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Tuesday
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Highlights

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

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 531 and 539

Pay Under the General Schedule and Conversions Between Pay Systems

AGENCY: Office of Personnel Management.
ACTION: Revocation of final rule.

SUMMARY: Passage of the Civil Service Reform Act of 1978 rendered regulations relating to salary retention for Federal employees and conversions between pay systems obsolete, thereby requiring their revocation.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Gus Ghessie, Issuances and Instructions Staff, 202–632–4684.

SUPPLEMENTARY INFORMATION: Prior to approval of the Civil Service Reform Act of 1978 (CSRA), when an employee was converted from another pay schedule (e.g. the Federal Wage System) to the General Schedule, he or she was entitled to receive a rate of pay under the General Schedule which was not less than that which was received under the former schedule. Also, employees who were demoted through no fault of their own were, with certain exceptions, entitled to a two-year period of salary retention at the rate payable immediately prior to demotion.

The laws which provided for retention of salary in these two circumstances, section 5334(d) (for retention of salary upon conversion to the General Schedule) and section 5337 (for salary retention upon demotion) of title 5, United States Code, granted the Civil Service Commission authority to prescribe regulations to effectively administer their provisions. Pursuant to this authority, the regulations currently contained in Part 539 of title 5, Code of Federal Regulations, were prescribed to administer the provisions of section 5334(d), and regulations currently contained in subpart F of Part 531 of title 5, Code of Federal Regulations, were prescribed to administer the provisions of section 5337.

Title VIII of the CSRA, signed into law October 13, 1978, provides for grade and pay retention under certain circumstances when an employee's grade or pay would otherwise be reduced. The circumstances under which an employee is entitled to receive grade and pay retention under title VIII include those which were previously covered under section 5334(d) and 5337. Therefore, these two sections of law were repealed by section 801(a)(2) of title VIII.

Because of the repeal of section 5334(d), current and future employees converted to the General Schedule are not subject to 5 CFR Part 539. Also, no employee could have received the two-year period of salary retention under section 5337 after January, 1979, as the provisions of title VIII were effective the first day of the first pay period beginning on or after January 11, 1979. Therefore, no current employee is subject to the provisions of subpart F of 5 CFR Part 531 (the two-year period could not possibly extend beyond January, 1981).

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule for the purposes of E.O. 12291, Federal Regulation, because it will not result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects 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.

Regulatory Flexibility Act

The Director, Office of Personnel Management, certifies that this regulation will not have a significant economic impact on a substantial number of small entities, including small business, small organizational units and small governmental jurisdictions.

Under the authority of the Director, Office of Personnel Management, vested in section 1103 of title 5, United States Code, subpart F of 5 CFR Part 531 and 5 CFR Part 539 are hereby revoked.

(92 Stat. 1220, 5 U.S.C. 5365)

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

[FR Doc. 81-11878 Filed 4-20-81; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 46

Perishable Agricultural Commodities; Clarification of Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service amends its regulations relating to unfair practices of misrepresenting perishable agricultural commodities received, shipped, sold or offered to be sold, in interstate and foreign commerce. This amendment is intended to further inform the public and affected members of the industry, as to the statutory requirement and the procedures being followed in cases involving alleged violations of the Perishable Agricultural Commodities Act of 1930.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: John J. Gardner, Chief, Regulatory Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, Phone (202) 447–2272.

SUPPLEMENTARY INFORMATION: The purpose of this amendment is to codify and set forth in a single, ready reference the agency's procedures in administering Section 2(5) of the Perishable Agricultural Commodities Act (7 U.S.C. 499b(5)) for the benefit of the public and particularly, affected members of the perishable agricultural commodities industry. The Perishable Agricultural Commodities Act was enacted by Congress in 1930 in order to curb abuses in the marketing of perishable agricultural commodities in interstate and foreign commerce. The Act establishes a code of fair trading standards by prohibiting unfair and fraudulent practices as a means of protecting the growers, shippers, and

other distributors, dealing in such commodities. It also established a means for the enforcement of contracts by providing for the awarding of damages from licenses, or those operating subject to license, who breach their contractual obligations. The law is enforced through a system of licensing and provides penalties for violations of the statutory prohibitions. All commission merchants, dealers, and brokers engaged in business subject to the Act must be licensed. Since its enactment, the Act has been amended numerous times to respond to changes in the industry's trading practices.

Section 2(5) of the Act deals with the unfair practices of misrepresenting perishable agricultural commodities received, shipped, sold, or offered to be sold, in interstate and foreign commerce. This amendment is intended to further inform the public and affected members of the industry, as to statutory requirements and the procedures being followed in cases involving alleged violations of Section 2(5).

The amendment sets out what constitutes evidence of misrepresentation, clarifies what is not considered to be misrepresentation, delineates the specific procedure followed in informal settlement of misrepresentation violations, prescribes the use to be made of records of misrepresentation and the length of time such records are to be maintained, and describes the procedure followed in formal resolution of such matters.

It is important to note that the amendment does not represent any change in policy or procedure. The policy stated has been consistently followed in the past. The amendment merely codifies procedures and policy which have not heretofore been available in a single reference. Codification and publication of such a reference is in the public interest because if the affected industry is better aware of the Department's procedures and policy in such matters, misunderstandings between members of the industry as well as between government and industry will be minimized.

Because the amendment does not affect the rights of private parties nor enlarge or otherwise alter current regulations or recordkeeping requirements, but involves merely the publication of pre-existing agency policy for management and educational purposes, it is exempt from the President's January 29, 1981, Order postponing the effective dates of regulations. Moreover, and for the same reason, there will be no economic or other impact on small businesses under the Regulatory Flexibility Act (Pub. L. 96–354). Furthermore, this action has been reviewed under the Executive Order issued February 17, 1981, and, for the reasons stated above, it is determined not to be a "major rule."

It is further found that because the amendment is nonsubstantive and is merely a publication of procedures and policy regarding misrepresentation violations of the Act, it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making, and postpone the effective date until thirty days after publication in the **Federal Register** (5 U.S.C. 553).

To make the procedures being followed in administering Section 2(5) of the Perishable Agricultural Commodities Act (7 U.S.C. 499b(5)) readily identifiable and available in a single reference place to the public, and particularly, affected members of the perishable agricultural commodities industry, Title 7 CFR Part 46 Regulations (Other than Rules of Practice) is amended by adding paragraph (e) to read as follows:
§ 46.45 to read as follows:

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

§ 46.45 Procedure in administering Section 2(5) of the Act.

* * * * *

(e) *Summary of Procedure.* (1) *Compilation of authority.* The rules defining misrepresentation, including misbranding, and for determining liability and disposition of violations are contained in the Act (7 U.S.C. 499 *et seq.),* in particular Sections 2(5) and 8 (7 U.S.C. 449b(5) and 499h), Section 46.45 of the Regulations (7 CFR 46.45), the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted By the Secretary (7 CFR 1.130 *et seq.*), and in the Administrative Procedure Act (5 U.S.C. 551 *et seq.*).

(2) *Evidence of misrepresentation.* Evidence of misrepresentation or misbranding violations includes results of official inspections, audit findings, business records, or other documentation or testimony bearing on the subject. When a lot of fruits and vegetables has been officially inspected, and certification made that the descriptive markings on the container do not misrepresent the produce, but a subsequent inspection reverses the original finding (such as to grade, size, weight, etc.), the shipper/seller will *not* be charged with violation of the Act. However, the misrepresentation must be corrected before the lot is shipped, sold, or offered for resale.

(3) *Warning letters.* When informal settlement of liability is appropriate, violators are given two written warnings and an opportunity to take preventive action before formal action is considered. Warning letters include an explanation of the requirements of the Act and recommendations of actions which the violator can take to avoid future violations.

(4) *Informal sanctions.* Violations subsquent to the sending of the warning letters referred to above, other than flagrant violations, may be settled informally pursuant to paragraph (c)(1) of this section. This procedure permits the violator to resolve the matter by payment of a monetary penalty pursuant to a schedule set out in lieu of a formal proceeding.

(5) *Formal sanctions.* In cases involving repeated or flagrant violations of the Act, formal proceedings seeking the suspension or revocation of the violator's license may be instituted pursuant to the Rules of Practice governing such matters (7 CFR 1.130 *et seq.*). Except in cases of willfulness or where the public health, interest, or safety requires otherwise, a violator must be given written warning and opportunity to demonstrate or achieve compliance with the Act before its license can be suspended or revoked (5 U.S.C. 551 *et seq.*). The warning letters referred to above serve this purpose. If formal proceedings are instituted, the violator is afforded an oral hearing, if requested, before an Administrative Law Judge, an opportunity to appeal an adverse decision to the Department's Judicial Officer, and a further opportunity to appeal an adverse final decision to the appropriate United States Circuit Court of Appeals.

(6) *Use of record of misrepresentation.* A cumulative record of misrepresentation is maintained. It is used as a basis for determining whether a warning letter should be sent, whether informal settlement should be considered, and, if so, the amount of monetary penalty which is appropriate, or whether there is cause for instituting formal disciplinary proceedings seeking suspension or revocation of the violator's license. But after payment of a monetary penalty or after two years from the date of the last violation, no formal disciplinary use can be made of the previous record of violation. Records of misrepresentations shall be erased if there are no further violations in the twenty-four (24) month period immediately following the most recent

violation. However, if there has never been a twenty-four (24) month period free of any violation, then the violation record stands and the pattern may then be cited in a formal proceeding based on currently repeated or flagrant violations. The pattern may also be used as a reference to determine the appropriate monetary penalty for informal settlements.

Done at Washington, D.C. on April 15, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-11942 Filed 4-20-81; 8:45 am]

BILLING CODE 8410-02-M

DEPARTMENT OF ENERGY
Office of the Assistant Secretary for Conservation and Renewable Energy

10 CFR Part 474

[Docket No. CAS-RM-80-202]

Electric and Hybrid Vehicle Research, Development, and Demonstration Program; Equivalent Petroleum-Based Fuel Economy Calculation

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is prescribing procedures to be used in calculating the equivalent petroleum-based fuel economy value of electric vehicles which DOE is required to develop pursuant to section 503(a)(3) of the Motor Vehicle Information and Cost Savings Act, as added by Section 18 of the Chrysler Corporation Loan Guarantee Act of 1979. The equivalent petroleum-based fuel economy value is intended to be used in calculating corporate average fuel economy pursuant to regulations prescribed by the Environmental Protection Agency (40 CFR Part 600).

EFFECTIVE DATE: May 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert S. Kirk, Electric and Hybrid Vehicles Division, Mail Stop 5H-004, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-8032.

Pamela M. Pelcovits, Office of General Counsel, Mail Stop GC-33, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9516.

SUPPLEMENTARY INFORMATION:

I. Background

A. Legislation

In an effort to conserve energy through the improved efficiency of motor vehicles, Congress, in 1975, passed the Energy Policy and Conservation Act (EPCA), Pub. L. 94-163. Title III of EPCA amended the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*) (the Motor Vehicle Act) by mandating fuel economy standards for automobiles produced in, or imported into, the United States. This legislation, as amended, requires that every manufacturer or importer meet a specific corporate average fuel economy (CAFE) standard for the fleet of vehicles that the manufacturer produces or imports in any model year. Administrative responsibilities for the CAFE program are assigned to the Department of Transportation and the Environmental Protection Agency (EPA) under the Motor Vehicle Act. The Secretary of Transportation is responsible for prescribing the CAFE standard through model year 1984 (the CAFE standard for model year 1985 and subsequent model years is prescribed in the Motor Vehicle Act) and enforcing the penalties for failure to meet these standards. The Administrator of EPA is responsible for calculating a manufacturer's CAFE value.

Because electric vehicles do not consume fuel (as defined in section 501(5) of the Motor Vehicle Act) for propulsive power, they are not included in the Motor Vehicle Act definition of an automobile and, accordingly, were not included in the calculation of a manufacturer's CAFE value under EPA's regulations.

On January 7, 1980, the President signed the Chrysler Corporation Loan Guarantee Act of 1979 (Pub. L. 96-185) (the Act). Section 18 of the Act amended section 13(c) of the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976 (Pub. L. 94-413) (the EHV Act) and directed the Secretary of Energy, in consultation with the Secretary of Transportation and the Administrator of EPA, to conduct a 7-year evaluation program of the inclusion of electric vehicles in the calculation of average fuel economy to determine the value and implications of such inclusion as an incentive for the early initiation of industrial engineering development and initial commercialization of electric vehicles in the United States. Section 13(c) of the EHV Act, as amended, directs the Administrator of EPA to implement the evaluation program by amending EPA regulations to include electric vehicles in calculating a manufacturer's CAFE value.

Section 18 of the Act also amends section 503(a) of the Motor Vehicle Act and directs the Secretary of Energy to determine equivalent petroleum-based fuel economy values for various classes of electric vehicles. The intent of this legislation is to provide an incentive for vehicle manufacturers to produce electric vehicles by including the expected high equivalent fuel economy of these vehicles in the CAFE calculation and thereby to accelerate the early commercialization of electric vehicles, pursuant to the requirements of section 503(a)(3) of the Motor Vehicle Act.

Section 503(a)(3) of the Motor Vehicle Act requires DOE to determine the equivalent petroleum-based fuel economy values for various classes of electric vehicles taking into account the following parameters:

(i) The approximate electric energy efficiency of the vehicles considering the vehicle type, mission, and weight;

(ii) The national average electricity generation and transmission efficiencies;

(iii) The need of the Nation to conserve all forms of energy, and the relative scarcity and value to the Nation of all fuel used to generate electricity; and

(iv) The specific driving patterns of electric vehicles as compared with those of petroleum-fueled vehicles.

B. Implementation

DOE proposed regulations at 10 CFR Part 474 that provide a method of calculating equivalent petroleum-based fuel economy values for electric vehicles on May 12, 1980 (45 FR 34008; May 21, 1980). The public comment period on these regulations ended on July 21, 1980. A public hearing was scheduled but was subsequently cancelled because no requests to speak were received.

On October 30, 1980, DOE completed the proposed rulemaking by proposing the values for the petroleum equivalency factors used in the calculation procedure (45 FR 73684; November 6, 1980). The purpose of this proposal was to incorporate the most recent projections of the price and quantity values of all fuels used to generate electricity from DOE's Energy Information Administration. These values are used in the determination of the petroleum equivalency factor for each model year of the 7-year evaluation period. The public comment period on these values ended January 5, 1981. A public hearing was scheduled but also was subsequently cancelled because no requests to speak were received.

As required by section 13(c) of the EHV Act, as amended, the Administrator of EPA has recently issued interim regulations to include

electric vehicles in calculating a manufacturer's CAFE value (40 CFR Part 600; 45 FR 49256; July 24, 1980).

As required by section 18 of the Act, DOE is today issuing the final regulations on the equivalent petroleum-based fuel economy of electric vehicles. This rule represents the initial DOE effort in the 7-year evaluation program on the value of the inclusion of electric vehicles in the CAFE calculation as an incentive to their commercial production. Pursuant to section 503(a)(3)(C) of the Motor Vehicle Act, DOE will review the rule annually and will propose changes as necessary. As mandated in section 13(c)(4) of the EHV Act, a progress report of this evaluation program will be issued each year as part of the DOE Electric and Hybrid Vehicle Program Annual Report to Congress, pursuant to section 14 of the EHV Act. This report will discuss the success of the program in providing an incentive to the production and commercialization of electric vehicles. Included in this report will be quantitative information on electric vehicle production and an assessment of the effect of the program on use of petroleum and other forms of energy. A final report will be provided to Congress in 1987, as required by section 13(c)(4) of the EHV Act.

C. Calculation Procedure

The following is a summary of the procedures for calculating the equivalent petroleum-based fuel economy values (in units of miles per gallon) of electric vehicles which DOE proposed on May 12, 1980, and October 30, 1980. The use of these procedures will provide fuel economy values for the various electric vehicles that manufacturers may produce. This calculation involves converting the actual electrical energy consumption of an electric vehicle (kilowatt-hours per mile) to miles per gallon and adjusting that figure to account for the legislative parameters ii through iv stated in I.A above. For a more detailed discussion of the calculation procedure, the reader should refer to the discussion in the preamble to the May proposal.

The methodology for determining the equivalent petroleum-based fuel economy of electric vehicles specifies a series of arithmetic steps. The mathematical form of the calculation is the following equation:

$FE = FE_{ee} \times PEF$

Where:

FE = the equivalent petroleum-based fuel economy,

FE_{ee} = the energy-equivalent fuel economy value (miles per gallon), and

PEF = the petroleum equivalency factor.

