42, Southern Natural Gas Co.; Docket No. TC81-43, Tennessee Gas Pipeline Co.; Docket No. TC81-44, Tennessee Natural Gas Lines, Inc.; Docket No. TC81-45, Texas Eastern Transmission Corp.; Docket No. TC81-46, Texas Gas Transmission Corp.; Docket No. TC81-47, Transcontinental Gas Pipe Line Corp.; Docket No. TC81-48, Transwestern Pipeline Co.; Docket No. TC81-49, Trunkline Gas Co.; Docket No. TC81-50, United Gas Pipe Line Co.

CP-2. Docket Nos. CP82-288, CP65-270 and CP70-204, Valero Transmission Co.; Docket No. CP67-73, Texas Gas Utilities Division

CP-3. (a) Docket Nos. CP80-430 and CP81-144-000, Columbia Gas Transmission Corp.; (b) Docket No. CP81-20-000, Columbia Gas Transmission Corp. and Transcontinental Gas Pipe Line Corp.

Kenneth F. Plumb,

Secretary.

[FR Doc. S-013-81 Filed 4-16-81; 9:08 am]

BILLING CODE 6450-85-M

5

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Thursday, April 23, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda*: Because of their routine nature, no substantive discussion of the following items is anticipated. These

matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposals to make additions to the Monthly Report on Foreign Branch Assets and Liabilities (FR 2502), to expand the reporting panel for the report of Selected Deposits in Foreign Branches Held by U.S. Residents (FR 2050), and to extend for three years these two reports and the Quarterly Report on Foreign Branch Assets and Liabilities (FR 2502S).

2. Proposal to implement a new temporary report on Short Maturity Time Deposits (FR 2070).

3. Federal Financial Institutions Examination Council proposal regarding disposition of commissions from sale of credit life insurance.

Discussion Agenda:

4. Proposal to continue deferral of reserve requirements under Regulation D (Reserve Requirements of Depository Institutions) for small depository institutions.

5. Proposed questionnaire with regard to the survey of compliance costs of Regulation B (Equal Credit Opportunity), Regulation E (Electronic Fund Transfers), and Regulation Z (Truth in Lending).

6. Proposed technical amendments to Subpart A of Regulation J (Collection of Checks and Other Items and Transfers of Funds).

7. Proposed Federal Reserve Bank expenditures to achieve a reduction in float.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3884 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: April 15, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-623-81 Filed 4-16-81 2:28 pm]

BILLING CODE 6210-01-M

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Thursday, April 23, 1981.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Consideration of possible rulemaking of other courses of action in File No. 761 0036, Blue Shield Association.

CONTACT PERSON FOR MORE

INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-614-81 Filed 4-16-81; 10:39 am]

BILLING CODE 6750-01-M

7

METRIC BOARD.

Planning and Coordination Committee

TIME AND PLACE: 2 p.m., Tuesday, May 5, 1981.

PLACE: U.S. Metric Board, 1600 Wilson Boulevard, Fourth Floor, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Approval of minutes.
2. Report on Tariffs Program.
3. Status Report on Project Selection and Priority Procedure.
4. Status Report on Industry Panel Presentations.
5. New Business.

CONTACT PERSON FOR FURTHER

INFORMATION: Charles Danner, (703) 235-2583.

Louis F. Polk,

Chairman, United States Metric Board.

[S-617-81 Filed 4-16-81; 12:47 pm]

BILLING CODE 6820-94-M

8

METRIC BOARD.

Administrative and Budget Committee

TIME AND DATE: 1 p.m., Tuesday, May 5, 1981.

PLACE: United States Metric Board, 1600 Wilson Blvd., Fourth Floor, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Committee Structure.
2. Organization Structure.
3. Financial Report—YTD.

CONTACT PERSON FOR FURTHER

INFORMATION: Helen T. Stelman (703) 235-1696.

Louis F. Polk,

Chairman, United States Metric Board.

[S-618-81 Filed 4-16-81; 12:47 pm]

BILLING CODE 6250-01-M

9

METRIC BOARD.

TIME AND DATE: 8:30 a.m., Wednesday, May 6, 1981; 8:30 a.m., Thursday, May 7, 1981.

PLACE: The Fleet Reserve Club, 100 Compromise Street, 2nd floor, Annapolis, Maryland 21401.

STATUS: Wednesday, May 6, 1981—closed to the public (The board will

meet to discuss internal budget matters. This portion of the meeting is closed under exemption 5 U.S.C. 552b(c)(9)(B)). Thursday, May 7, 1981—open to the public.

MATTERS TO BE CONSIDERED:

Wednesday, May 6—Formulation of Fiscal Year 1983 and subsequent year budgets.

Thursday, May 7, 1981

Approval of Agenda—approval of agenda for this meeting

Review/Approval of Minutes of the Board Meeting held in Albuquerque, New Mexico on March 5-6, 1981

Staff Reports and Committee Reports—committee chairpersons and senior staff will give a status report on activities within their jurisdiction

Florida Metric Council—Three Resolutions—A report will be made to the Board indicating staff action initiated on these resolutions

Preliminary FY 83 Research Call—preliminary results of respondents and suggestions received to FY 83 Research Call will be provided to the Board
ANMC Sector Planning Status Report—Charles E. Buckingham, President of the American National Metric Council, will provide an overview of ANMC's sector conversion planning for the Board's information; will identify the industry sectors with the most advanced conversion plans; and suggest what the role of the USMB should be in relationship to ANMC's planning activities

OMB Phase of the Federal Plan—Staff report to the Board

ICMP charter—Staff will present report on revisions to the Charter

Committee Appointments—the Board will be asked to approve the appointments of Committee Chairpersons in accordance with the USMB's Administrative Regulations

Agenda Items—Agenda items for the July 9-10, 1981 Board Meeting to be held in Charlotte, N.C.

CONTACT PERSON FOR FURTHER

INFORMATION: Ms. Lu Verne V. Hall (703) 235-3058.

Louis F. Polk,

Chairman, United States Metric Board.

[S-8230-01 Filed 4-16-81; 12:47 pm]

BILLING CODE 6820-94-M

10

METRIC BOARD.

Public Awareness and Education Committee.

TIME AND DATE: 1:30 p.m., Tuesday, May 5, 1981.