The petroleum equivalency factor (PEF) is defined as follows:

$$PEF = DPF \times \eta_t \times AF \times \frac{E_{total}}{\sum_i I_i V_i}$$

Where:

DPF = driving pattern factor

η_t = average national electricity transmission efficiency

AF = accessory factor

E_{total} = total amount of electricity generated from all fuel sources for the model year (quads)

I_i = input energy of fuel used to generate electricity from fuel source i (quads)

V_i = relative value factor of fuel source i

All of the above factors are listed in Tables I, II, and III for each model year of the 7-year evaluation program.

II. Discussion of Comments

A. General

(1) *Incentive of Including EVs in CAFE.*—Several comments were made on the concept of including EVs in CAFE. Most of these comments were highly supportive of the concept. However, one comment opposed providing an incentive on the grounds that it would make it easier for vehicle manufacturers to meet the CAFE requirements and would, therefore, result in lower fuel economy of internal combustion engine (ICE) vehicles.

Table I.—*Projections for Electric Energy Generation (Quads)*

	Input energy of fuels used to generate electricity					Total electricity generated (E_{total})
	Fuel oil	Natural gas	Coal	Nuclear	Hydroelectric and new technologies	
Year:						
1981	2.9	3.4	12.5	3.4	3.1	8.1
1982	2.5	3.3	13.3	3.4	3.2	8.4
1983	2.2	3.1	14.1	4.5	3.3	8.7
1984	1.6	3.0	14.9	5.1	3.3	8.9
1985	1.2	2.9	15.7	5.6	3.4	9.2
1986	1.2	3.0	16.3	6.1	3.4	9.6
1987	1.2	3.0	16.9	6.6	3.5	10.0

Table II.—*Projection for Relative Value Factors*

Year and fuel	Marginal price (dollars per million Btu)	Relative value factors
1981:		
Automotive gasoline	10.27	
Fuel oil	4.67	0.45
Natural gas	2.05	.20
Coal	1.37	.13
Nuclear energy	.54	.05
Hydroelectric and new technologies	.00	.00
1982:		
Automotive gasoline	10.75	
Fuel oil	5.03	.47
Natural gas	2.24	.21
Coal	1.46	.14
Nuclear energy	.55	.05
Hydroelectric and new technologies	.00	.00
1983:		
Automotive gasoline	11.24	
Fuel oil	5.40	.48
Natural gas	2.44	.22
Coal	1.55	.14
Nuclear energy	.56	.05
Hydroelectric and new technologies	.00	.00
1984:		
Automotive gasoline	11.72	
Fuel oil	5.76	.49
Natural gas	2.63	.23
Coal	1.64	.14
Nuclear energy	.57	.05
Hydroelectric and new technologies	.00	.00
1985:		
Automotive gasoline	12.21	
Fuel oil	6.13	.50
Natural gas	2.83	.23
Coal	1.73	.14
Nuclear energy	.58	.05
Hydroelectric and new technologies	.00	.00
1986:		
Automotive gasoline	12.40	
Fuel oil	6.30	.51
Natural gas	2.98	.24

Table II.—*Projection for Relative Value Factors*—Continued

Year and fuel	Marginal price (dollars per million Btu)	Relative value factors
Coal	1.78	.14
Nuclear energy	.60	.05
Hydroelectric and new technologies	.00	.00
1987:		
Automotive gasoline	12.59	
Fuel oil	6.47	.51
Natural gas	3.12	.25
Coal	1.83	.15
Nuclear energy	.62	.05
Hydroelectric and new technologies	.00	.00

Table III.—*Petroleum Equivalency Factor Calculation*

	Driving pattern factor (DPF)	Electrical transmission efficiency (η_t)	Accessory factor (AF)	Total electric energy generated (quads) (E_{total})	Sum of weighted primary energy source ($\Sigma I_i V_i$)	Petroleum equivalency factor
Model year:						
			1.00			1.9
1981	1.00	0.91	.90	8.1	3.8	1.7
			.81			1.6
			1.00			2.0
1982	1.00	.91	.90	8.4	3.9	1.8
			.81			1.6
			1.00			2.0
1983	1.00	.91	.90	8.7	3.9	1.8
			.81			1.6
			1.00			2.1
1984	1.00	.91	.90	8.9	3.8	1.9
			.81			1.7
			1.00			2.3
1985	1.00	.91	.90	9.2	3.7	2.0
			.81			1.8
			1.00			2.2
1986	1.00	.91	.90	9.6	3.9	2.0
			.81			1.8
			1.00			2.2
1987	1.00	.91	.90	10.0	4.2	2.0
			.81			1.8

The Act states explicitly that the purpose of including EVs in CAFE is "as an incentive for the early initiation of industrial engineering development and initial commercialization of electric vehicles in the United States." For this purpose to be achieved, a tangible incentive must be provided to the automobile manufacturers. One comment specifically urged that the regulations should provide manufacturers with a meaningful incentive. While initially the use of this provision could permit the production of less fuel efficient ICE product lines, the eventual mass production and sale of electric vehicles would result in the achievement of higher CAFE values.

(2) *Testing.*—Two comments indicated concern that the methodology might impose excessive testing requirements on EVs. One of these comments recommended a system of fixed values of equivalent fuel economy for several classes of EVs.

As proposed, this testing involves performance of the SAE test procedure using the J227a "C" cycle and the 54-mph, steady-speed cycle. In developing the proposed rule, DOE considered both a system of fixed equivalent mileage values and a methodology based on measured energy efficiency. The latter approach is favored because it produces an equivalent fuel economy value for a particular EV that is more representative of actual energy consumption. This approach is determined to be the best method of fulfilling the legislative requirement to determine values based on "the approximate electrical energy efficiency of the vehicles * * *" as stated in the Act. Furthermore, in consultation with the Department of Transportation, it was decided that an actual vehicle measurement of energy efficiency would be more appropriate for the overall CAFE program because it corresponds more closely with the existing fuel economy procedures for ICE vehicles.

After reviewing the public comments received in response to the proposed rulemaking, it is apparent that there is a significant concern with the burden caused by the imposition of a testing procedure. But while the use of this procedure does impose new testing requirements, this procedure involves considerably less testing and certification (and, therefore, was determined to be considerably less burdensome) than the exhaust emissions and fuel economy test procedures currently required for ICE vehicles. Nevertheless, DOE recognizes the significance of the concern with the burden that may be involved and its potential to prevent manufacturers from proceeding to take advantage of the incentives to be provided by the Act.

Accordingly, DOE is considering permitting, in the alternative, the use of a set of minimum electrical efficiency values. Under this alternative methodology, a vehicle manufacturer would have the option of (1) accepting the minimum established electrical efficiency values without testing or (2) attempting to obtain a better fuel economy value for a particular model type through the established test procedure. The first option, in effect, would guarantee a minimum equivalent fuel economy value for each model year and, therefore, would reduce the burden.

The inclusion of such an alternative methodology, which would include the establishment of actual minimum values, is, however, outside the scope of this final rulemaking. DOE will continue to evaluate the need for minimum electrical efficiency values and what these values will be. If such an approach is deemed appropriate, DOE will propose amendments to the final regulations issued today.

(3) *Complexity of the Methodology and Revisions to the Values.*—Two comments criticized the methodology for being too complicated and variable. Several of the factors used in the methodology depend on economic and technical conditions regarding the national generation of electricity. These factors are beyond the control of the vehicle manufacturers. As a result, the commenters both argued that vehicle manufacturers cannot accurately predict the actual equivalent fuel economy values of future products, which is important for long-range planning.

Another comment urged that the methodology retain some flexibility to accommodate changes during the course of the evaluation program and that it be responsive to data and suggestions of vehicle manufacturers.

All of the factors that may vary, other than the vehicle electrical efficiency value, are contained in a single term, the Petroleum Equivalency Factor (PEF). Values of the PEF have been defined in the rule for each model year of the 7-year evaluation period. Equivalent fuel economy is simply determined by converting the vehicle electrical efficiency into miles per gallon and multiplying by the corresponding PEF values.

The PEF values are based on the best available projections for the factors which comprise it. Because these are projections, there is a degree of uncertainty involved, and the values may change in future years. As required by Section 503(a)(3)(c) of the Motor Vehicle Act, the regulations must be reviewed annually. Revisions to the regulations or to the values used in this regulation may be required. However, in reviewing the regulations, DOE will consider the above comments and will take into account any potential impacts which may result. In making revisions, DOE will consider the effects of production lead times required by vehicle manufacturers and will issue advance notification whenever possible. In addition, any future amendments to these regulations will be proposed for public comment prior to implementation.

(4) *Energy Utilization Efficiency.*—One comment criticized the methodology for improperly considering the energy utilization efficiency of EVs compared with conventional vehicles. This comment stated that it is improper to use a scarcity factor to account for the different fuels used to generate electricity because it distorts the true energy efficiency of the resources. The Act requires that DOE consider the "relative value of all fuels used to generate electricity," and DOE has determined that the scarcity factor is an appropriate method of accounting for the major benefit of EVs in utilizing nonpetroleum energy resources. Another comment recommended that the methodology be based only on petroleum-derived fuels (oil and natural gas). The Act, however, requires DOE to consider all fuels used in the generation of electricity.

(5) *Small Volume Manufacturers.*—One comment stated that the methodology provides an incentive and, therefore, only benefits vehicle manufacturers that produce a large number of ICE vehicles. It is expected, however, that this rule will benefit the entire EV industry. The small manufacturers, while not directly affected, will benefit from the imporved technology and reduced cost of EV components which will result from mass production by the large manufacturers.

B. Specific Aspects of the Methodology

(1) *Driving Pattern Factor.*—Five of the comments specifically addressed the driving pattern factor. Three comments stated that the driving pattern factor is not needed because EVs should not be penalized for their projected lower annual usage. One comment recommended that the driving pattern factor should consider the fact that EVs will be used primarily in urban driving situations, where ICE vehicles are most inefficient. One comment recommended eliminating the driving pattern factor, or setting it at a value of 1.0, until better actual usage data becomes available.

The Act requires that "the specific driving patterns of electric vehicles as compared with those of petroleum-powered vehicles" be taken into account. The proposed driving pattern factor did this by projecting the percentage of annual mileage for which an EV could replace a conventional vehicle. The underlying assumption was that trips beyond the EV range would be made by an ICE vehicle, and the proposed driving pattern factor would have a negative effect on the equivalent petroleum-based fuel economy of an EV. After reviewing the comments, however, DOE recognizes that a simple ratio does not account for the greater efficiency of EVs in urban driving situations. Because there are a limited number of EVs in use, DOE believes that sufficient data on the actual driving patterns of EVs are unavailable. Accordingly, the driving pattern factor has been set at 1.0 throughout the 7-year period until better data are accumulated. DOE will review the driving pattern factor as part of the annual review of these regulations in accordance with Section 503(a)(3)(c) of the Motor Vehicle Act.

(2) *Accessory Factor.*—Three comments were received concerning the accessory factor. All three comments advocated that the accessory factor should be used only for the vehicle configurations actually to be equipped with petroleum-powered accessories. In the proposed rule, DOE discussed the appropriate treatment of petroleum-powered accessories on EVs at length. To simplify the calculation of equivalent petroleum-based fuel economy, DOE proposed to include a constant accessory factor in the petroleum equivalency factor to represent the estimated use of a petroleum-powered heater/defroster.

After reviewing these comments, DOE agrees that the accessory factor should be applied only to vehicle configurations to be equipped with petroleum-powered accessories. Because of the potential for significant additional petroleum comsumption on vehicles so equipped, one comment also suggested that air conditioning be included in the accessory factor. DOE agrees and is also including air conditioning as a petroleum-powered accessory.

The current EPA procedure for determining the fuel economy of ICE vehicles provides for including fuel consumption of air conditioning when more than 33 percent of a vehicle configuration will be so equipped. For EVs, DOE has determined that an appropriate accessory factor will be included in the petroleum equivalency factor when more than 33 percent of production will be equipped with either or both of the two major petroleum-powered accessories: heater/defroster and air conditioning.

Typical fuel consumption rates for these accessories have been determined to be 0.007 gal/mi for the heater/defroster and 0.009 gal/mi for air conditioning ("Electric Vehicles and the Corporate Average Fuel Economy," The Aerospace Corporation, May 1980, Table 4, page 4–4, available to the public as provided in the proposed rulemaking (45 FR 34009)). Assuming typical 10 percent usage rates for these accessories, as set forth in the proposed rule, an accessory factor of 0.90 is used for either petroleum-powered accessory. Correspondingly, an accessory factor of 0.81 is used for vehicle configurations with both petroleum-powered heater/defroster and air conditioning. An accessory factor of 1.00 is used for vehicle configurations with neither of these petroleum-powered accessories. Three separate Petroleum Equivalency Factors, using three accessory factors, are defined for each model year.

(3) *Relative Value Factor.*—Six comments were received on the relative value factor. Three comments advocated use of off-peak or time-of-day pricing in determining the marginal prices of fuels used to generate electricity. Although marginal prices of the fuels to the utilities usually do not vary by time of day, the relative amounts used of each fuel type will be affected by time of use. If most recharging of EVs is done during the off-peak hours, there will be greater usage of the base-load generating facilities, which generally use the cheaper and more abundant fuel resources. Conversely, one commenter raised the possibility that EVs recharged during the daytime or peak hours would use a greater proportion of the more expensive fuels.

Three comments specifically mentioned agreement with the concept of using marginal prices to represent the true value of all fuel resources. Two comments indicated that the marginal prices should omit all taxes. One commenter stated that the proportion of fuels used to generate electricity varies widely by geographic region of the nation and advocated the assignment of regional values so as to give the greatest EV incentive to those regions which generate electricity from the least expensive fuel resources.

The use of off-peak utility costing data in the methodology is not considered practical at this time. There are too many variables inherent in these data to develop reasonably accurate projections over the 7-year time frame. It would depend largely on the actual quantity of EVs in use, how and in which regions of the country they are used, and the effect of other utility loads. In addition, due to the projected decline in future usage of petroleum-fired generating facilities, DOE believes that the effect of off-peak pricing on the petroleum equivalency factor will also decline and will probably not be significant beyond 1985.

As explained in the October NOPR, the fuel price data are based on the marginal energy cost as defined by the Energy Information Administration. It includes all costs associated with the use or savings of an additional unit of fuel energy to the end user and is, therefore, considered to be the most appropriate value for the purposes of this rulemaking. DOE is currently in the process of developing "marginal fuel cost" projections by rule for the Federal Energy and Management Planning (FEMP) program under the Energy Security Act (Pub. L. 96-294). In an advance notice of proposed rulemaking (published October 7, 1980), DOE indicated that the projections would be based in part upon the published EIA definition of "marginal energy cost" used in this rulemaking (45 FR 66620). Further development in the FEMP rulemaking may be considered in future revisions to the values used in this rule.

Establishing different values of the relative value factors for different regions of the country would be contrary to the legislative requirement to consider the "national average electricity generation and transmission efficiencies" and would also serve to complicate the methodology unnecessarily.

(4) *Electricity Transmission Efficiency.*—Two commenters mentioned the electricity transmission efficiency. One indicated that the prescribed value of 0.9141 represents a good national average to account for transmission losses. The other commenter requested that the value be fixed permanently or for a minimum of 5 years and that any change which would lower EV equivalency be preceded by a 12-month notification period.

As explained in Section b(5) below, the electricity transmission efficiency was revised to 0.91 in the October NOPR to reduce the significant digits. The question of modification to the regulations was addressed above.

(5) *Significant Figures in the Calculations.*—One comment suggested that the data are not precise enough to warrant four significant digits in the calculations and that two significant digits would be more appropriate. This comment was considered applicable and was implemented in the October NOPR.

(6) *Energy Content of Gasoline.*—Two comments recommended using the lower heating value of gasoline (113,200 Btu/gal) instead of the higher heating value (125,071 Btu/gal) proposed in the NOPR. The reason given for this is that the lower heating value is a better representation of the amount of useful work that an engine can extract from the fuel.

The higher heating value is used because it represents the total energy content of the fuel source. Although the internal combustion engine can only utilize the lower heating value, for purposes of comparison with other energy sources (electricity, coal, nuclear), the higher heating value is appropriate.

C. Vehicle Test Procedures

Five comments were received relating to the test procedures for the measurement of vehicle electrical efficiency. Two comments recommended using the EPA driving cycles and test procedures instead of the SAE J227a "C" cycle and 54-mph, steady-speed cycle, as proposed. Another comment recommended using the SAE J227a "D" cycle alone for the near term and eventually going to the EPA cycle. The reason given for the preference of the EPA cycles and procedures is that vehicle manufacturers can maintain a common procedure for all of the vehicles they produce.