PLACE: 1600 Wilson Boulevard, fourth floor, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Minutes
Approval of Agenda

Report on Personnel

Review of Previous Month's Activity

Report on Next Public Forum

Status of San Francisco Forum Study

High-Visibility Events (1984 Olympic—Major League Baseball)

Metric Week (TV Spot/Newspaper Pieces/Poster)

PAE Operating Plan (Midyear Review)

Gas Pump Materials and Inquiries

Suburban Press Contract

Adapting of Press Release Statement to Research and Other Publications

Future Forum Witnesses

CONTACT PERSON FOR FURTHER

INFORMATION: John Donnelly (703) 235-2820.

Louis F. Polk,

Chairman, United States Metric Board.

[S-620-01 Filed 4-16-81; 12:47 pm]

BILLING CODE 6820-94-M

11

METRIC BOARD.

Research Committee

TIME AND DATE: 10 a.m., Tuesday, May 5, 1981.

PLACE: United States Metric Board, 1600 Wilson Blvd., Fourth floor, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Two briefings on Research Activities: (1) A general status report of all research projects and activities; (2) discussions of the preliminary results of suggestions received from Fiscal 1983 Research Call.

CONTACT PERSON FOR FURTHER

INFORMATION: G. Edward McEvoy, (703) 235-2918.

Louis F. Polk,

Chairman, United States Metric Board.

[S-621-81 Filed 4-16-81; 12:47 pm]

BILLING CODE 6820-94-M

12

METRIC BOARD.

Ad Hoc Committee on State Government

TIME AND DATE: 3:30 p.m., May 5, 1981.

PLACE: U.S. Metric Board, 1600 Wilson Boulevard, Fourth floor, Arlington, Virginia 22209.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Request to General Services Administration for Advisory Committee status for the National Council on State Metrication.
2. State Travel Costs.

CONTACT PERSON FOR FURTHER INFORMATION: Lawrence J. Chisholm (703) 235-2583.
Louis F. Polk,
Chairman, United States Metric Board.

[S-622-81 Filed 4-16-81; 12:47 pm]
BILLING CODE 6820-94-M

13

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Wednesday, April 22, 1981.

PLACE: Seventh floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. NCUA's 6th Semi-Annual Agenda of Regulations.
3. Statement of Interpretation and Policy: State Chartered Federally Insured Credit Unions as Most Favored Lenders.
4. Federal Financial Institutions Examination Council, Proposed Policy Statement on Disposition of Credit Life Insurance Income.
5. Release of Consumer Examination Reports.
6. Report of actions taken under delegations of authority.
7. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.

TIME AND DATE: 10:30 a.m., Wednesday, April 22, 1981.

PLACE: Seventh Floor board room, 1776 G Street N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Report of mergers approved under delegated authority. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Proposed conversion. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Report of Administrative Actions taken under delegated authority under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Administrative Action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. ADP Oversight Committee recommendation for implementation plan for word processing. Closed pursuant to exemption (9)(B).
7. Recommendations from Executive Resources Board regarding allocations of SES Resources. Closed pursuant to exemptions (2) and (6).
8. NCUA's Revised Budget Authorizations for fiscal year 1981. Closed pursuant to exemptions (6) and (9)(B).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-610-81 Filed 4-16-81; 8:45 am]
BILLING CODE 7530-01-M

14

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of change in subject of meeting.

The National Credit Union Administration Board determined that its business required that a previously announced item for the closed meeting on April 9, 1981 be postponed.

Recommendation from Executive Resources Board regarding allocations

of SES Resources. Closed pursuant to exemption (2).

The agency notified the persons on its Sunshine call list of the change prior to the meeting.

The meeting was held at 10:45 a.m., in the 7th Floor Board Room, 1776 G Street, N.W., Washington, D.C.

For more information contact: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-611-81 Filed 4-16-81; 8:45 am]
BILLING CODE 7535-01-M

15

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of change in subject of meeting.

The National Credit Union Administration Board determined that its business required that two previously announced items for the open meeting on April 9, 1981 be postponed.

Release of Consumer Examination Reports.

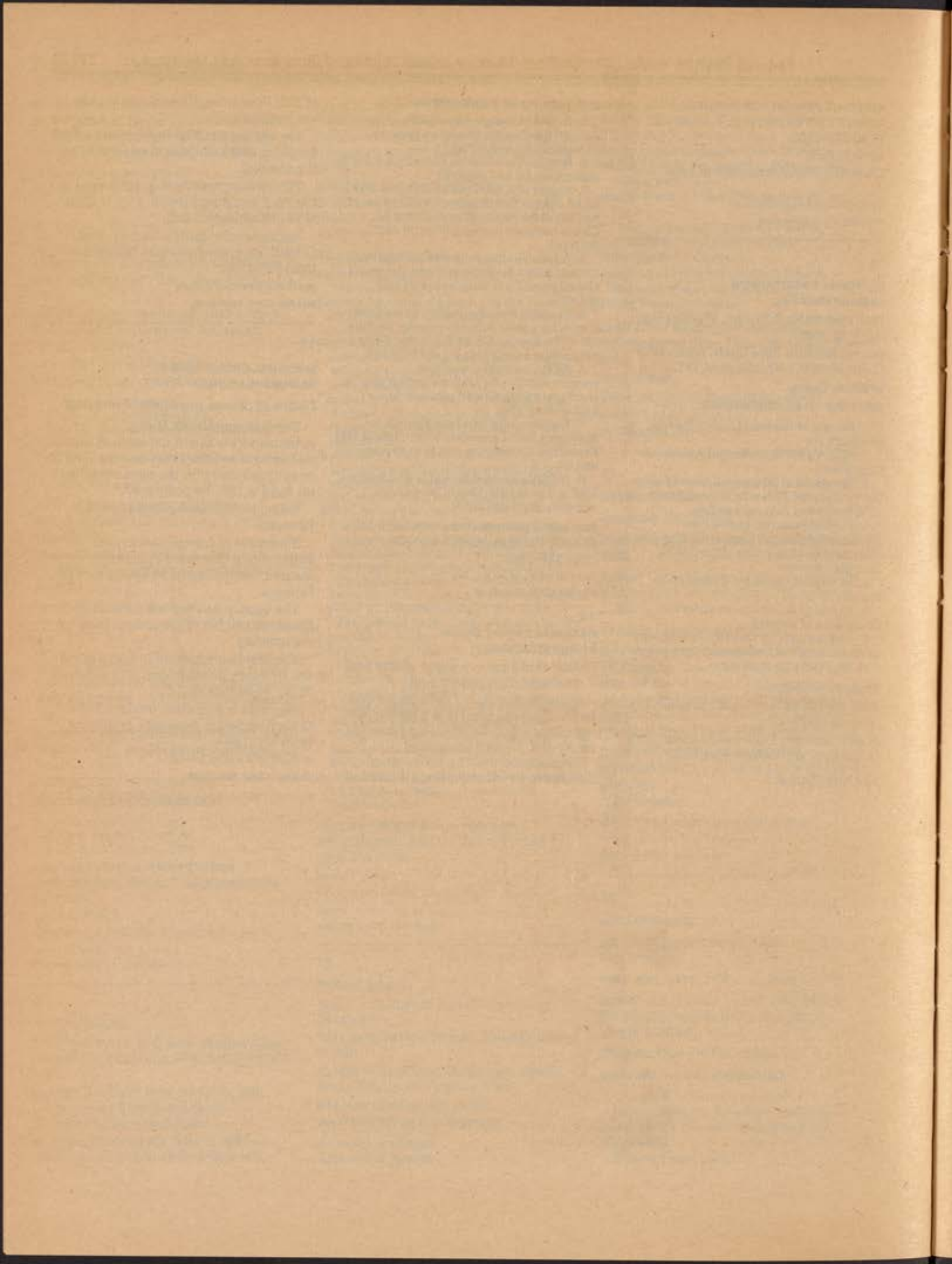
Statement of Interpretation and Policy: State Chartered Federally Insured Credit Unions as Most Favored Lenders.

The agency notified the persons on its Sunshine call list of the change prior to the meeting.

The Meeting was held at 9:30 a.m., in the 7th Floor Board Room, 1776 G Street, N.W., Washington, D.C.

For more information contact: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-612-81 Filed 4-16-81; 8:45 am]
BILLING CODE 7535-01-M



federal register

Monday
April 20, 1981

Part II

Department of Commerce

International Trade Administration

**Steel Trigger Price Mechanism (TPM)
Monitoring Procedures**

DEPARTMENT OF COMMERCE

International Trade Administration

Steel Trigger Price Mechanism
Monitoring Procedures

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

ACTION: Publication of proposed steel trigger price mechanism (TPM) procedures, and request for comments.

SUMMARY: The Department of Commerce is publishing proposed steel trigger price mechanism (TPM) procedures, which the Department intends to follow in monitoring the importation of basic steel mill products into the United States. Public comments are invited.

SUBMISSION OF COMMENTS: Written comments with respect to the proposed procedures may be submitted to the Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, Attention: Thomas A. Ehrgood, Jr. Written comments should be submitted in triplicate and should be submitted on or before May 20, 1981. Written comments will be available to public inspection during regular business hours in Room 2802, Department of Commerce, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Thomas A. Ehrgood, Jr., Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230, (202) 377-3793.

SUPPLEMENTARY INFORMATION:

Background

By notice published in the *Federal Register* on October 8, 1980, 45 FR 66833, the Department of Commerce announced its intention to reinstate the steel trigger price mechanism (TPM) on or before October 21, 1980. TPM monitoring resumed on October 21, 1980.

The TPM is designed to monitor the price of basic steel mill product imports and to provide the Department of Commerce with sufficient information to enable it to determine whether to self-initiate formal antidumping investigations under section 702(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673a(b)). Trigger prices are based on Japanese costs of production, and are revised quarterly to reflect changes in those costs. The Department will self-initiate an antidumping investigation, when warranted, of imports entering below the applicable trigger price.

The proposed procedures described in this notice represent, for the most part,

historical and current practices; however, the notice also describes certain TPM procedures that the Department is proposing to adopt and with respect to which the Department solicits public comment. The Department is particularly interested in receiving public comments regarding TPM related-party monitoring practices and adjustments to related-party importers' resale prices.

Insofar as the TPM is merely a guide to assist the Department in determining when to self-initiate antidumping investigations, the Department has in the past adopted and implemented procedures without publishing notice in the *Federal Register*, and without inviting public comment. The Department's sole purposes in publishing TPM procedures and inviting public comments at this time are, first, to inform the public as fully as possible with respect to the operation of the TPM and, second, to encourage the public to submit comments with respect to ways in which these procedures might be further developed and improved.

Following expiration of the comment period and review and analysis of comments received, the Department will publish a notice of its final procedures in the *Federal Register*. Notice of effective dates will also be given at that time.

1. TPM product coverage
2. Collection and review of import data
3. Determination of applicable trigger prices for specific steel product imports
4. The relevant invoice price: related- and unrelated-party transactions
5. Adjustments made to the invoice price in order to determine the comparison price
6. Theoretical minimum weight (TMW)
7. Foreign Trade Zone, warehouse, and Temporary Importation Bond entries
8. SSSI instructions
9. Preclearances

1. TPM Product Coverage

For steel trigger price mechanism (TPM) monitoring purposes, the Department of Commerce has adopted the steel mill products categorization system of the American Iron and Steel Institute (AISI). All imported steel products falling within the first thirty-two AISI import product categories, shown below, are covered by the TPM. With the exception of steel entered under a Temporary Importation Bond, certain steel imports into Foreign Trade Zones (see section 7 below), and defense shipments, all imports of steel products falling within these categories require presentation of a Special Summary Steel Invoice (SSSI).

AISI Category and Product

1. Ingots, blooms, billets, slabs, etc.

2. Wire rods
3. Structural shapes, plain, 3 inches and over
4. Sheet piling
5. Plates
6. Rail and track accessories
7. Wheels and axles
8. Concrete reinforcing bars
9. Bar shapes under 3 inches
10. Bars, hot rolled, carbon
11. Bars, hot rolled, alloy
12. Bars, cold finished
13. Hollow drill steel
14. Welded pipe and tubing
15. Other pipe and tubing
16. Round and shaped wire
17. Flat wire
18. Bale ties
19. Galvanized wire fencing
20. Wire nails
21. Barbed wire
22. Black plate
23. Tin plate
24. Terne plate
25. Sheets, hot rolled
26. Sheets, cold rolled
27. Sheets, coated (including galvanized)
28. Sheets, coated, alloy
29. Strip, hot rolled
30. Strip, cold rolled
31. Strip, hot and cold rolled, alloy
32. Sheets, other, electric coated

Second quality steel is defined as steel that does not meet the industry standards for prime quality product. It is included under the TPM but is monitored separately from prime quality steel. Overrollings or odd-lot shipments are not treated as second quality steel if the steel is in prime condition. United States Customs Service import specialists decide whether merchandise is of prime quality.