Two comments mentioned the potential problem that may develop if EVs are marketed which cannot meet the test cycle requirements for either acceleration or steady speed of 54 mph. One commenter recommended allowing the maximum sustained speed recommended by the manufacturer for those vehicles which cannot sustain 54-mph cruise speed.

The SAE procedure is widely used throughout the electric vehicle community for the determination of the energy efficiency of EVs. The procedures are well defined and are tailored to the unique requirement of EVs. A change to the EPA urban driving schedule would necessitate either (1) the development of a new set of procedures specifically for this rulemaking or (2) modification of the existing SAE procedures to utilize the EPA cycle. Both of these alternatives are considered unacceptable at this time. A new set of procedures would require extensive development and testing prior to implementation. Modification of the SAE procedures would entail several technical problems, including:

- The longer length of the EPA cycle (7 miles) would adversely affect the accuracy and repeatibility of the energy consumption measurements because only completed cycles are counted in the accumulated mileage.
- The greater acceleration rates in the EPA cycle could present a problem for EVs. The SAE procedure requires that the vehicle must be able to perform the selected driving schedule, whereas the EPA procedure requires only that the vehicle perform to its maximum capability. This could lead to wide variations in energy consumption measurements for EVs.
- For EVs, energy efficiency is determined by the energy required to recharge the batteries following completion of the test cycle. Battery recharge efficiency varies significantly with depth of discharge. As a result, the energy consumption should be measured over the maximum useful range of the vehicle. This eliminates the possibility of measuring energy consumption over a single driving cycle.

In view of these difficulties, the procedure proposed for measuring EV energy efficiency will be retained in its present form. However, DOE agrees with the comment regarding maximum speed and is revising the regulations to allow EVs that are unable to meet the 54-mph criuse speed for the steady-speed test to be tested at a lower speed in accordance with the definition of "maximum cruise speed" provided in the SAE J227a procedure.

D. Other Issues

(1) *Labeling.*—Although this issue was not addressed in the rulemaking, there were two comments on labeling of vehicles as to efficiency and range. One comment strongly encouraged such labeling to promote consumer awareness and to discredit unsubstantiated claims made by some vehicle manufacturers. These unsubstantiated claims, it was agreed, could have a negative impact on the entire EV industry. On the other hand, one comment expressed the view that published range and efficiency values could mislead the public and thereby create a bad image for EVs. It maintained that the driving cycles used in developing these values may not be representative of actual use in all cases, and discrepencies between test and actual use values could create an unfavorable public reaction.

Vehicle labeling is outside the scope of DOE's responsibility under the 7-year

evaluation program contained in the Act. Labeling of the fuel economy of ICEs is the responsibility of EPA, and these concerns should be addressed to that agency.

(2) *Effective Date of Regulation.*—One comment recommended that these regulations should not be effective until the first full model year following promulgation of the final rule.

DOE's regulations, which establish a calculation procedure, are in conjunction with the EPA implementing regulations, which EPA has determined to be effective with model year 1981.

III. Final Regulations

The regulations are adopted as proposed except for the modifications described below.

A. Driving Pattern Factor

Values of the driving pattern factor (DPF) used in the petroleum equivalency factor have been revised, as indicated in Table III. The DPF had been calculated on the basis of the percentage of annual vehicle miles which are accumulated on trips within the expected range limitation of EVs. The fact that EVs are expected to be used primarily in urban driving situations was not, however, included in calculating the DPF. Because ICE vehicles operate inefficiently in this mode due to the effects of stop-and-go driving, prolonged idling, and cold starts, there is a significant benefit for EVs. Although there are insufficient actual usage data to quantify this effect, it is known that fuel efficiency for ICE vehicles on the urban cycle is approximately 10 to 20 percent below that of the combined cycle, upon which the CAFE calculation is based. This reduction will tend to offset the previously proposed annual mileage percentage of approximately 85 percent. Therefore, until more definitive usage data on EVs can be obtained, the DPF is set at a value of 1.0.

B. Accessory Factor

The petroleum equivalency factor is revised so that it can be used for vehicle configurations which are to be equipped with none, one, or two petroleum-powered accessories. Two major accessory systems which are expected to have the greatest potential for usage of petroleum fuels, heater/defroster and air conditioning, are defined as pertroleum-powered accessories. An accessory factor (AF) for each of these accessories has been calculated based on expected fuel consumptions and usage rates. The accessory factors are defined as follows:

- No petroleum-powered accessories: AF = 1.00
- Petroleum-powered heater/defroster: AF = 0.90
- Petroleum-powered air conditioner: AF = 0.90
- Both petroleum-powered heater/defroster and air conditioner: AF = 0.81

The petroleum equivalency factors are calculated and defined for each of the three values of AF for each model year.

The criteria for application of a particular petroleum equivalency factor is that if more than 33 percent of the expected production volume of a vehicle model type are to be sold equipped with an accessory which uses a petroleum fuel, then the corresponding petroleum equivalency factor is used in the calculation of equivalent petroleum-based fuel economy value for that model type. To implement these changes, new definitions for model type and petroleum-powered accessories are included in § 474.2.

C. Test Procedures

The test procedure requires that a vehicle perform the SAE J227a procedure, "Range at Steady Speed," at a speed of 54 mph. Any electric vehicle that is incapable of maintaining a sustained speed (maximum cruise speed) of 54 mph may be permitted to perform this test procedure at the maximum cruise speed as defined in the SAE J227a procedure.

IV. Other Matters

A. Evironmental Review

Upon review of the Environmental Assessment ("Environmental Assessment—Inclusion of Electric and Hybrid Vehicles in CAFE Calculations"), DOE has determined that the program does not constitute a major Federal action significantly affecting the quality of the human environment and that, therefore, no Environmental Impact Statement need be prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

B. Regulatory Review

At the time this rule was proposed, it was determined that the proposed regulation was significant, as that term was used in Executive Order 12044 and amplified in DOE Order 2030. This determination was based on the importance of the overall electric and hybrid vehicle program in encouraging the development of alternative means of transportation. It was further determined that this regulatory action was not likely to have a major impact, as then defined by Excecutive Order 12044 and DOE Order 2030; consequently, no regulatory analysis was prepared with regard to the proposed rule.

Executive Order 12291, which revoked Executive Order 12044 on February 17, 1981, creates certain requirements for "major rules," as defined in the Order. It has been determined that this rule is not a "major rule" under the new order.

C. Urban Impact Analysis

This regulation has been reviewed in accordance with OMB Circular A–116 to assess the impact on urban centers and communities. In accordance with the DOE finding that the regulation is not likely to have a major impact, DOE has determined that no community and urban impact analysis of the rulemaking is necessary, pursuant to Section 3(a) of Circular A–116.

D. Coordination With the Secretary of Transportation and the Administrator of the Environmental Protection Agency

In developing this rule, DOE has consulted with the Secretary of Transportation and the Administrator of EPA, pursuant to section 13(c)(1) of the EHV Act.

E. An Appendix Showing a Sample Calculation Is Provided

Appendix.—Sample Calculation

Step 1

Assume that a 1983 model year electric vehicle was tested according to the procedures in § 474.3 and the following results were obtained:

stop-and-go electrical efficiency value = 0.34 kWh/mile
steady-speed electrical efficiency value = 0.26 kWh/mile

Step 2

The electrical efficiency value is then calculated, according to § 474.4(b), by averaging the above two values, weighted 0.91 and 0.09, respectively:

electrical efficiency value = (0.91 × 0.34) + (0.09 × 0.26)
= 0.33 kWh/mile

Step 3

The energy equivalent fuel economy value (FE_{ee}) is then calculated, according to § 474.4(c), by dividing the electrical efficiency value into 36.66 which is the number of kilowatt-hours equivalent to the energy content of 1 gallon of gasoline:

energy equivalent fuel economy = 36.66/0.33
FE_{ee} = 110.2 mpg

Step 4

The appropriate petroleum equivalency factor is then chosen according to § 474.4(d) by determining

the number of petroleum-powered accessories with which the vehicle configuration is to be equipped. Assume that the electric vehicle model type will be equipped with petroleum-powered accessories in the following percentages of total production volume:

- heater/defroster—80 percent
- air conditioner—10 percent

In accordance with § 474.4(d), only the heater/defroster is applicable, and the second petroleum equivalency factor value for the appropriate model year is used.

Step 5

The equivalent petroleum-based fuel economy is then calculated according to § 474.4(e) by multiplying the energy equivalent fuel economy by the second petroleum equivalency factor for model year 1983.

$FE = FE_{ee} \times$ Petroleum Equivalency Factor
$= 110.2 \times 1.8$
$= 198.3$ mpg

(Motor Vehicle Information and Cost Savings Act, Pub. L. 94–163, as amended by the Chrysler Corporation Loan Guarantee Act of 1979, Pub. L. 96–185; Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, Pub. L. 94–413, as amended by the Chrysler Corporation Loan Guarantee Act of 1979, Pub. L. 96–185; Department of Energy Organization Act, Pub. L. 95–91.)

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended by adding Part 474, as set forth below.

Issued in Washington, D.C., April 15, 1981.

Frank DeGeorge,

Acting Assistant Secretary, Conservation and Renewable Energy.

Chapter II of Title 10, Code of Federal Regulations is amended by adding Part 474 as follows:

PART 474—ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT AND DEMONSTRATION PROGRAM; EQUIVALENT PETROLEUM-BASED FUEL ECONOMY CALCULATION

Sec.

Authority: Sec. 503(a)(3), Motor Vehicle Information and Cost Savings Act, Pub. L. 94–163 (15 U.S.C. 2003(a)(3)), as added by sec. 18, Chrysler Corporation Loan Guarantee Act of 1979, Pub. L. 96–185; Department of Energy Organization Act, Pub. L. 95–91.

§ 474.1 Purpose and scope.

This part contains procedures for calculating the equivalent petroleum-based fuel economy value of electric vehicles, as required to be prescribed by the Secretary of Energy under section 503(a)(3) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(3)), as added by section 18 of the Chrysler Corporation Loan Guarantee Act of 1979. The equivalent petroleum-based fuel economy value is intended to be used in calculating corporate average fuel economy pursuant to regulations promulgated by the Environmental Protection Agency at 40 CFR Part 600—Fuel Economy of Motor Vehicles.

§ 474.2 Definitions.

For purposes of this part, the term—

"Electric vehicle" means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable energy storage devices. Recharge energy shall be drawn primarily from a source off the vehicle, such as residential electric service.

"Electrical efficiency value" means the weighted average of the stop-and-go and steady-speed electrical efficiency values, as determined in accordance with § 474.4(b).

"Energy equivalent fuel economy value" means the electrical efficiency value converted into units of miles per gallon, as determined in accordance with § 474.4(c).

"Equivalent petroleum-based fuel economy value" means a number, determined in accordance with § 474.4, which represents the average number of miles travelled by an electric vehicle per gallon of gasoline.

"Model type" means the term defined by the Environmental Protection Agency in its regulations at 10 CFR 600.002–81(19).

"Model year" means the tern defined by the Environmental Protection Agency in its regulations at 10 CFR 600.002–81(6).

"Petroleum equivalency factor" means a number which represents the parameters listed in section 503(a)(3)(ii)–(iv) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(3)) for purposes of calculating equivalent petroleum-based fuel economy in accordance with § 474.4.

"Petroleum-powered accessory" means a heater/defroster system or an air conditioner system which uses fuel, as defined in section 501(5) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) as its primary energy source.

"Production volume" means the term defined by the Environmental Protection Agency in its regulations at 10 CFR 600.002–81(32).

"Steady-speed electrical efficiency value" means the average number of kilowatt-hours of electrical energy required for an electric vehicle to travel 1 mile, as determined in accordance with § 474.3(c).

"Stop-and-go electrical efficiency value" means the average number of kilowatt-hours of electrical energy required for an electric vehicle to travel 1 mile, as determined in accordance with § 474.3(b).

§ 474.3 Test procedures.

(a) The conditions and equipment in the Electric Vehicle Test Procedure—SAE J227a of the Society of Automotive Engineers shall be used for conducting the test procedures set forth in this section.

(b) The test procedures prescribed in SAE procedure J227a, Vehicle Energy Economy, using Vehicle Test Cycle C for the driving cycle, shall be used for generation of the stop-and-go electrical efficiency value.

(c) The test procedures prescribed in SAE procedure J227a, Vehicle Energy Economy, using a driving cycle consisting of a maximum cruise speed of 54 mph, as prescribed in the SAE procedure for Range at Steady Speed, shall be used for generation of the steady-speed electrical value. For an electric vehicle model type that is incapable of maintaining a maximum cruise speed of 54 mph, this test procedure shall be conducted at the maximum cruise speed as defined in section 2.8 of the SAE procedure J227a.

§ 474.4 Equivalent petroleum-based fuel economy calculation.

(a) Calculate the equivalent petroleum-based fuel economy of an electric vehicle as follows:

(1) Determine the stop-and-go electrical efficiency value, according to § 474.3(b).

(2) Determine the steady-speed electrical efficiency value, according to § 474.3(c).

(b) Calculate the electrical efficiency value by:

(1) Multiplying the stop-and-go electrical efficiency value by 0.91;

(2) Multiplying the steady-speed electrical efficiency value by 0.09; and

(3) Adding the resulting two figures, rounding to the nearest 0.01 kWh/mile.

(c) Calculate the energy equivalent fuel economy value by dividing the electrical efficiency value into 36.66.

(d) For purposes of paragraph (e) of this section, use the appropriate Petroleum Equivalency Factor as follows:

(1) If no more than 33 percent of the production volume of the electric vehicle model type is to be equipped with any petroleum-powered accessories, use the first number listed under § 474.4(e) for the applicable model year.

(2) If more than 33 percent of the production volume of the electric vehicle model type is to be equipped with only one petroleum-powered accessory, use the second number under § 474.4(e) of the applicable model year.

(3) If more than 33 percent of the production volume of the electric vehicle model type is to be equipped with two petroleum-powered accessories, use the third number under § 474.4(e) for the applicable model year.

(e) Calculate the equivalent petroleum-based fuel economy value in miles per gallon by multiplying the energy equivalent fuel economy value by the appropriate petroleum equivalency factor for the model year in which the electric vehicle is manufactured.

(1) For model year 1981, the petroleum equivalency factor is:

(i) 1.9,

(ii) 1.7, or

(iii) 1.6;

(2) For model year 1982, the petroleum equivalency factor is:

(i) 2.0,

(ii) 1.8, or

(iii) 1.6;

(3) For model year 1983, the petroleum equivalency factor is:

(i) 2.0,

(ii) 1.8, or

(iii) 1.6;

(4) For model year 1984, the petroleum equivalency factor is:

(i) 2.1,

(ii) 1.9, or

(iii) 1.7;

(5) For model year 1985, the petroleum equivalency factor is:

(i) 2.3,

(ii) 2.0, or

(iii) 1.8;

(6) For model year 1986, the petroleum equivalency factor is:

(i) 2.2,

(ii) 2.0, or

(iii) 1.8; and

(7) For model year 1987, the petroleum equivalency factor is:

(i) 2.2,

(ii) 2.0, or

(iii) 1.8.

[FR Doc. 81-11959 Filed 4-20-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 353

Steel Bars, Reinforcing Bars, and Shapes From Australia; Final Results of Administrative Review and Revocation of Antidumping Finding

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

ACTION: Notice of final results of administrative review and revocation of antidumping finding.

SUMMARY: On March 4, 1981 the Department of Commerce published the preliminary results of its administrative review and tentative determination to revoke the antidumping finding on steel bars, reinforcing bars, and shapes from Australia. The review covered the only known exporter, The Broken Hill Proprietary Co., Ltd. and the time period from January 1, 1975 through August 27, 1979. Interested parties were provided an opportunity to submit written comments or request disclosure and/or a hearing. The Department received no comments or requests for disclosure or a hearing.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 7, 1970, a dumping finding with respect to steel bars, reinforcing bars, and shapes manufactured by The Broken Hill Proprietary Co., Ltd., Melbourne, Australia, ("Broken Hill"), was published in the **Federal Register** as Treasury Decision 70-81 (35 FR 5610). On March 4, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review and its tentative determination to revoke the finding (46 FR 15190-91).

The Department has now completed the administrative review of the finding.