Although the Department requires that SSSIs be presented with respect to imports of all products falling within the first thirty-two AISI import product categories, neither all categories nor all products within a category are covered by trigger prices. From time to time, as warranted by economic circumstances, the Department will add products to, or delete products from, the group of products that are currently covered by trigger prices. The current product TPM Price Manual sets forth current product coverage with explanatory notes to aid in interpretation.

Any written submission requesting a product coverage change will be considered a request that will initiate the following procedure: Notice of such request will ordinarily be published in the *Federal Register*. Such notice will invite interested parties to submit comments within thirty days from the date of *Federal Register* publication. Both requests and comments (in non-confidential versions where appropriate) will be maintained in a public file. Notice of the Department's final

decisions will also be published in the Federal Register.

The Department requests that all written submissions, both original requests and comments on such requests, be specific with respect to the products involved and provide detailed information with respect to domestic market structure, foreign import penetration levels, price levels, and any other economic factors pertinent to the product coverage change request. Where a submission contains confidential information, non-confidential versions should also be submitted.

2. Collection and Review of Import Data

United States Customs Service import specialists obtain steel price data from documents filed by importers at the time the entry summary is filed. The principal entry summary document for TPM purposes is the Special Summary Steel Invoice (SSSI), which contains basic information with respect to individual international transactions. On the basis of information contained in an SSSI, a Customs Service import specialist adjusts the invoice price, if necessary, and then compares the adjusted invoice price with the trigger price that he has determined to be applicable to the steel product involved. The SSSI and the import specialist's analysis are then forwarded to the Department of Commerce in Washington, D.C.

The Department reviews the information and the import specialist's analysis and may request additional information from the importer, particularly when the imported steel appears to be priced below the applicable trigger price or when the international transaction is between related parties. If the Department concludes, after review of all available information with respect both to this and to related transactions, that the price of the imported steel product is below the applicable trigger price, the Department will consider whether the initiation of a formal antidumping investigation is warranted.

3. Determination of Applicable Trigger Prices for Specific Steel Product Imports

The TPM Price Manual sets forth trigger prices for basic steel mill products by AISI import product category. Prior to the First Quarter 1981 TPM Price Manual, Tariff Schedule (TSUSA) item numbers were included as interpretative aids. Because TSUSA item numbers do not directly correlate with AISI product categories, the inclusion of such numbers was often misunderstood. Beginning with the First Quarter 1981 TPM Price Manual, TSUSA

item numbers are no longer being included.

The trigger prices set forth in the TPM Price Manual comprise base prices, extras, ocean freight, insurance, interest and handling components. Base prices apply to given types, grades and sizes of steel products. The TPM Price Manual includes extras that expand the base coverage to other sizes, grades, qualities and special conditions.

A product will be considered to fall within a grade listed in the TPM Price Manual if (1) its grade is identical to a listed grade; (2) its grade represents a modification of a listed grade that adds value to the product; or (3) regardless of how it is identified, it meets the specifications of a listed grade.

If the grade of steel is covered, then size is the next criterion to consider. If the size of the imported steel falls within the range of sizes covered, then that product is covered. If a product has a size specification that falls between two size specifications listed, it is covered and the size specification with the higher dollar value is to be used unless otherwise noted in the TPM Price Manual. If the size of the imported steel is smaller than the smallest size listed in the Manual, or if it is larger than the largest size listed in the Manual, then that imported steel product is not covered by a trigger price. In the case of certain products, such as pipe and tube and stainless steel wire, the base prices are combined with the size and/or grade extras so that one individual price is published for each grade/size. The rules described in this paragraph apply in such cases.

If an imported steel product includes extras other than grade or size that are not listed in the TPM Price Manual, then, assuming that such product without such extras would be covered by a trigger price, that imported steel product is covered by a trigger price. In such a case the applicable trigger price includes only the listed extras.

The ocean freight component of trigger prices is based on shipping costs to four geographic areas: Atlantic Coast, Pacific Coast, Gulf Coast and Great Lakes. The Atlantic Coast freight applies to shipments arriving at Atlantic Coast ports, including Puerto Rico. The Pacific Coast freight applies to shipments arriving at Pacific Coast ports, including Alaska and Hawaii, as well as to shipments arriving at those border ports in California that border Mexico, plus shipments arriving at those border ports in Washington, Idaho and Montana that border the province of British Columbia, Canada. The Gulf Coast freight applies to shipments arriving at Gulf Coast ports as well as to shipments arriving at those

border ports in Arizona, New Mexico and Texas that border Mexico. The Great Lakes freight applies to all shipments arriving at ports on the northern border of the United States, with the exception of those border ports in Washington, Idaho and Montana that border the province of British Columbia, Canada.

The applicable trigger price freight component for a given shipment is determined by reference to the first port of arrival into the United States. For example, a shipment arriving at New Orleans, and then transported inland to Chicago where Customs entry is made, would have a Gulf Coast freight component.

The insurance component of a trigger price is equal to one percent of the sum of the base price, extras and ocean freight components.

The interest and handling trigger price components vary according to the same four geographic areas that determine the ocean freight trigger price component. Interest represents the seller's financing costs, at current interest rates, from the time of export through thirty days after arrival into the United States. The TPM interest component is based on the average shipping times from Japan to each of the four geographic areas. The handling charge component represents the cost of unloading the steel from the importing conveyance (if not included in the ocean freight charge), any wharfage and port charges, and the cost of loading the steel onto the conveyance that will remove it from the pier area in the first port of arrival. The handling charge component is intended to represent all handling costs normally incurred in unloading the steel product from the vessel and removing it from the pier area in the first port of arrival.

4. The Relevant Invoice Price: Related—and Unrelated—Party Transactions

In the process of moving from a foreign producing mill to an ultimate U.S. purchaser, a steel product may be the subject of numerous sales transactions. When the international transaction is between unrelated parties,¹ the Department compares the

¹For purposes of determining whether one party is related to another, the Department will apply the following criteria, which are set forth in section 771(13) of the Tariff Act of 1930, as amended:

(A) Such person is the agent or principal of the exporter, manufacturer, or producer;

(B) Such person owns or controls, directly or indirectly, through stock ownership or control or otherwise, any interest in the business of the exporter, manufacturer, or producer;

(C) The exporter, manufacturer, or producer owns or controls, directly or indirectly, through stock

Continued

adjusted import invoice price² with the applicable trigger price, and, in general, examines no other transaction price regardless of the length or complexity of the transaction chain between the foreign producing mill and the ultimate U.S. purchaser. However, if the international transaction is between related parties, the Department generally traces the transaction chain to an unrelated transaction and compares the adjusted invoice price of this transaction with the applicable trigger price. The following outlines the circumstances that dictate which transaction(s) the Department monitors when the international transaction is between related parties.

A. Exporter Is the Producer, Resale Made Prior to Entry

If the exporter (1) is related to the U.S. importer, and (2) is the producer of the imported steel product, *and if the importer has resold the steel product to an unrelated purchaser prior to entry into the United States; then*, the Department will disregard the related-party international transaction price and will compare the adjusted invoice price of the first unrelated resale in the United States with the applicable trigger price.

B. Exporter Is the Producer, Resale Made After Entry

If the exporter (1) is related to the U.S. importer, and (2) is the producer of the imported steel product, *and if the importer has not resold the imported steel product to an unrelated purchaser before the steel was entered into the United States; then*, the Department will monitor the related-party international transaction price. The Department may request that the importer report resale price information. Resale prices will be adjusted and compared with applicable trigger prices. Either the related-party international transaction price or the resale price, if below trigger price, may be viewed by the Department as an appropriate basis for considering the initiation of an antidumping investigation.

ownership or control or otherwise, any interest in any business conducted by such person; or

(D) Any person or persons, jointly or severally, directly or indirectly, through stock ownership or control or otherwise, own or control in the aggregate 20 percent or more of the voting power or control in the business carried on by the person by whom or for whose account the merchandise is imported into the United States, and also 20 percent or more of such power or control in the business of the exporter, manufacturer, or producer.

²The adjustments made to an invoice price before comparison with the applicable trigger price are described in section 5 below.

C. Exporter Is Not the Producer, Resale Made Prior to Entry; Importer Performs No Processing or Warehousing

If the exporter (1) is related to the importer, and (2) is not the producer of the imported steel product, *and if the importer (1) has resold the steel product to an unrelated purchaser prior to entry into the United States and (2) will perform no processing or warehousing services with respect to the product; then*, the Department will disregard the related-party international transaction price and will compare the adjusted invoice price of the first unrelated resale in the United States with the applicable trigger price.

D. Export Is Not the Producer, Resale Made Prior to Entry; and Importer Performs Processing or Warehousing

If the exporter (1) is related to the importer and (2) is not the producer of the imported steel product, *and if the importer (1) has resold the steel product to an unrelated purchaser prior to entry into the United States and (2) will perform processing or warehousing services with respect to the imported steel product; then*, the Department will disregard the related-party international transaction price and will monitor both the resale price and the ex-mill price paid for the imported steel product. By request made after receipt of initial data from the Customs Service import specialist, the Department will request that the importer report, or arrange for the exporter to report, the ex-mill price paid for the product. Either of the two prices monitored may, if below the applicable trigger price,³ be a basis for the initiation of an antidumping investigation.

E. Exporter Is Not the Producer, Resale Made After Entry

If the exporter (1) is related to the U.S. importer, and (2) is *not* the producer of the imported steel product, *and if the importer has not resold the imported steel product to an unrelated purchaser before the steel was entered into the United States; then*, the Department will monitor the related-party international transaction price and, regardless of whether the price, after adjustments, is below the applicable trigger price, will request that the importer report the resale price and that the importer report, or arrange for the exporter to report, the ex-mill price paid for the imported steel product. The request for such price information will be made by letter from the Department following receipt of

³Generally an ex-mill price will be compared with the base and extras components only of the applicable trigger price.

initial data from the Customs Service import specialist.⁴

When the Department monitors a resale transaction, it considers the resale price to be at or above the applicable trigger price if the resale price exceeds the trigger price by an amount equal to the importer's full costs as described in section 5 below.

In order to improve the Department's ability to detect instances where importers' costs may not be fully reflected in resale prices, the Department is compiling additional information with respect to costs, such as overhead, processing and warehousing costs, that importers incur. The Department is also compiling information with respect to the value of capital. Guidelines will be developed that will permit the Department to make initial evaluations of resale price submissions to determine whether full costs appear to be reflected. The Department will also conduct audits of related-party importers' records in order to verify resale price submissions.

The Department considers a finding that a resale price is below the applicable trigger price plus an importer's costs to be an appropriate basis for considering the initiation of an antidumping investigation.

5. Adjustments Made to the Invoice Price in Order To Determine the Comparison Price

If the invoice price of the imported steel product is C.I.F. (cost, insurance and freight), duty unpaid, landed at the first port of arrival, including the handling costs as described below, with payment thirty days after arrival, and is a metric ton price, then the Customs Service import specialist makes no adjustment to the invoice price for comparison with the applicable trigger price. If the invoice terms are different, the adjustments described below are made to the invoice price before comparison.

If the terms of sale are other than C.I.F. landed at the first port of arrival, freight and insurance costs are added or subtracted in order to adjust the price to C.I.F., landed at the first port of arrival.

If the invoice price includes duty, the duty is deducted.

If the actual handling costs incurred in removing the steel product from the pier

⁴An exception to the ex-mill price reporting requirement will be made when an importer receiving a request for resale and ex-mill price data is able to demonstrate (1) that it had made a resale prior to entry that was cancelled by the purchaser prior to entry and (2) that a resale of the product had been made, with title passing to an unrelated U.S. purchaser, prior to the importer's receipt of the Department's request.

area at the first port of arrival are not included in the invoice price, the Customs Service import specialist includes them. If the inland freight and handling costs incurred after the first port of arrival are included in the invoice price, they are deducted.

If the terms of payment provide for payment at a time other than thirty days after arrival, a plus or minus interest adjustment is made based on the actual terms of payment. In making this adjustment, the actual interest rate is used if known. If the actual interest rate is not known, a rate of eighteen percent is used for the second quarter 1981. The rate used will be reviewed on a quarterly basis and will be changed to reflect significant changes in the U.S. price rate. Each quarter's rate will be listed in that quarter's TPM Price Manual.

If the invoice price is in units other than metric tons, the Customs Service import specialist converts the units to metric tons and adjusts the invoice price accordingly.

The above adjustments also apply to the resale price in the United States if the resale price is being used for comparison. The circumstances under which the resale price is used are described in the preceding section. In such cases the interest adjustment is based on the date thirty days after the unrelated U.S. purchaser takes title to the steel product. Also, full costs incurred by the related U.S. importer, including customs brokerage, processing and warehousing costs, are deducted. If the resale is a back-to-back transaction in connection with which no processing or warehousing costs are incurred, the importer need not include in full costs any overhead costs. If any processing or warehousing costs are incurred, the importer must allocate to the processing and warehousing services a reasonable portion of the importer's overhead costs. Overhead costs are to include the value of capital used in performing these services.