Scope of the Review

Merchandise covered by this review is steel bars, reinforcing bars, and shapes currently classifiable under items 606.7900, 606.8310, 606.8330, 606.8350, 609.8035 and 609.8045 of the Tariff Schedules of the United States Annotated (TSUSA). The review is limited to the only known exporter of the merchandise, Broken Hill, and the period from January 1, 1975 through August 27, 1979.

Final Results of the Review

The Department received no comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review.

Determination

As a result of this review, the Department revokes the antidumping finding on steel bars, reinforcing bars and shapes from Australia. This revocation applies to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after August 27, 1979. The Department will issue appraisement instructions directly to the Customs Service.

Annex I (Amended)

The table in Part 353, Annex I, Commerce Regulations (19 CFR, Annex I, 45 FR 8207) is amended under the country heading "Australia" by deleting from the column headed "Merchandise" the words "steel bars, reinforcing bars, and shapes manufactured by the Broken Hill Proprietary Co., Ltd., Melbourne, Australia" and from the column headed "T.D." the number "70-81."

This administrative review, revocation and notice are in accordance with section 751(a)(1) and (c) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1), (c)) and 353.54 of the Commerce Regulations (19 CFR 353.54).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-11924 Filed 4-20-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bacitracin Methylene Disalicylate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by A. L. Laboratories, Inc., providing for use of bacitracin premixes to manufacture

complete feeds containing 10 to 30 grams of bacitracin per ton. The feed is used for growing finishing swine for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: April 21, 1981.

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

SUPPLEMENTARY INFORMATION: A. L. Laboratories, Inc., 452 Hudson Terrace, Englewood Cliffs, NJ 07632, filed a supplemental NADA (46–592) providing for use of premixes containing either 10, 25, 40, or 50 grams of bacitracin (as bacitracin methylene disalicylate) per pound to manufacture a complete feed containing 10 to 30 grams of bacitracin per ton for growing and finishing swine. The medicated feed is used for increased rate of weight gain and improved feed efficiency.

Bacitracin methylene disalicylate at 10 to 100 grams per ton (g/ton) was in use for swine before October 10, 1962. The product was the subject of two National Academy of Sciences/National Research Council (NAS/NRC) notices published in the **Federal Register** of July 17, 1970 (DESI 0061NV; 35 FR 11531) and October 2, 1970 (DESI 0061NV; 35 FR 15408). The NAS/NRC notices concluded, and FDA concurred, that more information is needed for the growth claim in swine, and that these products are probably not effective for therapeutic claims in swine.

The revised claim represents a restricted use of the drug within the previously approved uses. Furthermore, bacitracin methylene disalicylate is currently permitted at 10 to 50 grams per ton for growth claims in 21 CFR 558.76. Therefore, the approval of this supplement will not result in a significant increase in the number of food-producing animals receiving medication. The Bureau of Veterinary Medicine concludes that approval of this supplemental NADA poses no increased human risk from exposure to residues of the new animal drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), this is a Category II supplemental approval which does not require reevaluation of the human safety data supporting the parent application. The supplement is approved, and the regulation is amended to reflect the approval.

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

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

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

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

§ 558.76 Bacitracin methylene disalicylate.

* * * * *

(e) * * *

(1) * * *

Bacitracin methylene disalicylate in grams per ton	Combinations in grams per ton	Indications for use	Limitations	Sponsors
* * * * *				
(iv) 10 to 30		Swine: for increased rate of weight gain and improved feed efficiency.	For growing and finishing swine.	046573
* * * * *				

* * * * *

Effective date. April 21, 1981.

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

Dated: April 2, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-11365 Filed 4-20-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 770

Rules Limiting Public Access to Particular Installations in Puerto Rico

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is adding Subpart D to 32 CFR Part 770 to set forth regulations governing access to United States Naval installations and properties in Puerto Rico. These regulations limit entry to authorized persons and describe procedures for obtaining such authorization.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Commander Joe B. Durham, JAGC, U.S. Navy, Staff Judge Advocate, Headquarters, United States Naval Forces, Caribbean, Roosevelt Roads, Puerto Rico 00635; telephone (809) 863–2000 Ext. 5434.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred by 5 U.S.C. § 301, 10 U.S.C. 6011 and as delegated in 32 CFR 700.714, the Commander, United States Naval Forces, Caribbean has adopted Base Entry Regulations governing access to United States Naval installations and property in Puerto Rico. These regulations limit access to military personnel and civilian employees, including contract employees, in the performance of their official duties, and to individuals who have obtained in advance the consent of the Commanding Officer of the installation or property concerned. It has been determined, in accordance with 32 CFR Part 296 and 32 CFR 701.57, that publication of these regulations for public comment prior to adoption is impractical, unnecessary, and contrary to the public interest because the nature and national importance of the operations conducted at installations covered by this Subpart, as well as the inherently dangerous conditions often existing at such installations, mandate the immediate and uninterrupted effectiveness of these regulations.

PART 770—RULES LIMITING PUBLIC ACCESS TO PARTICULAR INSTALLATIONS

Accordingly, 32 CFR Part 770 is hereby amended by adding a new Subpart D as follows:

Subpart D—Entry Regulations for Naval Installations and Property in Puerto Rico

Sec.
770.35 Purpose.
770.36 Definitions.
770.37 Background.
770.38 Entry restrictions.
770.39 Entry procedures.
770.40 Violations.

Authority: 5 U.S.C. 301; 10 U.S.C. 6011; 32 CFR 770.702 and 700.714.

§ 770.35 Purpose.

The purpose of this subpart is to promulgate standard regulations and procedures governing entry upon U.S. Naval installations and properties in Puerto Rico.

§ 770.36 Definitions.

For purposes of these regulations, U.S. Naval installations and properties in Puerto Rico include, but are not limited to, the U.S. Naval Station, Roosevelt Roads (including the Vieques Island Eastern Annexes, consisting of Camp Garcia, the Eastern Maneuver Area, and the Inner Range); the Naval Ammunition Facility, Vieques Island; and the Naval Security Group Activity, Sabana Seca.

§ 770.37 Background.

In accordance with 32 CFR 765.4, Naval installations and properties in Puerto Rico are not open to the general public, *i.e.*, they are "closed" military bases. Therefore admission to the general public is only by the permission of the respective Commanding Officers in accordance with their respective installation instructions.

§ 770.38 Entry restrictions.

Except for duly authorized military personnel and civilian employees, including contract employees, of the United States in the performance of their official duties, entry upon any U.S. Navy installation or property in Puerto Rico at anytime, by any person for any purpose whatsoever without the advance consent of the Commanding Officer of the installation or property concerned, or an authorized representative of that Commanding Officer, is prohibited.

§ 770.39 Entry procedures.

(a) Any person or group of persons desiring to obtain advance consent for entry upon any U.S. Naval installation or property in Puerto Rico from the Commanding Officer of the Naval installation or property, or an authorized representative of that Commanding Officer, shall present themselves at an authorized entry gate at the installation or property concerned or, in the alternative, submit a request in writing to the following respective addresses:

(1) Commanding Officer, U.S. Naval Station, Roosevelt Roads, Box 3001, Ceiba, Puerto Rico 00635.

(2) Officer in Charge, Naval Ammunition Facility, Box 3027, Ceiba, Puerto Rico 00635.

(3) Commanding Officer, U.S. Naval Security Group Activity, Sabana Seca, Puerto Rico 00749.

(b) The above Commanding Officers are authorized to provide advance consent only for installations and properties under their command. Requests for entry authorization to any other facility or property shall be addressed to the following:

Commander, U.S. Naval Forces, Caribbean, Box 3037, Ceiba, Puerto Rico 00635.

(c) Each request for entry will be considered on an individual basis and consent will be determined by applicable installation entry instructions. Factors that will be considered include the purpose of visit, the size of party, duration of visit, destination, security safeguards, safety aspects, and the military resources necessary if the request is granted.

§ 770.40 Violations.

Any person entering or remaining on U.S. Naval installations and properties in Puerto Rico, without the advance consent of those officials hereinabove enumerated, or their authorized representatives, shall be considered to be in violation of these regulations and therefore subject to the penalties prescribed by 18 U.S.C. 1382, which provides in pertinent part: "Whoever, within the jurisdiction of the United States, goes upon any military, naval * * * reservation, post, fort, arsenal, yard, station, or installation, for any purpose prohibited by law or lawful regulation * * * shall be fined not more than $500.00 or imprisoned not more than six months, or both," or any other applicable laws or regulations.

Dated: April 7, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-11913 Filed 4-20-81; 8:45 am]

BILLING CODE 3810-71-M

VETERANS ADMINISTRATION

41 CFR Parts 8-3 and 8-7

Small Purchases; Fixed-Price Supply Contracts

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is amending its procurement regulations by revising provisions relating to the indemnification of the Government when contract maintenance services are performed on Government property and procured under the small purchase procedure.

EFFECTIVE DATE: This rule is effective April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Tim Ganous, Policy and Interagency Service, Office of Supply Services, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, (202) 389-2334.

SUPPLEMENTARY INFORMATION: FPR 1-3.605 allows for the Standard Form 147, Order for Supplies or Services, to be supplemented with conditions and clauses appropriate to the services or items being procured. VA Form 60-2138 (or 90-2138), Order for Supplies or Services, is authorized for use in a manner similar to and in lieu of the SF 147. This change would establish criteria for adding to the VA Form 60-2138 (or 90-2138) a requirement for personal liability and property damage insurance for contractors performing services on Government property. The level of coverage will be the same as that required by the applicable state jurisdiction. This rule implements FPR 1-10.4, Insurance under Fixed-Price Contracts, by providing examples of special circumstances requiring indemnification of the Government.

This revision has been reviewed pursuant to the requirements of Executive Order 12291 and the Regulatory Flexibility Act (Public Law 96-354) and it is determined that the regulation is nonmajor and has no impact upon small business or state and local governments. Furthermore, this rule, as a part of the Federal Procurement Regulations system, implements guidance contained therein.

It is the general policy of the VA to allow time for interested parties to participate in the rule making process (38 CFR 1.12). This amendment, however, is primarily a matter of agency practice and procedures, and the public regulatory process is deemed unnecessary in this instance.

Approved: April 14, 1981.

Rufus H. Wilson,

Acting Administrator.

41 CFR Parts 8-3 and 8-7 are amended as follows:

PART 8–3—PROCUREMENT BY NEGOTIATION

1. In § 8–3.605–3, paragraph (a) is revised and a new paragraph (a)(1) is added so that the new and revised material reads as follows:

§ 8–3.605–3 Agency order forms.

(a) VA Form 60–2138 (or 90–2138), Order for Supplies or Services, and VA Form 60–2139 (or 90–2138), Order for Supplies or Services (Continuation), provide in one interleaved set of forms a purchase or delivery order, vendor's invoice, and receiving report. They will be used in lieu of and in the same manner as Standard Forms 147 and 148.

(1) When using VA Form 60–2138 (or 90–2138) for maintenance contracts involving services performed on Government property and which have the potential for property damage and liability claims, the Contractor Responsibility Clause found in 8–7.150–5 will be attached. Applicable maintenance contracts include but are not limited to window washing, pest control and elevator maintenance.

* * * * *

PART 8–7—CONTRACT CLAUSES

2. In § 8–7.150.5, paragraph (a) is revised by adding a new sentence to the clause contained in that paragraph so that the paragraph and the clause read as follows:

§ 8–7.150–5 Fixed-price service contracts.

(a) Fixed-price negotiated or advertised service contracts, other than architect-engineer and ambulance service contracts, will include the following clause:

Contractor's Responsibilities

The Contractor shall obtain all necessary licenses and/or permits required to perform this work. He/she shall take all precautions necessary to protect persons and property from injury or damage during the performance of this contract. He/she shall be responsible for any injury to himself/herself, his/her employees, or others, as well as for any damage to personal or public property that occurs during the performance of this contract that is caused by his/her or his/her employees' fault or negligence. The contractor shall maintain personal liability and property damage insurance prescribed by the laws of the State of ————. (*Insert the applicable State jurisdiction.*)

* * * * *

3. Section 8–7.150–6(c) is amended by revising a VA Form number, so that the paragraph reads as follows:

§ 8–7.150–6 Frozen processed foods.

* * * * *

(c) Field stations, when utilizing VA Form 60–2138 (or 90–2138), Order for Supplies and Services, to procure items of this nature in the open market, will amend the terms and conditions on the reverse thereof to include the clause shown in paragraph (b) of this section. (38 U.S.C. 210(c); 40 U.S.C. 486(c).)

[FR Doc. 81–11977 Filed 4–20–81; 8:45 am]
BILLING CODE 8320–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[FCC 81–127; File No. 22504–CD–P–79; Et Al.]

Interim Procedures To Govern Acceptance and Processing of Applications for One-Way Signaling Service at Frequencies in the Domestic Public Land Mobile Radio Service

AGENCY: Federal Communications Commission.

ACTION: Interim procedures.

SUMMARY: The FCC hereby lifts the freeze on 43 MHz Public Mobile Radio Services applications announced previously as part of the interim policy. That policy was adopted in response to television interference associated with paging operations on 43.22 and 43.58 MHz. After further review, the FCC has decided to lift the freeze and to monitor the potential for television interference in advance through developmental authorizations.

EFFECTIVE DATE: April 3, 1981.

FOR FURTHER INFORMATION CONTACT: Michael A. Menius, Common Carrier Bureau, (202) 632–6450.

SUPPLEMENTARY INFORMATION:

In the matter of interim procedures to govern acceptance and processing of applications for one-way signaling service at frequencies 43.22 MHz and 43.58 MHz in the domestic public land mobile radio service. Applications of COMEX, INC.: For authority to construct an additional transmitting facility for DPLMRS station WXS217 to provide one-way signaling service on frequency 43.22 MHz at Franklin, New Hampshire [File No. 22504–CD–P–79]; For authority to construct an additional transmitting facility for DPLMRS station WSI705 to provide one-way signaling service on frequency 43.22 MHz at Boston, Massachusetts [File No. 20074–CD–P–80]; Application of Paging-Western Washington—A joint venture for a Construction Permit in the Public Mobile Radio Services to establish a Wide-Area Paging System on Frequency 43.22 MHz at Eight Locations in the Northwestern Portion of Washington State [File No. 20873–CD–P–(8)–79]; Application of Earl R. Law & Bart E. Gonzales, d.b.a. Am-Tex Dispatch Service For a Construction Permit for facilities to operate on DPLMRS frequency 43.58 MHz at Amarillo, Texas [File No. 22274–CD–P–74]; Application of David R. Williams, d.b.a. Industrial Communications for authority to construct an additional transmitting facility for DPLMRS Station KWH302 to provide one-way signaling service on frequency 43.58 MHz at Logan, Utah [File No. 22190–CD–P–79].

Memorandum Opinion and Order

Adopted: March 26, 1981.

Released: April 3, 1981.

By the Commission: Chairman Ferris not participating.

1. The Commission has before it six petitions seeking reconsideration or review of the above-captioned interim procedures. These procedures relate to paging frequencies 43.22 and 43.58 MHz and television interference associated with paging operations on these frequencies. The following pleadings were filed by the parties indicated:

(a) Telocator Network of America (Telocator): petition for reconsideration;

(b) Am-Tex Dispatch Service (Am-Tex) and other radio common carriers: application for review and petition to stay;

(c) RAM Broadcasting Corporation (RAM): petition for reconsideration;

(d) ComEx, Inc. (ComEx): application for review;

(e) Paging-Western Washington: petition for reconsideration; and

(f) David R. Williams, d.b.a. Industrial Communications: application for review.

The petitioners challenge the Commission's interim policy as set forth in its *Order* [1] released March 3, 1980, and suggest certain alternate procedures. We will first discuss the interim policy and the circumstances leading up to its implementation. Then we will examine the matters raised by the petitioners.

Background Discussion

2. The Commission's interim policy concerns two paging frequencies in the Public Mobile Radio Service, 43.22 MHz and 43.58 MHz. These frequencies were allocated for land mobile use in 1949 in the General Mobile Radio Service

[1] 77 FCC 2d 94 (1980).

proceeding (13 FCC 1190).[2] Over the years the Commission has received and investigated complaints from members of the public concerning television interference (TVI) associated with paging operations on the two MHz frequencies.[3] We have received a particularly large number of complaints from TV viewers concentrated in areas of Atlanta, Georgia, Palo Alto, California, Orangevale, California, Watseka, Illinois, and Randolph, Massachusetts. The interference situation at 43 MHz is a narrow aspect of a larger problem which the Commission is considering in General Docket No. 78-369 ("Radio Frequency (RF) Interference to Electric Equipment").[4] In that proceeding, the Commission stated that the number of interference complaints received at the FCC has greatly increased and that many such complaints concern radio frequency (RF) emissions which are intercepted by electronic equipment not designed or intended to receive the signals. This description applies to the 43 MHz TVI phenomenon.