Commissions are handled differently depending on the circumstances of the transaction. In the case of a commission paid by a foreign seller to a U.S. importer, whether related or unrelated, the amount of the commission will be deducted from the invoice price unless the importer has resold the imported steel prior to entry in a back-to-back resale in connection with which no processing or warehousing services will be performed.⁴⁴

In the case of a commission paid by a related-party importer to an unrelated U.S. purchaser, the amount of the commission will be deducted from the invoice price.

In the case of a commission paid by a related-party importer to a third party in connection with a sale to an unrelated U.S. purchaser, the amount of the commission will be deducted from the invoice price unless the importer had made the resale prior to entry in a back-to-back transaction.

6. Theoretical Minimum Weight (TMW)

Hot rolled sheet (category 25), cold rolled sheet (category 26) and galvanized sheet (category 27) are frequently sold on the basis of theoretical minimum weight (TMW). Under TMW, the seller calculates the price based on the standard (theoretical) weight for the product rather than on the actual weight. The actual weight of a shipment may exceed the theoretical weight by from three percent in heavy gauge sheet to twenty percent in very light gauge sheet.

The original TPM included a TMW extra for each of the three product categories noted above. In 1979 the TMW extras were deleted from the TPM Price Manual and replaced by a revised system of adjusting transaction prices for comparison with trigger prices, which are based on actual weight. The TMW unit price on the invoice was adjusted to an actual weight unit price by multiplying by the theoretical weight and dividing by the actual weight. This price, after other adjustments as described in section 5 above, was then compared with the trigger price. The department continued to apply this method of adjustment through the first quarter of 1981.

Several import groups had submitted a proposal for a modification of this method for trigger pricing TMW shipments. The proposal urged the reestablishment of the TMW extras, supplemented by a comparison of TMW/actual weight variances based on accepted industry standards. Under this system, imports of steel sold on the basis of TMW would be compared with trigger prices that include a TMW extra. The transaction price would be the invoice price adjusted as described in section 5 above. No adjustment for actual weight would be made.

The Department has implemented this system beginning with steel imported in the second quarter of 1981. The dollar

value of the TMW extras, for second quarter 1981, are as follows:

TPM manual page	Description of product	Extra (dollars/MT)
25-1	Hot Rolled Sheet	16
26-5	Cold Rolled sheet	19
27-1	Electro-Galvanized Sheet	16
25-1	Hot Rolled Sheet	16
26-5	Cold Rolled Sheet	19
27-1	Electro-Galvanized Sheet	16
27-4	Galvanized Sheet	25

Under the new system, where the TMW transaction price is at or above the applicable trigger price, an additional check will be made to ensure that the TMW/actual weight variance for the size involved does not exceed the applicable percentage set forth in the following chart:

Chart for TMW Standard Allowance

Thickness	Percentage over TMW allowable
0.050" and thicker	3.60
0.045" up to 0.050"	4.00
0.040" up to 0.045"	4.50
0.035" up to 0.040"	5.25
0.030" up to 0.035"	6.00
0.025" up to 0.030"	7.25
0.020" up to 0.025"	9.00
0.014" up to 0.020"	12.00

For example, .050 sheet sold on TMW having a TMW/actual weight variance of over 3.60 percent may be the subject of an inquiry regarding the variance, even though the adjusted transaction price may be at or above the applicable trigger price.

7. Foreign Trade Zone, Warehouse, and Temporary Importation Bond Entries

1. Foreign Trade Zone entries—When steel subject to TPM is entered into a Foreign Trade Zone (FTZ), FTZ rules apply. Current policy is that foreign steel products covered by the TPM will not be permitted to enter under "nonprivileged foreign status" if the imported steel is to be transformed in the FTZ and subsequently entered for consumption into the United States. Such steel is monitored in the form in which it enters the FTZ. In such cases, an SSSI must be presented at the time "privileged foreign status" is elected, and Customs Service import specialists will report the shipment to the Department at that time. The date of exportation from abroad determines which quarterly trigger price is to be used. If the steel is transformed in the FTZ and then exported, no SSSI need be presented.

If steel subject to TPM is entered into an FTZ for storage (no transformation), the importer may elect "privileged foreign status." When "privileged

⁴⁴ When the U.S. importer is related to the foreign seller, the resale will be reported on the SSSI. When the importer is not related to the foreign seller, the importer should state in column 15 of the SSSI that a

back-to-back resale had been made. The Department will seek to verify such claims on a spot basis.

foreign status" is elected, presentation of an SSSI is required, and TPM monitoring occurs at the time "privileged foreign status" is elected. If imported steel, though priced below the applicable trigger price, is withdrawn from the FTZ for exportation, any Department inquiry resulting from a below trigger price sale will be terminated when the importer furnishes to the Department proof of such exportation. When nonprivileged foreign status steel is removed from the FTZ for entry into the United States for consumption, an SSSI must be presented.

The Department will apply its related-party monitoring practices in FTZ situations if the international transaction is between related parties.

2. *Warehouse entries*—When steel subject to TPM is entered into a bonded warehouse on a warehouse entry, it will be monitored as it enters the warehouse. An SSSI must be presented at the time of entry, and Customs Service import specialists report the shipment to the Department at that time. If the imported steel, though priced below the applicable trigger price, is withdrawn from the warehouse for exportation, any Department inquiry resulting from a below trigger price sale will be terminated when the importer furnishes to the Department proof of such exportation.

3. *Temporary Importation Bond entries*—When steel subject to TPM is entered under a Temporary Importation Bond (T.I.B.), it is not subject to TPM and presentation of an SSSI is not required. This is because the Customs Service requires that such products be exported as a condition of the T.I.B. entry. If steel is imported under a T.I.B. for processing and then exported, it is assumed that such product will not be re-imported into the United States. If the exported product is subsequently re-imported into the United States, without having been further processed, the Department requires presentation of an SSSI indicating that such foreign-made steel had been previously entered under a T.I.B., and describing both the earlier T.I.B. entry and the subsequent importation.

8. SSSI Instructions *

The Special Summary Steel Invoice (Customs Form 5520) is the basic reporting form for TPM. The SSSI is required to be presented, in duplicate,

for all shipments of steel falling within the first 32 AISI import product categories, provided the value of a shipment is \$5,000 or more from contiguous countries, or \$10,000 or more from non-contiguous countries. A shipment of steel mill products is defined, for the purpose of determining its value, as that quantity shipped from one seller to one buyer, on one carrier, entering at one port of entry. At land border crossings, one carrier is defined as one conveyance such as one truckload or one freight carload.