3. Intermediate frequency (IF) amplification occurs in most TV sets in a range which includes the two 43 MHz frequencies, and it appears that radiation from a one-way signalling station may penetrate a TV set cabinet, bypassing the antenna system or follow other routes to enter the IF amplifier directly. There it undergoes amplification and eventually is observed as both audio and video interference, often to all channels.

4. The Commission has no rules governing the susceptibility of television receivers to interference. Under the Commission's equipment authorization program, receivers are certificated with regard only to their potential to *cause* interference. They still may be susceptible to electromagnetic interference. Receivers in close proximity to a paging transmitter are more likely to receive interference than those farther away. This susceptibility may be due to factors such as ineffective filtering and shielding of the TV set. The significant point is that 43 MHz TVI is generally not the result of violations of Commission regulations or other improper activity.

5. Attempts to solve the interference problems have met with varying degrees of success. In responding to interference complaints, the Commission field personnel have followed the procedure of first ascertaining that the carrier's 43 MHz paging operations are conducted in accordance with the power and emission limitations specified in the carrier's authorization. Field personnel have then worked closely with individuals experiencing TVI, often by bringing one or two television sets, for testing and demonstration purposes, to the home or other location where interference is severe. These sets are either state-of-the-art receivers or are equipped with high-pass filters, traps, and copper screening (which has been mechanically installed inside the set). The field personnel are typically able to demonstrate interference-free operations on the television sets which they have brought with them. By temporarily attaching filters or traps to the outside of the television sets on which interference has been experienced, the field personnel have in some cases been able to eliminate or significantly reduce TV interference. In other cases the interference has persisted in spite of the use of filters.[5] Informal reports from some carriers have similarly indicated mixed results in solving the problem of 43 MHz TVI.[6]

6. Reports from the Commission's field offices indicate that in the areas where TVI does take place, the problem is usually significant, affecting a substantial number of members of the public. Not only are a large number of receivers involved, but in the typical case, all channels are affected leaving little or no opportunity to receive undisturbed programs during the broadcast day. There clearly is a demand for paging service across the nation, and there clearly is a demand for interference-free television broadcast service. In order to enable the Commission to examine these various considerations, the interim policy was adopted. This policy imposed a temporary freeze on new applications for 43 MHZ paging facilities and further provided that 43 MHz applications already on file (as well as applications filed in the future to expand existing 43 facilities) would be granted on a developmental basis only. The interim policy specified that the developmental tests for TV interference must include quarterly surveys of the TV viewers in the vicinity of the 43 MHz transmitter(s).

Discussion

7. Telocator objects that the Commission has substantially overreacted to the perceived TVI problem in establishing an interim policy which has an unnecessarily burdensome and sweeping effect. As a result of the interim policy, Telocator contends, the availability of adequate paging service to tens of thousands of consumers has been substantially impaired.

8. The Commission fully appreciates how the unavailability of these paging channels frustrates attempts to meet the public's growing demand for paging services. In adopting its interim policy, however, the Commission attempted to impose only those restrictions on paging operation minimally necessary to respond promptly and adequately to an interference problem. In our judgment, the 43 MHz TVI problem is a serious matter which merited prompt attention; a temporary freeze afforded the Commission an opportunity to review and reflect upon this matter and to design an adequate solution. After careful consideration we have determined that it is not necessary to maintain a freeze on new applications as set forth in the order announcing the interim policy. The interference problem has not increased dramatically in scope as was the Commission's concern at the time when the freeze was imposed. Additionally, as indicated above, the 43 MHz TVI situation is currently under study as part of the Commission's general inquiry into radio frequency interference to electronic equipment. For the present time, the Commission can manage the 43 MHz TVI situation through a developmental grant policy. In individual cases where an interference problem arises, the staff will be able to take action on an ad hoc basis. Rules Sections 22.404–22.406. 47 CFR §§ 22.404–22.406. Accordingly, the Commission will again accept applications for authority to construct paging facilities on frequencies 43.22 and 43.58 MHz.

9. Such applications will be granted on a developmental basis only, the same as we have been doing and will continue to do for applications proposing to

[2] Frequency 43.22 MHz was reallocated for paging use in 1957. See Commission First Report and Order, Docket No. 11995, FCC 57-1356, 22 FR 10220, Dec. 12, 1957. This frequency was originally allocated for radiotelephone service.

[3] See, for example, *Charles P. B. Pinson, Inc.* v. *F.C.C.*, 321 Fed. 2d 372 (D.C. Cir. 1963), describing a 43 MHz television interference situation which began shortly after issuance of license in 1958.

[4] See "Notice of Inquiry," 70 FCC 2d 1685, released November 24, 1978.

[5] See February 27, 1980, memorandum from Engineer-in-Charge, Atlanta, to Chief, Enforcement Division, File 1120-A. See also Report No. SF-79-28 (Tel-Page, Inc., Oakland, California, KMB-305). See also Feb. 5, 1979, complaint letter from Robert Harris, Service West (related to Tel-Page, Inc.) in which complainant states that installation of filters did not solve TVI problem.

[6] See Am-Tex petition for reconsideration, Exhibit F-1 (affidavit of S. Wolf), in which a carrier describes its ongoing policy of providing and installing filters to solve TVI problems. The licensee has recently indicated informally, however, that the scope of the problem has increased to the point that the carrier has decided to propose relocation of transmitters in order to eliminate interference.

expand existing systems.[7] We do not contemplate, as some parties feared, cancellation of a developmental grant on the basis of a few isolated complaints of interference. The Commission's concern is with a pattern of ongoing interference of a serious nature. In cases where a developmental grant is issued for the relocation of transmitting facilities and a serious interference problem is subsequently demonstrated, the grantee will have the option of returning its transmitting facilities to the former site.[8] In cases where a developmental grantee proposes a wide-area paging service with multiple transmitters, we also will allow wide latitude to the grantee to decide the order in which the developmental tests will be conducted; i.e., we will permit developmental tests to be conducted on a phased basis, with the schedule selected by the grantee.[8a] We emphasize here the Commission's intention to be flexible in responding to the particular circumstances of a given case. At the same time, persons contemplating filing an application to construct 43 MHz paging facilities should be aware of the economic risks associated with solving interference problems which may develop. Solutions such as installing filters on television sets or other similar remedial measures may prove to be a significant business expense and in the past have not eliminated interference in all cases. Other options, which may also prove costly, include reducing power output as well as modifying the number of configuration of antenna sites, or changing to other paging frequencies where available. The decision to seek Commission authority to construct 43 MHz paging facilities should be an informed one, based on all relevant economic and other factors. To summarize, the Commission is lifting the freeze on 43 MHz paging applications while maintaining the developmental grants procedure. This action in our view will balance the need to make available as many channels for paging as possible while at the same time affording us the necessary tools to quickly respond to any problems that develop.

10. Am-Tex requests [9] that the Commission give consideration to a recent Commission decision, *Metropolitan School District of Wayne Township,*[10] which, in the view of Am-Tex, the commission disregarded in promulgating the interim policy. Am-Tex quotes language from the Commission's decision which refers to interference problems related to receiver design and suggests that the interference problem should be cured at the receiver rather than through spectrum reallocation. We would note, however, that the Commission in *Wayne Township* did attach conditions to the construction permit granted in that proceeding which were very similar to those specified under the interim policy; i.e., the permittee was required to take steps to resolve any interference which may develop. The Commission further stated that, if an unsolvable problem should be demonstrated, the permittee's authorization would be either modified or suspended, or action on the license application would be deferred, or the construction permit would be revoked and a hearing on the proposal would be instituted. We therefore reject the contention that the *Wayne Township* case undermines or is inconsistent with the interim policy or the action taken herein.

11. Both Telocator and Am-Tex contend that the interim policy singles out the radio common carrier (RCC) industry for discriminatory treatment. The petitioners argue that there are hundreds of assignable frequencies in land mobile radio services between 42 and 46 MHz (the band in which TVI can be caused) only two of which are available for assignment to RCCs. This argument is based on a misunderstanding of the thrust of the interim policy which is not directed at all frequencies on which TVI can theoretically be caused. Rather, the interim policy responds to the interference problem which has in fact developed. Field office reports indicate that TVI is occurring within close proximity of transmitters providing paging to the public on 43 MHz. Rather than singling out any particular group or frequency band, the interim policy was a response to an interference problem which has manifested itself. Our interim policy and our present lifting of the 43 MHz freeze demonstrate the Commission's concern with minimizing any adverse impact on 43 MHz paging service while adequately responding to a very real interference problem.

11a. Telocator also contends that the policy unfairly distinguishes between RCC services in the 43 MHz band and the Special Emergency Radio Service in the same frequency band. Field office reports, however, indicate substantial evidence of interference associated with public paging systems and no such evidence in the case of 43 MHz paging systems in the Special Emergency Radio Service. There is also currently no expectation of increased usage in the private radio area as there is with regard to the common carrier services. Because we are sensitive to the possibility that a TVI problem may occur in the private radio area, however, we will monitor those services and will take whatever action is appropriate if interference is found to occur.

12. *Paging-Western Washington (PWW).* In its petition for reconsideration, PWW states that it proposes a wide-area paging service extending from Olympia, Washington, northward to the Canadian border. The application demonstrated a substantial unsatisfied need for such a wide-area service. Such a proposal represents a substantial undertaking involving eight transmitters and estimated construction costs of $170,000, not including paging receivers. The petitioner expresses its concern that, under the terms of the developmental grant, the risk that the authorization will be cancelled is too great to justify such a substantial undertaking. PWW has therefore rejected the developmental grant as it was conditioned and seeks a modification of the terms of grant.[11]

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[7] The terms of the developmental grant, pursuant to Section 22.404(a) of the Rules, will be for one year, and the grant shall be subject to cancellation without hearing by the Commission at any time, upon notice to the licensee of TV interference. Developmental reports shall be required under Section 22.406(a)(1), including, but not necessarily limited to, surveys of the TV viewing public within a few miles of the base station to ascertain whether their viewing is being impaired substantially by the operation of the one-way station. The staff will consider alternatives to the survey procedures described above, provided that any such alternative proposal is equally effective and accurate as the survey requirement without shifting the burden to members of the public. In the event of a developmental grant, the applicant will be required to agree to inform its potential customers of the possibility of cessation of its service if TV interference occurs. The developmental grant procedure contemplates close coordination with the Commission's local field office. Copies of developmental reports must be submitted both to the Mobile Services Division and to the local field office. Grantees will be required to work closely with field personnel in investigating and solving interference problems which may occur.

[8] The question of relocation of transmitting facilities was raised by Am-Tex and was the basis for its Petition to Stay. Since the grantee has the option of returning to its former site, the need for stay is obviated.

[8a] If Am-Tex or other developmental grantees should request an extension of time within which to construct paging facilities, the staff will review such requests on an individual basis.

[9] *See* Am-Tex "Request that Recent Commission Decision Relevant to Pending Petition for Reconsideration Be Considered," filed April 23, 1980.

[10] 75 FCC 2d 601 (1980), *recon. denied, Memorandum Opinion and Order,* FCC 80-466, released August 20, 1980; *Appeal pending sub nom.* McGraw-Hill Broadcasting Co., Inc. V. FCC, D.C. Cir. Case No. 78-1895.

[11] PWW does not seek an unconditional grant of its application.

Rather than commence construction on all eight transmitters, PWW proposes a phased developmental and testing program beginning with the base stations located in areas with the greatest density of television viewers. PWW states that it could thereby limit its financial risks by making a more modest initial investment and proceeding on the basis of the first phase of the developmental tests. PWW proposes a 90-day testing period rather than one year as specified in the developmental grant. PWW also proposes an alternative to the survey method delineated in the developmental grant.[12]

13. We understand the proposed testing program submitted by PWW to be not a challenge to the interim policy itself but rather a request for flexibility in applying the policy in view of the circumstances surrounding the wide-area service proposal of PWW. As much as possible, we will permit PWW (and other developmental grantees) maximum flexibility in conducting developmental tests. For example, concerning the PWW proposal to conduct tests on a phased basis, we will leave the order of developmental testing to the discretion of PWW. The grantee will be permitted to file an application for license to cover in part, for those sites at which developmental tests have been completed. We will, however, reject the proposal to conduct tests within a developmental period abbreviated to less than one year. Because interference conditions may vary significantly as a result of changing weather conditions during the four seasons of the year, we consider it crucial to receive developmental reports as to any TVI which may occur during each of the four quarters in the one-year testing period.

14. PWW further requests, as an alternative to the survey procedures specified in the developmental grant, that PWW be permitted to use voice messages transmitted in the trial paging signals. These voice messages would provide a telephone number for television viewers to call in the event that interference to television reception is being received. We are not persuaded at this point that voice messages as proposed in this case are an effective alternative to contacting television viewers by survey. In some cases, for instance, the interference experienced is not audible, affecting only the screen image. There has been no demonstration that the voice message would in all cases be transmitted in an intelligible form. We will not, therefore, permit the voice test proposal submitted by PWW as an alternative to the specified survey procedures. Our action on the PWW proposal is not intended to imply that proposed alternatives to the survey method will in all cases be rejected; nor do we imply that voice messages are in all cases impermissible. The staff will give serious consideration to whether other proposals for voice test reports, or any other proposed alternatives, are equally effective and accurate as our survey requirement, without shifting the burden to members of the public.

15. PWW also requests that the testing and licensing procedures set forth above not be applicable to PWW location #1 (Tacoma, Washington), where PWW is currently providing local paging service. In proposing wide-area paging in Tacoma, PWW states that the radiating characteristics for wide-area service will be the same as for the existing local paging facilities. PWW contends that, since no reports of TVI have been received in connection with the local paging service, developmental tests should not be required prior to implementing wide-area service in Tacoma. The developmental testing procedures contemplate surveys in which the grantee actively communicates with members of the television viewing community in order to ascertain whether TVI is occurring. In other words, it is not sufficient for a grantee to report merely that no TVI complaints have been received. This is essentially what PWW urges, i.e., an exemption from developmental tests because up to this point PWW, without contacting television viewers, has received no TVI complaints. Moreover, PWW now proposes a significant increase in the number and frequency of paging transmissions in Tacoma as a result of the implementation of wide-area service. Such an increase has typically been a factor in those communities where TVI has developed. Under the circumstances, we consider it necessary to receive developmental reports before granting permanent authority to expand paging operations in Tacoma as PWW proposes.

16. *ComEx application for review.* ComEx requests Commission review of developmental grant of the two above-captioned ComEx applications. ComEx argues that there is no factual basis for a Commission finding that TVI would occur, and that the Commission therefore erred in denying the ComEx applications without hearing. The Commission did not, however, deny the applications; instead ComEx was granted developmental authority. ComEx further contends that it is inconsistent with Commission policy to place conditions on an authorization so as to protect against interference which is due to substandard receiver design. We reject the characterization of this very complex problem as stemming simply from "substandard receiver design." As discussed above, paragraph 4, 43 MHz TVI is not the result of violations of Commission regulations. No standards for receiver design have at this point been violated. The range of susceptibility to TVI varies widely among television receivers available in the marketplace. This has always been the case, and the possibility for 43 MHz TVI has always existed, although it was not common. In recent years, however, with expanded use of 43 MHz paging in residential areas, this theoretically possible TVI situation has become a reality of increasing proportions. The interference problem, therefore, occurs in a changing environment and involves the interplay of a number of factors rather than stemming solely from receiver design. In General Docket No. 78–369 the Commission is examining the general question of radio frequency interference. Our action in the instant proceeding is an attempt adequately to respond to a specific interference problem while taking into consideration the various communications needs of the public.

In our view, the developmental grant policy is fully consistent with Commission policy and is in the public interest.

17. ComEx requests authority to conduct 90-day tests. For the reasons previously stated, we consider it necessary to receive developmental reports based on the full one-year testing period.

18. *David R. Williams d/b/a Industrial Communications application for review.* The points raised by David R. Williams in its application for review were also raised by the other petitioning parties and have been disposed of in the discussion above.

19. The developmental grant procedures set forth herein relate to matters of practice and procedure before

[12] Under the terms of the developmental grant, the grantee must conduct surveys within a two-mile radius of the base stations granted. Each quarter a minimum of 25 TV viewers, distributed approximately evenly throughout the areas, are to be contacted concerning TV interference. The grantee must report to the Mobile Services Division and to the local field office any TV interference complaints received and must take the necessary steps to cure the problem. Each quarter the grantee must survey an additional (and different) 25 TV viewers. The grantee must submit written quarterly reports to the Mobile Services Division and fully evaluate whether any interference problems continue to exist.

the Commission. Therefore, pursuant to Section 553(b)(A) of the Administrative Procedure Act (the APA) (5 U.S.C. 553(b)(A)), a rulemaking in accordance with Section 553 of the APA is not required. Moreover, based on our observation of the interference situation as described above, we consider it in the public interest to put these procedures into effect immediately. *See* Section 553(b)(13) of the APA.

20. Authority for the adoption of these procedures is contained in Sections 4(i) and 303(r) of the Communications Act, as amended.

21. Accordingly, in view of the above, it is ordered, that the petition for reconsideration filed by Telocator is granted in part and denied in part.

22. It is further ordered, that the petition for reconsideration filed by RAM Broadcasting Corporation is granted in part and denied in part.

23. It is further ordered, that the petition for reconsideration filed by Paging-Western Washington is granted in part and denied in part. The application of Paging-Western Washington is granted on a developmental basis subject to the conditions specified in the discussion above.

24. It is further ordered, that the application for review filed by Am-Tex is granted in part and denied in part. The staff's grant of developmental authority to Am-Tex is affirmed. The petition to stay filed by Am-Tex is dismissed.

25. It is further ordered, that the application for review filed by ComEx is granted in part and denied in part. The staff's grant of developmental authority to ComEx is affirmed.

26. It is further ordered that the application for review filed by David R. Williams d/b/a Industrial Communications is granted in part and denied in part.

27. It is further ordered that the developmental grant procedures delineated above are effective immediately.

28. The Secretary is directed to cause a copy of this *Memorandum Opinion and Order* to be published in the **Federal Register.**

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-11965 Filed 4-20-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-244; RM-2650; FCC 81-80]

Radio Broadcast Services; Presunrise Service Authorizations; Correction

AGENCY: The Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: In the *Report and Order* In the Matter of Amendment of § 73.99 of the Commission's Rules, BC Docket 80-244, FCC 81-80, on presunrise service authorizations, the amended rule paragraphs are incorrectly numbered. This eratta renumbers those rules paragraphs.

DATE: Effective April 17, 1981.

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

FOR FURTHER INFORMATION CONTACT: Robert A. Hayne, Broadcast Bureau, (202) 632-6485.

SUPPLEMENTARY INFORMATION:

In re the matter of amendment of § 73.99 of the Commission's Rules; correction.

Released: April 3, 1981.

In the above-captioned *Report and Order*, FCC 81-80, released March 9, 1981 (46 FR 20677; April 7, 1981), the paragraphs in amended § 73.99 are incorrectly numbered. The corrected Appendix to this *Report and Order* should read as follows:

In § 73.99, paragraphs (a)(1), (b)(2)-(4) and (d)(2)(i) are revised to read as follows:

§ 73.99 Presunrise service authorizations (PSA).

(a) * * *

(1) Class II stations operating on Class I channels, except those operating on Canadian Class I-A clear channels and those located east of co-channel U.S. Class I-A stations.

* * * * *

(b) * * *

(1) * * *

(2) Class II stations situated outside the respective 0.5 mV/m 50% contours of co-channel domestic Class I-B stations, to commence PSA operation at 6:00 a.m. local time, and continue this operation until the sunrise times specified in their basic instruments of authorization.

(3) Other Class II stations, where eligible under paragraph (a)(1) of this Section to commence PSA operation with their daytime or critical hours antenna systems either at 6:00 a.m. local time, or at the time of sunrise at the nearest Class I station located east of the Class II station (whichever is later), and continue this operation until the sunrise times specified in their basic instruments of authorization.

(4) Class III stations to commence operation with their daytime antenna systems at 6:00 a.m. local time and to continue such operation until local sunrise times specified in their basic instruments of authorization.

* * * * *

(d) * * *

(2) * * *

(i) For Class II stations operating on Class I channels, other than Class I-A channels, a showing that objectionable interference as determined by the AM Broadcast Technical Standards (Sections 73.182 to 73.190), or by the engineering standards of the NARBA (whichever is controlling), will not be caused within the 0.5 mV/m 50% skywave contour of any domestic Class I-B station or of a Class I-B station in any country signatory to the NARBA.

* * * * *

(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.

[FR Doc. 81-11944 Filed 4-20-81; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 46, No. 76
Tuesday, April 21, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions; Share, Share Draft, and Share Certificate Accounts; Proposed Rulemaking; Deregulation of Deposit Rate Ceilings

AGENCY: National Credit Union Administration.

ACTION: Proposed rulemaking.

SUMMARY: The National Credit Union Administration (NCUA) is requesting comments from the public on two proposed actions based on proposals recently recommended by the Depository Institutions Deregulation Committee. They are: (1) removal of the maximum 12% dividend rate ceiling on share certificates, and (2) establishment of a schedule for which rate ceilings on share certificates would be gradually deregulated, starting with longer maturities, and either by eliminating such ceilings or by indexing dividend rate ceilings to a market rate. The proposals are intended as steps in accomplishing the Board's objective of an orderly phaseout and ultimate elimination of share and share certificate dividend rate ceilings.

DATES: Comments must be received by May 15, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed rules to Robert S. Monheit, Regulatory Development Coordinator, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

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

SUPPLEMENTARY INFORMATION: The Depository Institutions Deregulation Act of 1980 (Title II of Pub. L. 96–221; 12 U.S.C. sections 3105 *et seq.*) ("Act") was enacted to provide for the orderly phaseout and the ultimate elimination of the limitations on the maximum rates of interest and dividends that may be paid on deposit accounts by depository institutions. In adopting the Act, the Congress determined that rate ceilings have: (1) discouraged savings; (2) created inequities for depositors; (3) impeded competition among depository institutions; and (4) not provided an even flow of funds for home mortgage lending. The Congress also found that all depositors, particularly those with modest savings, are entitled to receive a market rate-of-return as soon as it is economically feasible for institutions to pay such rates.

The NCUA Board is requesting public comment on two proposals based on similar recent proposals recommended by the Depository Institutions Deregulation Committee (DIDC). The first proposal is designed to further deregulation in the short-run by removing the maximum 12% rate ceiling ("cap") on share certificates. The second proposal is a longer-term plan of deregulation under which dividend rate ceilings would be gradually deregulated, starting with longer maturities and either by eliminating the ceilings or by indexing dividend rate ceilings to a market rate. Comment is requested by May 15, 1981.

Removal of the Cap on Share Certificates

In February, 1980, NCUA established a ceiling of 12 percent on share certificates. This action was viewed as necessary because the sudden increase in ceilings, which otherwise would have occurred in March, 1980, would have been disruptive to many credit unions. The caps have been binding continuously since November, 1980.

The NCUA Board believes that lifting the cap on share certificates would provide a higher return to savers as well as give credit unions more flexibility in choosing share certificate structures. The higher overall yield that could be offered could improve the competitive position of credit unions vis-a-vis nondeposit alternatives.

Accordingly, the NCUA Board requests views from the public on a proposal to remove the maximum dividend rate ceiling on share certificates. In particular, the Board is interested in comments on the effect that this action is likely to have on the flow of funds to credit unions, on the earnings position of credit unions, and on the rates-of-return available to members.

Deregulation of Certificate Ceilings by Maturity

The NCUA Board is considering a proposal recommended by the DIDC to deregulate share certificate ceilings by maturity of deposit. Under this proposal, NCUA would announce a schedule for authorizing new deposit categories with no ceilings or with ceilings indexed to market rates starting with longer maturity deposits. The proposal, as recommended by the DIDC, is to implement this action according to the following schedule:

Table 1.—*Maturity of certificates for which rate ceilings would be indexed or eliminated*

Date	
July 1, 1981	5 years or more.
July 1, 1982	4 to 5 years.
July 1, 1983	2 to 4 years.
July 1, 1984	1 to 2 years.
July 1, 1985	6 months to 1 years.
Apr. 1, 1986	No ceilings.

If a phased indexing of ceilings were used, the ceilings could be tied to the appropriate Treasury security yield. Under this approach ceilings on longer maturity deposits could be below the current 2½ year ceiling (even with caps) if the yield curve were downward sloping. To avoid setting ceilings that would be lower than those possible under current regulations, a rule could be adopted that tied the ceilings on longer-term deposits to the rates on comparable maturity Treasury securities or the 2½ ceilings, whichever was greater. In any event, were the cap to be maintained on share certificates it would not have to apply to the "deregulated" instruments.

The NCUA Board believes that the development of specific intentions regarding the deregulation of dividend rate ceilings on share certificates is desirable in order to facilitate planning by credit unions. The approach set forth above addresses the issue of providing

market rate of return to savers and also allows credit unions time to adjust to an environment of deregulated rate ceilings. In the initial stages of the phaseout savers would be encouraged to place funds in longer-term accounts, which could help correct any imbalance of asset and liability maturities.

The NCUA Board is interested in receiving comments on all aspects of this proposal, including other approaches to deregulation. However, it is particularly interested in receiving comment on the following issues:

1. The desirability of eliminating ceilings versus establishing indexed ceiling rates.
2. The appropriateness of the phase-out schedule in view of the structure of assets and liabilities at credit unions.
3. The impact of the proposal on the flow of funds to credit unions.
4. The implications of the proposal for providing members an attractive rate of return on their deposits.
5. The impact of the proposal on the earnings of credit unions.
6. The interrelationship of this proposal with the concept of removal of the 12% cap on share certificates.
7. Other problems or benefits that would be derived from the establishment of a schedule for phasing out dividend rate ceilings.

In view of the potential benefits that could be derived from these proposed actions on the part of both credit unions and their members, the NCUA Board has determined to shorten the length of the comment period normally provided to the public. Accordingly, comments on these proposals should be submitted by May 15, 1981.

The proposed rule would remove a restriction which hampers the ability of small credit unions to compete with nondepository institutions offering attractive returns on the savings of small depositors who predominate in small credit unions. Furthermore, eliminating ceilings beginning with longer maturity certificates will enhance the stability of the small credit union deposit base. This will tend to facilitate planning in and management of small credit unions. Therefore, the NCUA Board certifies that the proposal will not have a significant economic impact on a substantial number of small entities.

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

Beatrix Fields,

Acting Secretary of the Board.

[FR Doc. 81-11912 Filed 4-20-81: 8:45 am]

BILLING CODE 7535-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 252

[Docket 29044]

Smoking Aboard Aircraft

AGENCY: Civil Aeronautics Board.

ACTION: Notice of oral argument.

SUMMARY: The CAB announces that it will hold an oral argument on the smoking rulemaking on May 13, 1981.

DATES: Written comments were due on April 13, 1981.

Oral argument will be held on Wednesday, May 13, 1981 at 9:00 a.m.

Requests to participate in the oral argument must be made in writing by Thursday, April 30, 1981.

Requests to participate received after this date will be considered only to the extent possible.

ADDRESSES: The oral argument will be held before the Board in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. Each person that wishes to participate should so advise the Secretary, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

Present Rule

The Board's rule governing smoking aboard aircraft, 14 CFR Part 252, currently applies to U.S. scheduled and charter airlines holding a section 401 certificate, and to commuter airlines in their operations of larger than 30-seat aircraft. It requires them to separate smokers and nonsmokers and to expand the no-smoking section to accommodate all passengers who wish to sit there. It also requires airlines to provide special segregation of cigar and pipe smokers.

Proposals to Change the Rule

The Board's smoking rule was originally adopted by ER-800, 38 FR 12207, May 10, 1973. Since then, the Board has issued four notices of proposed rulemaking proposing to change the rule in various ways. In EDR-306, 41 FR 44424, October 8, 1976, the Board proposed to ban cigar and pipe smoking and to limit smoking areas to one per compartment in order to prevent sandwiching of nonsmokers between two smoking sections. In EDR-377, 44 FR 29486, May 21, 1979, the Board proposed to ban smoking on short flights and small aircraft, to require special accommodations for passengers who are unusually susceptible to ill effects from tobacco smoke, to require partitions or buffer zones between smoking and no-smoking sections, to impose further restrictions on cigar and pipe smoking short of a total ban, and to expand the rule to cover all air taxis. In EDR-399, 45 FR 26976, April 22, 1980, the Board proposed to limit the airlines' obligation to expand the no-smoking section to those passenger with confirmed reservations who arrive at least 5 minutes before scheduled departure. Under this proposal, stand-by passengers and those who arrived at the boarding gate at the last minute would not have the right to a no-smoking seat unless one was still available. Finally, in EDR-420, 46 FR 11827, February 11, 1981, the Board proposed, in the alternative, to ban all inflight smoking or to eliminate all CAB regulation of smoking. Written comments on this proposal were due on April 13, 1981.

Oral Argument

On November 14, 1980, Action on Smoking and Health filed a motion requesting the Board to hold an oral argument on the smoking issue. On November 26, 1980, that motion was granted. This notice announces that the oral argument will be held before the Board on Wednesday, May 13, 1981, at 9:00 a.m., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. Each person that wishes to participate should so advise the Secretary of the Board, in writing, on or before Thursday, April 30, 1981. Corporations and other organizations should state the name of the person who will make the presentation.

Participants are free to discuss any aspect of the Board's smoking rule or any issue raised by the proposals described above. Of course, participants may argue for retention of the rule as is. Because of the large number of persons with an interest in this issue, participation may have to be limited. If that is necessary, we will attempt to have all viewpoints represented. To enable us to do this, persons who did not file formal comments (i.e., an original and 19 copies) should provide a one-sentence description of their position in their notice to the Secretary.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-11976 Filed 4-20-81: 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 864

[Docket No. 78N-1835]

Medical Devices; Classification of Dye Powder Stains; Withdrawal of Proposed Rule

Correction

In FR Doc. 81-10035 appearing on page 20221 in the issue for Friday, April 3, 1981, make the following correction:

On page 20221, in the first column, in the document heading, the Docket No. was printed incorrectly. It should have read as printed above.

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-004E]

Occupational Exposure to Lead

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: Notice is given that the Occupational Safety and Health Administration will shortly be undertaking, through rulemaking procedures under section 6 of the Occupational Safety and Health Act of 1970, a reevaluation and reconsideration of the occupational health standard regulating exposure to lead, 29 CFR 1910.1025. The purpose of this proceeding is to review the technological and economic feasibility of complying with the regulation. The economic consequences of the regulation will be reexamined on two bases. First, the affected industries' ability to comply with the standard will be reexamined. Second, a cost-benefit analysis will be performed, in order to assess the practicality of relying on this approach in setting occupational health standards in the context of a specific regulation. A parallel reevaluation will be performed for the cotton dust standard. See 46 FR 19501 (March 31, 1981).

All provisions of the lead standard will be subject to reexamination. In particular, the economic and technological feasibility of the present permissible exposure limit of 50 micrograms of lead per cubic meter of air (50 $\mu g/m^3$) averaged over an eight-hour day, and of the medical removal protection provision of the regulation, will be subject to analysis. Additionally, for a few industries where employees appear to be exposed to lead on an intermittent basis, the question whether the employees face a significant risk of lead-related disease will be addressed. At this time, public participation is invited on the issues raised by such reevaluation and as to whether other matters relating to the hazards and regulation of lead should be addressed.

DATES: Comments, suggestions and information are invited regarding this Advance Notice of Proposed Rulemaking by June 1, 1981.

ADDRESS: Comments should be submitted to the Docket Officer, Occupational Safety and Health Administration, Docket No. H-004E, Room S-6212, U.S. Department of Labor, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: James Foster, Occupational Safety and Health Administration, Room N3637, U.S. Department of Labor, Washington, D.C. 20210. Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:

1. Introduction

On October 3, 1975, the Occupational Safety and Health Administration (OSHA) proposed a standard for occupational exposure to lead (40 FR 45934) which would limit the maximum permissible lead exposure (PEL) of employees to 100 $\mu g/m^3$ (micrograms of lead per cubic meter of air). The new standard was to supersede the previous national consensus standard which limited lead exposure to 200 $\mu g/m^3$, and which had been adopted by OSHA pursuant to section 6(a) of the Occupational Safety and Health Act (Act). The proposal explained that the necessity for a more stringent and comprehensive regulation was based on the substantial body of scientific and medical evidence showing that lead has adverse effects on the health of workers in the lead industry; that evidence showed that lead results in damage to the nervous, urinary and reproductive systems, and inhibits synthesis of the molecule heme, which is responsible for oxygen transport in living systems. Informal rulemaking proceedings were conducted on the proposal. On November 14, 1978, a final standard which limited occupational exposure to airborne concentrations of lead to 50 $\mu g/m^3$ based on an 8-hour time weighted average (TWA) was published in the **Federal Register** (43 FR 52952). Additional protective provisions such as environmental monitoring, recordkeeping, employee education and training, medical surveillance, medical removal protection, and hygiene facilities, were included in the standard. Supplemental attachments were published on November 21, 1978 (43 FR 54354).