If an SSSI is not presented at the time the entry summary is presented, Customs Service import specialists will reject the entry summary and order redelivery of the steel to Customs custody or assess liquidated damages. If an SSSI presented at the time the entry summary is presented is prepared incorrectly or inadequately, the entry summary may also be rejected.

The numbered items which follow correspond to the item numbers on the SSSI. If the SSSI covers several types of steel priced in different ways, information with respect to each type should be shown separately.

1. *Seller*: Show the name and address (city and country) of the seller of the steel. If the steel was not sold before export, show the name and address (city and country) of the person from whom the steel was obtained by the United States importer. If the steel is consigned show the name and address of the consignor.

2. *Document Number*: If there is a document other than the invoice that would permit ready identification of the shipment, show the number of such document and identify it. If there is no document, enter "None."

3. *Invoice Number and Date*: Show the invoice number and the date the invoice was issued.

4. *Codes for Extras (column 18)*: This item refers to the additional price for extras such as width and length. This code must be shown in column 18a, and the price for each extra must be shown in column 18b. The extras listed are expressed in terms as now understood in the United States market.

5. *References*: Identify the specific shipment, for example by name of shipping vessel, in such a way as to permit ready identification of the shipment if further information is requested.

6. *Producer if Other Than Seller*: Show the producer's name and address (city and country). If a single entity, corporate or otherwise, owns or controls more than one producing mill, and if all such producing mills are located within one country, then the name and address of

that entity may be shown here. If such producing mills are located in more than one country, the mill actually producing the steel must be identified.

7. *Buyer*: Show the name and address of the buyer of the imported steel. In those instances where the importer is related to the foreign seller, and the importer has sold the steel to a person in the United States who is unrelated to the importer or the foreign seller, this item must show the name and address of the unrelated person.

8. *Importer*: Show the name and address of the person by whom or for whose account the steel is being imported. Check yes or no to indicate whether the importer is also the importer of record. If the steel is consigned, show the name and address of the consignee.

9. *Country of Origin*: Show the name of the country in which the imported steel was produced or manufactured. Any additional labor and/or material added to the steel in another country must substantially transform the steel in order to change the country of origin. When steel is invoiced in, or exported from, a country other than the one in which it was produced or manufactured, the actual country of origin should be specified, rather than the country the steel was invoiced in or expected from.

10. *Date Price Terms Agreed*: Show the date on which the final sale price for this shipment was agreed upon. If a contract or purchase order was renegotiated, show the date of such renegotiation. If the international transaction bringing the steel to the United States is between related parties, and if the importer has resold the steel to an unrelated party in the United States, show here the date on which the final sale price to the unrelated party was agreed upon.

11. *Currency Used Exchange Rate*: Show the currency of the country used to make payment. If a foreign currency is used, indicate what exchange rate has been agreed upon by the parties, or, in the absence of agreement upon a fixed rate of exchange, indicate how the actual rate of exchange will be determined.

12. *Terms of Sale, Payments and Discounts*: Show the following: (A) How payment is to be made (letter of credit, draft, etc.);

(B) The terms and place of delivery (C.I.F., F.O.B. port, etc.) (charges to place of delivery are presumed to be included in the unit price);

(C) discounts involved, by type and amount; and

(D) Time of payment (30 days after delivery, 90 days after bill of lading, etc.)

* The wording of the instructions set forth in this section differs, in some cases, from the wording of previously published SSSI instructions. Any different wording is intended solely to clarify existing instructions; no substantive change in any instruction is intended.

13. Marks and Numbers: Show the marks and numbers that appear on the package(s) in which the steel is contained. Such marks and numbers must be shown opposite the description of the steel contained in such package(s). Indicate the quantity of packages for which identification is provided.

14. AISI Category: Show the applicable AISI import product category number. Such category numbers are set forth on the list found in the section of this notice entitled "TPM product coverage."

15. Description of Goods (Include Specification): Each individual steel product must be described completely and accurately on the invoice. Show the name by which it is known in the country of production or exportation, the article number, its grade or quality, size and dimensions, and all other characteristics essential to a complete description. In addition to such full description, steel specifications that the steel meets must be shown.

When information about the component materials of any imported steel product is essential to a determination of the applicable trigger price, the TSUSA classification or Customs valuation, the SSSI must include a chemical analysis of the product or the formula under which it was manufactured, a description of each of the component materials of which the product is composed, and the percentage of each component by weight and value.

6. Quantity: Show the total quantity in the weights and measures of the country or place from which the steel is shipped or in the weights and measures of the United States. Show the net weight, not the gross weight. Also, specify whether actual weight or theoretical minimum weight is shown.

17. Base Price: For each steel product, show the price per unit, exclusive of extras, on which the total sale price was based. The base price is a component of the invoice unit price shown in column 19b.

Note.—If the steel is sold on a base price and extras system, show the base price in column 17, the extras in column 18 and the total in column 19b. If, instead, the steel is sold on a single unit price basis, show that price in columns 17 and 19b, and leave column 18 blank. Since the extras are not shown in this column, they must be clearly described in column 15.

18. Extras: For each steel product show the price of each extra added to the base price. Show codes from item 4 where applicable. Charges for such extras constitute a component of the invoice unit price, shown in column 19b.

More than one extra may be listed for each product.

19a. Home Market Unit Price: The seller completing an SSSI must state the unit base price, terms and currency at which the seller sold or offered for sale and consumption such or similar steel product in the home market on the date nearest to the date shown in item 10. If such or similar steel product is not sold or offered for sale and consumption in the home market, the statement "Not sold in home market" must be entered in column 19a.

Note.—When the international transaction bringing the steel product to the United States is between related parties and the importer has sold such product to an unrelated party in the United States, also show here the unit base price, terms and currency at which such or similar product was sold or offered for sale and consumption in the home market on the date nearest to the date of exportation rather than the date of purchase.

19b. Invoice Unit Price: The unit price for each steel product is the price in the currency of purchase per unit of measure. Specify the unit of measure.

If the current unit price for export to the United States is not the same as the invoice unit price (or contract price), the seller completing the SSSI may show the export price in parentheses under the invoice price in column 19b and explain.

Note.—If the steel product was not sold before exportation, the seller completing the SSSI must state the price that it would have received or would have been willing to receive had such steel product been sold in the ordinary course of trade for exportation to the United States.