Immediately after promulgation, the lead standard was challenged by both industry and labor groups in the United States courts of appeals. All cases were transferred and consolidated in the U.S. Court of Appeals for the District of Columbia Circuit. On March 1, 1979, the D.C. Circuit partially stayed the lead standard by delaying the requirement for installing engineering controls and instituting work practices. However, the requirement to meet the PEL using respirators, and provisions for environmental monitoring, recordkeeping, employee education and training, medical surveillance, and medical removal protection were not stayed and became effective on March 1, 1979.

In an opinion issued on August 15, 1980, the court of appeals upheld the validity of OSHA's lead standard in most respects, acknowledging that a number of important questions on appeal were "very close." The court rejected the industry petitioners' contentions that they had not received notice that OSHA might set a permissible limit below the 100 $\mu g/m^3$ standard that was initially proposed, and that OSHA had improperly relied on information not in the public record in reaching its decisions on the standard. The court also concluded that OSHA's finding of a health need to reduce the permissible lead limit was consistent with the Supreme Court's decision in *Industrial Union Dept* v. *American Petroleum Institute*, No. 78-911 (July 2, 1980), which required OSHA to show that employees will face a "significant risk" of harm if a new regulation is not issued. The court of appeals additionally concluded that the medical removal protection provision was authorized by the statute, that it was reasonably necessary, and that it was affordable by industry.

With respect to feasibility, the court of appeals found that feasibility simply meant "capable of being done," without regard to whether the costs are justified in light of the benefits. On that basis, the court affirmed OSHA's finding that the following ten industries could feasibly comply with the 50 $\mu g/m^3$ PEL through engineering and work practice controls: primary smelting; secondary smelting; printing; can manufacturing; battery

manufacturing; paint and coatings manufacturing; ink manufacturing; wallpaper manufacturing; electronics manufacturing; and gray-iron foundries. However, the court found that OSHA had failed to present substantial evidence or adequate reasons to support the feasibility of the PEL in the remaining industries, and remanded the record to the agency for reconsideration of that issue.

The court directed OSHA to return the standard with full explanations within six months. The court also continued, for those industries subject to the remand, the limited stay that had been in effect pending review. With respect to the ten industries for which the standard was held fully applicable, the stay was dissolved.

Since the issuance of court of appeal's August 15 decision, proceedings have taken place simultaneously before the Supreme Court and the agency. Organizations representing the primary lead smelters (Lead Industries Association, or LIA) and the secondary lead smelters (National Association of Recycling Industries, Inc., or NARI), sought a stay pending review by the Supreme Court. On December 8, 1980, the Supreme Court granted that request in part, notably staying for all industries the requirement that the 50 $\mu g/m^3$ standard be achieved through engineering and work practice controls.

LIA and NARI subsequently filed petitions for review in the Supreme Court, as did the South Central Bell Telephone Company. In their petitions, these groups alleged that the standard is invalid on numerous grounds, including lack of adquate notice; improper reliance by the agency on *ex parte* contacts; absence of a finding of significant risk for employees whose exposure is only intermittent; failure by the agency to justify the standard on a cost-benefit basis; absence of evidence supporting the technological and economic feasibility of reaching the 50 $\mu g/m^3$ PEL in the primary and secondary smelting industries; and lack of statutory authority for medical removal protection. The petitions are currently pending before the Supreme Court and no decision as to whether the Court will hear the case has been issued. Contemporaneous with this Advance Notice, a memorandum in response to the petitions is being filed with the Supreme Court asking that the Court grant the petitions, vacate the judgment of the court of appeals, and remand the rulemaking record to the agency.

With regard to the remanded industries, OSHA published a **Federal Register** notice on September 24, 1980 (45 FR 63476) which reopened the rulemaking record and scheduled a hearing for the purpose of soliciting additional information pertaining to the technological and economic feasibility of meeting the 50 $\mu g/m^3$ PEL solely by engineering and work practice controls. Other issues, such as the significance of the risk employees face in particular industries, and the propriety of reliance on cost-benefit analysis in setting standards, were not reopened. OSHA set time periods for the submission of comments and notices of intention to appear at the hearing (by October 27, 1980), and for the informal public hearing (November 5–7, 1980). The record remained open for the receipt of additional comment and data until December 1, and for posthearing argument until December 10, 1980.

On January 13, 1981, OSHA issued its supplemental statement of reasons with regard to the technological and economic feasibility of the PEL for 46 specified industries or occupations (46 FR 6134, Jan. 21, 1981). For most of the 46 categories, OSHA found that the standard was feasible. For a few industry categories, OSHA found that feasible control measures are available but that an extension in the compliance schedule was needed to assure the feasibility of their implementation. For some operations within certain industries, OSHA found that respiratory protection may be the only technologically feasible means of compliance.

The supplemental statement of reasons was submitted to the D.C. Circuit on January 19. Thereafter, because several industry groups informed the agency of their intention to file administrative requests for reconsideration of the remand decision, OSHA and the industry petitioners jointly filed a motion with the D.C. Circuit asking that further judicial proceedings be held in abeyance pending the agency's action on the reconsideration requests. The court has not yet acted on that motion.

The industry requests for reconsideration were filed with the agency on February 26 and 27, 1981. The following parties, among others, filed reconsideration requests: LIA the Shipbuilders Council of America, South Central Bell Telephone Company and AT&T. LIA has alleged that the remand proceedings were procedurally defective. It has also asserted that the standard is invalid due to the absence of industry-specific findings regarding the significance of the risk, as well as the absence of any cost-benefit or cost-effectiveness analysis justifying the primary reliance on engineering controls and the 50 $\mu g/m^3$ PEL. In addition, LIA has alleged that the findings of economic and technological feasibility are inadequate or unsupported for the following seven industries or operations: copper smelting, nonferrous foundries, silver refining, spray painting, stevedoring, steelmaking, and zinc smelting and refining. The Shipbuilders Council has maintained that the shipbuilding and repair industry should be exempted from the lead standard because: the agency failed to make adequate findings of the technological and economic feasibility of compliance; reliance on engineering controls is unwarranted; and the high mobility and high turnover of the workforce makes regulation unnecessary and inappropriate. South Central Bell and AT&T have maintained the telecommunications industry should be exempted for similar reasons.

Several industry groups (including LIA and the Secondary Lead Smelters Association) have also requested that the next "trigger" making the medical removal provision more stringent, which was scheduled to go into March 1, 1981, be suspended for one year. Beginning on March 1, the standard required that workers be removed from high exposure areas (with full pay) when their blood lead levels exceeded 60 $\mu g/100g$ (micrograms of lead per 100 grams of whole blood); employers are also required to keep these workers from such exposure until their blood lead levels had been reduced below 40 $\mu g/100g$. *See* 29 CFR 1910.1025(k)(1)(i)(C) and (k)(1)(iii)(A)(*3*). The industry petitioners have claimed that implementation of the 60/40 trigger will compel the removal of skilled tradesmen in numbers that will severely affect plant production, and will be extremely expensive. They have suggested that OSHA's assumptions about compliance through engineering controls (upon which the correlating cost calculations for medical removal were premised), have lost all meaning because the engineering control requirement has been stayed since the issuance of the standard. The agency granted a thirty-day suspension of the trigger to study this request (46 FR 14897, March 3, 1981). OSHA has also requested additional information from the industry petitioners. A second delay of the effective date of the provision, until May 1, 1981, was published on March 27, 1981 (46 FR 18974).

Finally, even apart from industry's requests for reconsideration and stay discussed above, the agency determined that the January 13 supplemental

statement of reasons should be subject to review (46 FR 11254, Feb. 6, 1981).

2. Reasons for Conducting a Proposed Rulemaking

OSHA has concluded that the lead standard should be reconsidered for several reasons. First, a new rulemaking is appropriate because the agency has now concluded that it should reexamine the position, taken in issuing the lead rule and other standards, that it would be inconsistent with the Act for OSHA to get a toxic substance standard on the basis of a cost-benefit analysis. That the appropriateness of cost-benefit analysis in the application of regulatory policy is of vital concern to the national welfare and the national government is evidenced by the recent establishment of the Presidential Task Force on Regulatory Relief, chaired by the Vice-President, and the recently issued Executive Order No. 12291 which mandates such analysis in certain rulemakings (46 FR 13193). The policy underlying that Order is that cost-benefit analysis is a useful device in the regulatory decisionmaking process. Other safety and health agencies, although administering different statutes with somewhat different purposes, have found that the cost-benefit technique or variants thereof are useful in their decisionmaking processes. *See Consumer Products Safety Commission, Proposed Methodology for Commission Consideration of Findings Under Section 9(c) of the Consumer Products Safety Act*, 45 FR 85772 (Dec. 30, 1980); *Environmental Protection Agency, National Emission Standards for Hazardous Air Pollutants; Policy and Procedures for Identifying, Assessing, and Regulating Airborne Substances Posing a Risk of Cancer*, 44 FR 58642 (1979). In consonance with the policy of the Executive Order, it is the agency's view that it is appropriate to evaluate the practicality of cost-benefit balancing by investigating the concept in the context of an actual standard such as lead, and in a manner which permits public comment. A similar analysis will be performed for the cotton dust standard. See 46 FR 19501 (March 31, 1981).

The agency intends to invite the submission of all information relevant to an assessment of the relationship between the rule's benefits and its costs. In particular, information will be sought concerning the use of respirators as an alternative to engineering controls. The interrelationships between the type of economic analysis which OSHA has traditionally performed and cost-benefit techniques will also be a subject of the new rulemaking. The agency will additionally address whether, based on the cost-benefit analysis, an individual PEL should be set for each industry.

In the agency's view, all this information and data, as well as the public input which will be provided in the rulemaking proceeding, will permit the agency to produce a comprehensive and thorough cost-benefit analysis. This experience, plus the comparative experience under other health and safety laws (a comparison mandated by 29 U.S.C. 655(b)(5)), will enable the agency to decide under what circumstances it is appropriate and practical to factor such an analysis into setting toxic substances standards.

Second, even independent of cost-benefit grounds, the agency has concluded that it is appropriate to reassess the technological and economic feasibility of the 50 $\mu g/m^3$ standard (*i.e.*, the industries' ability to comply with the standard). Since no data specifically addressing the feasibility of attaining the 50 $\mu g/m^3$ PEL was submitted at the original rulemaking, the agency's conclusion that the 50 $\mu g/m^3$ PEL was feasible was based on extrapolation from the evidence submitted concerning the proposed 100 $\mu g/m^3$ PEL. The agency believes that a more complete record could be developed if affected parties are given the opportunity to specifically address the propriety of a 50 $\mu g/m^3$ PEL, as well as other PELs which could be set.

And while the feasibility of the 50 $\mu g/m^3$ PEL in the "remand" industries was addressed anew in the supplemental administrative proceedings, the affected parties have suggested that the short time frame of that rulemaking was inadequate to permit a proper record to be developed. Moreover, the ten industries for which the standard was upheld in whole by the court of appeals were not given this supplemental opportunity to submit data. A new rulemaking proceeding will remedy these perceived deficiencies. It will thereby ensure that the standard which is ultimately set is firmly grounded on the best available evidence.

Reevaluation of the feasibility question would appear to be particularly warranted with regard to the primary and secondary smelting industries because the conclusion that the present standard is feasible for these industries was premised in part on the possibility that innovative developments in process and control technology could contribute to significant air lead reductions. New information concerning the viability of these innovative technologies has now come to the agency's attention. For example, in the statement of reasons to the present standard, OSHA suggested that rather than retrofit existing pyrometallurgical equipment, the primary lead smelting industry might opt to comply with the standard by rebuilding their production facilities to utilize a new, cleaner, smelting process called hydrometallurgy. OSHA based its prediction that the hydrometallurgical process would be commercially available within ten years (the time period granted the primary smelting industry for compliance) on evidence showing that a small scale laboratory experiment using the hydrometallurgical process was being conducted by the Bureau of Mines. Since promulgation of the standard, that laboratory trial has been successfully completed, and a larger scale pilot hydrometallurgical project has been constructed. OSHA believes that the data which can be obtained from this larger scale project may be useful in determining the precise extent to which hydrometallurgy can reduce ambient lead levels.

The data from the pilot hydrometallurgical project, as well as other new information, may also enable the agency to quantify the predicted costs of compliance with the 50 $\mu g/m^3$ level for the primary smelting industry. The agency believes the costs of any standard should be estimated if it is possible to do so. OSHA's statement of reasons to the lead standard, however, did not specify the dollar costs of compliance for this industry. Although a quantification of the costs of achieving compliance by innovative technology may not have been possible at the time the standard issued, the new data may provide the foundation for such a calculation.

Moreover, OSHA's review of the rulemaking record to the original standard suggests that the data and the formula for computing the primary smelting industry's costs of compliance with the 50 $\mu g/m^3$ PEL using *conventional* controls are presently available. No calculation was made by the agency prior to the standard's promulgation. Since the rulemaking record will be reopened, the agency may be able to now compute these costs, and to subject the analysis to public comment.

Similar revisions in the feasibility analysis for the secondary lead smelting industry may be warranted. In its statement of reasons, OSHA suggested that rather than retrofit existing equipment, this industry might prefer to rebuild their production facilities using the new Bergsoe SB furnace, which was in place in a secondary smelting facility in Sweden that had achieved fairly low air lead levels. Industry questioned the

utility of converting to the Bergsoe furnace, claiming that the process will not assure the air lead reductions necessary to achieve the PEL, and that the 90 million dollar cost of converting to the process is prohibitively expensive. Recent data submitted to the agency indicates that the Bergsoe furnace in fact may not be responsible for the reduction in air lead levels attained in the Swedish facility. It now appears that the air lead reductions are attributable to that facility's use of a completely integrated ventilation system, and to meticulous housekeeping and work practices. These controls are much less expensive than the Bergsoe process; however, it appears that the air lead levels achieved through their use is somewhat higher than the 50 $\mu g/m^3$ PEL. As with the new evidence concerning the innovative processes in the primary smelting industry, the agency believes it would be useful to subject this new data to public comment, and to obtain additional information if it exists.

Third, a new rulemaking proceeding will permit OSHA to evaluate whether employees in industries such as telecommunications and stevedoring, whose exposure to lead is asserted to be intermittent, face a "significant risk" of lead-related disease. Neither the agency's statement of reasons to the original standard nor the court of appeals' decision upholding the agency's significant risk finding specifically addressed this question. It is undisputed, however, that the model correlating blood lead levels with the 50 $\mu g/m^3$ lead level, upon which the agency's estimation of risk was premised, assumed that employees would be exposed for eight hours each workday throughout the year. Although OSHA does not believe that an industry-by-industry risk assessment is usually warranted, the fact that lead is excreted from the body upon removal from exposure suggests that the risk presented by highly intermittent exposure may be sufficiently different from that presented by chronic exposure that separate treatment is appropriate here. Therefore, in the new rulemaking proceeding, OSHA intends to solicit data on the extent of risk presented by highly intermittent exposure, and on the extent of exposure which actually occurs in the telecommunications and stevedoring industries. Any other industries which believe they deserve separate treatment on this basis should submit data to the agency as well. OSHA also welcomes suggestions as to the manner in which intermittent exposure should be treated under the standard, *e.g.*, by exempting the industries, or by amending the standard to set a minimum number of days for which employees must be exposed above a certain level before the compliance requirements of the standard will be applicable to a workplace.

Fourth, a new rulemaking will permit the agency to reassess the feasibility of the medical removal protection provision (MRP). As discussed above, several industries have requested a one-year suspension of the 60/40 MRP trigger because they predict that the trigger will compel the removal of large numbers of skilled trademen and will be extremely expensive; they also suggest that these consequences may be due to the continuing stay of the engineering control requirement of the standard. Whether or not the one-year suspension is warranted if the present standard, as stayed, continues in effect, (a question which the agency is addressing separately), it is possible that if the PEL is altered as a result of the new rulemaking proceeding, the lower MRP triggers may have to be adjusted as well. This is so because the feasibility of MRP is keyed to the air lead levels present in the workplace. Accordingly, the new rulemaking will address the question of what adjustments if any, should be made to the MRP triggers. The question of the agency's authority to require MRP, however, will not be open in the new proceeding.