19c. Resale Unit Price: When the international transaction bringing the goods to the United States is between related parties and the importer has sold the goods to an unrelated party in the United States, the price shown in column 19c must be the price to the unrelated party. If the international transaction is between unrelated parties, or if the international transaction is between related parties but no resale to an unrelated party has been made, column 19c must be left blank. Regarding the resale price to the unrelated party, the following information must be shown:

- (A) Unit of quantity used;
- (B) Whether weight is actual weight or theoretical minimum weight, or other;
- (C) Time of delivery, if different from the time shown in item 12;
- (D) Whether the amount of any duty paid (shown in item 29) is included in the price;
- (E) Whether the following importer's costs are included in the price: Unloading, if not included in ocean

freight; wharfage and handling on the pier; and reloading onto the next conveyance at the pier location (shown in item 28); and

(F) Whether the importer's selling expenses and processing costs—e.g. customs brokerage, processing, and warehousing costs—and, if such costs were incurred, allocable overhead (shown in item 30) are included in the price.

20. Invoice Totals: Show the total price (invoice unit price (column 19b) times the total number of units (column 16)).

21. Assists, Dies, Molds, Tools, Engineering Work, Etc.: If the invoice price or value of the steel does not include the costs of assists, dies, molds, tools, engineering work, etc., furnished for the production of the steel, check item 21 and explain.

22. Declaration of Seller/Shipper: If any buying or selling commission, rebate, drawback or bounty has been or will be made or granted upon exportation of the steel product, check box A and explain. If any payment or other element of value other than that shown on the SSSI has been or will be paid, granted or received in connection with the sale of such product, check box B and explain.

23. Packing Costs: Show the packing costs for the international shipment. Do not show any packing included as an extra in column 18. Show the total cost and the cost per unit of quantity.

24. Transportation Costs to Point of Exportation: Show the total cost and the unit cost of transporting the steel product from the mill or factory to the point of exportation, that is, the foreign inland freight charge.

25. Ocean, Air or Other International Freight: Show the total cost and the cost per unit of quantity. International freight is defined as the freight from the point of export to the first point of arrival in the United States. All freight surcharges such as bunker surcharges must be included.

26. Insurance Costs: Show the insurance costs pertaining to the international transaction from the place of shipment to the place of delivery in the United States. Show here the total cost and also the cost per unit of quantity.

27. Freight From U.S. Point of Importation: Show here the cost of transporting the steel from the point of arrival into the United States if these costs are borne by the exporter or a party related to the exporter. If these costs cannot be determined before entry, provide the contract terms stating the exporter's liability.

28. Other Costs: All charges, fees, and costs, whether or not they are included in the invoice unit price (column 19b), must be specified separately by name and amount, show the total cost and the cost per unit of quantity, and specify whether such charges, fees and costs are included in the invoice unit price. When charges, fees or costs are included in the invoice unit price. When charges, fees or costs do not apply uniformly to all items, indicate the items to which such charges, fees or costs apply. Such charges, fees and costs include, but are not limited to, unloading charges, reloading charges, wharfage fees, handling charges, additional insurance, commissions, interest, license fees and royalties. No costs shown in items 23 through 27, 29 or 30 should be shown here.

If the actual amounts of any charges, fees or costs are unknown to the seller or shipper, they may not be estimated. The type of the specific charge, fee or cost must be indicated, followed by the statement "Actual amount not known."

29. Duty: In the case of an international transaction between related parties and a resale to an unrelated party, show the amount of duty paid. Indicate whether such amount is included in the resale price.

30. Selling Expenses and Processing: In the case of an international transaction between related parties and a resale to an unrelated U.S. purchaser, show the amount of the importer's selling expenses and processing costs, e.g., customs brokerage, processing and warehousing costs. (Do not show here any costs that are shown in item 28.)

If processing or warehousing costs are incurred by the related importer, the related importer must allocate to processing and warehousing services a reasonable portion of its overhead costs.

The foreign seller or the importer must identify by name, and specify the amount of, each component of such total amount. When a cost component does not apply uniformly to all items, identify the item(s) to which such component applies. If processing or warehousing costs are now known at the time the SSSI is presented, the foreign seller or importer must show amounts based on standard processing or warehousing costs, based on several months' experience and adjusted for inflation, with the understanding that such amounts are subject to subsequent verification by audit or otherwise.

31. Declaration Of Importer: If the international transaction is between related parties, the importer must indicate in this item whether the merchandise has been resold as of the date it signs the SSSI. The importer must show the date in this item and sign the SSSI.

If the international transaction (whether between related parties or unrelated parties) is based on terms of sale that do not include any of the charges in items 24 through 28, the importer may provide this information as long as the importer indicates that it is supplying the charges and signs the SSSI.

Note.—Whenever an importer provides the data in column 19c (resale unit price) and/or items 24 through 30, the importer must place an asterisk (*) next to these amounts to show that it, not the foreign seller, is supplying the data. The importer should then sign the SSSI in item 31.

The information that is required in column 19c and/or items 24 through 30 may be supplied on a continuation sheet, provided that copies of the continuation sheet are attached to each copy of the SSSI and the information is plainly identified as to the column or item on the SSSI to which it relates. The

words "See Attached" should be entered in the appropriate column or item of the SSSI if a continuation sheet is used.

9. Preclearances

The Department recognizes that there may be certain producers or exporters that can produce and/or export steel to the United States at prices below applicable trigger prices that are not at less than fair value. Such foreign producers or exporters can avoid the risk of a TPM-initiated antidumping investigation by requesting preclearance and cooperating with the Department's preclearance review of their production costs and pricing practices.

A request for preclearance may cover steel products within any of the categories covered by the current TPM Price Manual.

Depending upon the results of a preclearance review, a price below the applicable trigger price may be established for the examined product or products. Sales made at or above the preclearance price will not result in a TPM-initiated antidumping investigation by the Department. Preclearances will be reviewed at least annually for changed circumstances.

Requests for preclearance should be filed with the Agreements Compliance Division, Office of Compliance, Room 1001, Department of Commerce, Washington, D.C. 20230. Notices of preclearance requests will be published in the *Federal Register*, and the public will be given the opportunity to comment upon such requests.

Dated: April 15, 1981.

John Greenwald,
Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-11830 Filed 4-17-81; 8:45 am]

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Federal Register

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Monday, April 20, 1981

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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/FHWA	USDA/REA		DOT/FHWA	USDA/REA
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DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
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Comments on this program are still invited.
Comments should be submitted to the

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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

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