Finally, at this stage of the proceeding, OSHA will accept and consider suggestions as to the necessity for inquiring into other matters relevant to enforcement of the standard.

3. Summary of Issues To Be Addressed in the Proposed Rulemaking

In sum, OSHA invites comment on the propriety of conducting rulemaking on the following issues:

(1) Whether the PEL should be set at:
(a) 50 $\mu g/m^3$ for engineering controls;
(b) 50 $\mu g/m^3$ for any combination of controls including respirators;
(c) 100 $\mu g/m^3$ for engineering controls, combined with 50 $\mu g/m^3$ for respiratory protection;
(d) 150 $\mu g/m^3$ for engineering controls, combined with 50 $\mu g/m^3$ for respiratory protection;
(e) Any other level.

(2) Whether compliance with any of the above PELs is technologically and economically capable of being achieved; and if so, in what time frame.

(3) Whether highly intermittent exposure presents a significant risk of lead-related disease, and if so, how intermittent exposure industries should be treated under the standard.

(4) Whether a cost-benefit analysis can be performed for the lead standard; if so, how.

(5) Whether the relationship between the costs and benefits of any of the proposed PELs is reasonable.

(6) Whether different PELs should be set for different industries covered by the standard.

(7) Whether the MRP "triggers" under the present standard are feasible; if not, what triggers should be set.

4. Effect of the Reconsideration on Enforcement of the Present Standard

Pending the reconsideration discussed above, it is the agency's judgment that the standard, as stayed by the Supreme Court, should remain in effect and continue to be enforced. Specifically, all but the following provisions are in effect:

(1) Section 1910.25(e) (1), (4), (5), (6), which provide for compliance by engineering and work practice controls.

(2) Section 1910.1025(e)(3), which governs written compliance programs, except for paragraph (F).

(3) Section 1910.1025(f)(2)(ii), which relates to the use of respirators in situations in which engineering and work practice controls are not sufficient. During the period of this stay, employers shall provide a powered, air-purifying respirator in lieu of the respirator specified in Table II of (f)(2)(i) when the physical characteristics of the employee are such that the respirators specified in Table II are inadequate for his or her protection. All other sections of the regulation that refer to paragraph (f) shall incorporate only those portions of (f) not stayed.

(4) Section 1910.1025(i), governing hygiene facilities and practices, to the extent that it requires the construction of new facilities or substantial renovation of existing facilities.

(5) Sections 1910.1025 (j)(2) and (j)(3)(ii)(D) insofar as they require biological monitoring and medical examination for zinc protoprohyrin; and Section 1910.1025(j)(3)(iii), which requires a multiple physician review mechanism.

(6) Section 1910.1025(m), dealing with signs.

(7) Section 1910.1025(r), startup dates, to the extent that its obligations are inconsistent with the substantive requirements of this order.

Protection for employees at risk must be maintained because lead has long been recognized as a major industrial health hazard. During the past several years, employers have been obligated to bring most of the standard's protective measures into place with the exception of the requirement to install engineering controls, which has been judicially stayed. There was general agreement during the rulemaking and judicial proceedings on the necessity of such provisions as respiratory usage, safe work practices, and a medical surveillance program, although the particulars may not have been resolved to the satisfaction of all affected employers. The deferral of the next

major step, engineering controls, means, however, that there is more than sufficient time for the agency to review the provisions of the standard as a whole and provide adequate notice if changes to the standard seem warranted. New effective dates may well be necessary in such a case. Consequently, there seems little justification for disrupting the compliance schedules and activities during this period of review. As discussed above, however, the agency is separately addressing whether the effective date for the 60/40 MRP trigger should be delayed.

Any comments and suggestions should be sent to the address noted above. Comments should be submitted by June 1, 1981.

5. Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, D.C. 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act (84 Stat. 1593; 29 U.S.C. 655).

Signed at Washington, D.C., this 14th day of April 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-11925 Filed 4-17-81; 12:03 pm]

BILLING CODE 4510-26-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-1799-3]

Standards of Performance for New Stationary Sources; Organic Solvent Cleaners

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amendment of proposed rule.

SUMMARY: On June 11, 1980, the Environmental Protection Agency (EPA) proposed standards of performance for organic solvent cleaners (degreasers) (45 FR 39765). The proposed standards would limit emissions of volatile organic compounds (VOC) and trichloroethylene, perchloroethylene, methylene chloride, 1,1,1-trichloroethane, and trichlorotrifluoroethane from new, modified, and reconstructed organic solvent cleaners by specifying a combination of equipment requirements and operational procedures. The affected facilities are cold cleaners, open top vapor degreasers, and conveyorized degreasers. Today's action proposes to defer the applicability date of the proposed standards. The effect of today's action is to exempt from coverage any sources constructed or modified on or before the new applicability date is established. The new date will be fixed later, by publication of a notice in the **Federal Register.**

DATES: Comments on the amendment to the proposed rule must be received on or before May 21, 1981.

ADDRESS: Comments should be submitted (in duplicate if possible) to: Central Docket Section (A-130), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Docket No. OAQPS-78-12.

Docket. Docket No. OAQPS-78-12, containing supporting information used in developing the proposed standards, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. John D. Crenshaw, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5421.

SUPPLEMENTARY INFORMATION: EPA proposed new source performance standards for organic solvent cleaners on June 11, 1980 (45 FR 39765). Under the provisions of Section 111 of the Clean Air Act, these standards, when finally promulgated, would have applied to any organic solvent cleaner manufactured after June 11, 1980.

At proposal, the Agency concluded that the cost impacts of the proposed standards were reasonable. Based on the public comments received, however, we now believe that there are a number of types of degreasers which are specifically designed to minimize solvent loss and emissions, but which could not comply with the proposed design and equipment standards at reasonable cost. Manufacturers of such degreasers would therefore be unable to sell them at competitive prices. We are now analyzing these types of degreasers to determine what constitutes best demonstrated technology for them and what standard should be applied to them. Information about this problem has been supplied by several manufacturers and is available in the docket for public review and comment.

We expect this analysis to take several months. Because the analysis is not yet complete, we are not yet able to specify which types of degreasers can comply with the proposed standards at reasonable cost and which cannot. In the interim, however, many prudent purchasers of degreasers are willing to buy only degreasers conforming to the proposed standards. As a result, manufacturers of degreasers which cannot comply with the proposed standards at reasonable cost face now the competitive barrier they would have faced if the standards were promulgated as proposed, despite the Agency's conclusion that application of the proposed standards to at least some of those products will not be required by the final standards.

Ordinarily, if EPA were to conclude that the proposed standards would impose unreasonable costs and that the standards therefore should be substantially changed, it would alleviate this situation promptly by proceeding to repropose or promulgate the standard with appropriate changes. Here, however, we believe that the proposed standards would impose unreasonable cost for some degreasers, but are unable to relieve the interim effects of the proposal until technical analysis is complete. Under these circumstances, we believe that the action most consistent with the congressional intent is to defer the applicability date beyond the date of proposal. See, *Commonwealth of Pennsylvania* v. *EPA*, 618 F. 2d 991, 1000 n. 1. (3rd Cir. 1980).

This action, therefore, amends § 60.360 of the proposed rule to delete June 11, 1980, (the date of the proposal) as the applicability date. The promulgated standard will apply to degreasers constructed or modified after some later applicability date. The Agency will give notice of that later applicability date in the **Federal Register**, and the applicability date will be no earlier than the date of publication of such notice.

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and therefore subject to certain requirements of the Order. The Agency has determined that this regulation would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule." In fact, this action would impose no additional regulatory requirements, but instead would defer the effective date of the standard in order to avoid adverse economic impacts on manufacturers of

certain types of organic solvent cleaners. The Agency has therefore concluded that this regulation is not a "major rule" under Executive Order 12291.

Pursuant to the provisions of 5 United States Code section 605(b) I hereby certify that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This proposed extension of the date of applicability will not impose any new requirements on small entities.

Dated: April 13, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-11896 Filed 4-20-81; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 21513; RM-2882]

FM Broadcast Station in Freeport, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Request for supplemental information.

SUMMARY: This action requests additional information from the parties involved in the Commission's proceeding concerning the assignment of FM Channel 273 to Freeport, Texas. Specifically, further information is sought from Amaturo Group, Inc., licensee of FM Station KMJQ, Clear Lake City, Texas, regarding the options available to Station KMJQ in relocating its transmitter to a site which would result in short-spacing with the Freeport assignment.

DATES: Comments must be filed on or before June 1, 1981, and reply comments on or before June 22, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 1, 1981.

Released: April 9, 1981.

By the Chief, Policy and Rules Divisions.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Freeport, Texas); request for supplemental information.

1. Before the Commission is a petition for reconsideration, filed by Amaturo Group, Inc. ("AGI") of the Commission's *Report and Order*, 45 FR 21638, published April 2, 1980, which assigned FM Channel 273 to Freeport, Texas.[1] AGI seeks reconsideration since the assignment is short-spaced to the location at which AGI plans to move the transmitter for Station KMJQ (Channel 271), Clear Lake City, Texas (BPH 790920AP).[2] In support of its petition, AGI explains that because of high-rise construction immediately adjacent to its existing antenna in downtown Houston, KMJQ and nine other co-located FM stations in the Houston area have been forced to seek alternative transmitter sites. AGI states that one suitable location has been found approximately 24 kilometers (15 miles) southwest of Houston, where a tower of sufficient height can be constructed which will enable all ten affected FM stations to adequately serve the Houston listening area. AGI contends that due to FAA height restrictions, other possible locations would not permit provision of adequate service to Houston.

2. Weymar, Inc. ("Weynar"), the proponent of the Freeport assignment, has attempted to refute AGI's arguments that the common transmitter site is the only site available to Station KMJQ. Weymar claims that no firm evidence has been presented concerning the nonavailability of alternative transmitter sites which would not be short-spaced to the Freeport assignment. Weymar asserts that AGI is merely stating a site preference rather than a necessity, and that such a preference should not be permitted to prevent a first FM assignment to Freeport.

3. Although much has been said in general terms by the parties concerning the availability of other suitable transmitter sites for KMJQ, the record is bereft of specific information on this issue. Thus, we are hesitant to make any final decision on this matter without the benefit of further information. According to past Commission policy, a site preference of an existing station has not been sufficient justification to deny a first assignment to another city. While we recognize that it may be practically impossible to prove a negative, that is, that no other acceptable sites are available for the relocation of Station KMJQ's transmitter, we do expect AGI to submit more specific evidence as to its efforts to secure alternative sites which would not cause short-spacing to the Freeport assignment.[3] Also, AGI should address the extent to which the public interest, and not AGI's financial interests, will be served by all ten affected FM stations co-locating at the proposed common site. Conversely, if Weymar has information relating to possible relocation sites for Station KMJQ, that information should likewise be submitted.[4] On the basis of this additional information, we will be better able to weigh the merits of the positions of the competing interests and arrive at an equitable resolution of this proceeding.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. It is ordered, That the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this *Request for Supplemental Information* to Amaturo Group, Inc., 3100 Richmond Ave., Houston, Texas 77006, and its counsel, Rainer K. Kraus, Koteen and Burt, 1150 Connecticut Ave., N.W., Washington, D.C. 20036.

6. Interested parties may file comments on or before June 1, 1981, and reply comments on or before June 22, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 653-7586. However, members of the public should note that from the time a Notice

[1] *Public Notice* of the petition for reconsideration was given June 3, 1980, Report No. 1232.

[2] AGI states that Clear Lake City has been annexed to the City of Houston.

[3] Similar requests are being made in Docket 79-256 covering the assignment of FM Channel 234 to Lockhart, Texas, and the relocation of Houston FM Station KLEF (Channel 233); and in the *Notice of Proposed Rule Making* proposing the assignment of FM Channel 221A to Bay City, Texas, and the relocation of Pasadena FM Station KYND (Channel 223).

[4] We note, in this regard, that Station KHCB-FM Channel 289) and two other downtown Houston stations, KRLY (Channel 229) and KQVE (Channel 275) have not applied to relocate in order to adequately serve Houston. AGI should indicate how the circumstances of its station differ from these three stations.

of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this preceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-11938 Filed 4-20-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79-256; RM-3118]

FM Broadcast Station in Lockhart, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Request for supplemental information.

SUMMARY: This action requests additional information from the parties involved in the Commission's proceeding concerning the assignment of FM Channel 234 to Lockhart, Texas. Specifically, further information is sought from Entertainment Communications, Inc., licensee of FM Station KLEF, Houston, Texas, regarding the options available to Station KLEF in relocating its transmitter to a site which would result in short-spacing with the Lockhart assignment.

DATES: Comments must be filed on or before June 1, 1981, and reply comments on or before June 22, 1981.

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

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: April 1, 1981.

Released: April 10, 1981.

In the matter of amendment of § 73.202(b) Table of Assignments, FM broadcast stations (Lockhart, Texas); request for supplemental information.

1. Before the Commission is a petition for reconsideration, filed by Entertainment Communications, Inc. ("ECI"), of the Commission's *Report and Order*, 81 FCC 2d 171 (1980), (45 FR 53821) which assigned FM Channel 234 to Lockhart, Texas.[1] ECI seeks reconsideration since the assignment is short-spaced to the location at which ECI has applied to move the transmitter for Station KLEF (Channel 233), Houston, Texas (BPH 800929AJ). In support of its petition, ECI explains that because of high-rise construction immediately adjacent to its existing antenna, KLEF and nine other co-located FM stations in the Houston area have been forced to seek an alternative transmitter site. In this regard, ECI states that one suitable location has been found approximately 24 kilometers (15 miles) southwest of Houston, on which a tower of sufficient height can be constructed which will enable all ten affected FM stations to adequately serve the Houston listening area. ECI contends that due to FAA height restrictions, other possible alternative locations would not permit provisions of adequate service to Houston.

2. Several potential applicants for the Lockhart channel have attempted to refute ECI's arguments that the common transmitter site is the only site available to Station KLEF. These parties claim that no firm evidence has been presented concerning the non-availability of alternative transmitter sites which would not be short-spaced to the Lockhart assignment. These parties claim that ECI is merely stating a site preference rather than a necessity, and that such a preference should not be permitted to prevent a first FM assignment to Lockhart.

3. Although much has been said in general terms by the parties concerning the availability of other suitable transmitter sites for KLEF, the record is bereft of specific information on this issue. Thus, we are hesitant to make any final decision on this matter without the benefit of further information. As stated in the *Report and Order* in this proceeding, a site preference for an existing station is not sufficient justification to deny a first assignment to another city. While we recognize that it may be practically impossible to prove a negative, that is, that no other acceptable sites are available for the relocation of Station KLEF's transmitter, we do expect ECI to submit more specific evidence as to its efforts to secure alternative sites which would not cause short-spacing to the Lockhart assignment.[2] For instance, ECI states

[1] *Public Notice* of the petition for reconsideration was given on October 2, 1980, Report No. 1250.

[2] Similar requests are being made in Docket No. 21513, concerning the assignment of Channel 273 to

Continued

that it had explored in the past the possibility of locating its transmitter on the existing tower of Houston's noncommercial Station KUHT, but that a transmitter from that site would not provide adequate service. We wish to be informed as to the signal strength that could be provided from such an alternate site and the loss that the service represents in relation to the present service from the existing site and proposed service from the applied-for site. ECI should address the extent to which the public interest, and not ECI's financial interests, will be served by all ten affected FM stations co-locating at the proposed common site. Conversely, if the Lockhart proponents have information relating to possible relocation sites for Station KLEF, that information should likewise be submitted.[3] On the basis of this additional information, we will be better able to weigh the merits of the positions of the competing interests and arrive at an equitable resolution of this proceeding.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. It is ordered, that the Secretary of the Commission shall send by certified mail, return receipt requested, a copy of this Request for Supplemental Information to Entertainment Communications, Inc., 555 City Line Ave., Bala Cynwyd, Pa. 19004, and its counsel, Stanley S. Neustadt, Richard A. Helmuth, Cohn and Marks, Suite 600, 1333 New Hampshire Ave., Washington, D.C. 20036.

Freeport, Texas, and the relocation of Clear Lake City Station KMJQ (Channel 271); and in the *Notice of Proposed Rule Making* proposing the assignment of Channel 221A to Bay City, Texas, and the relocation of Pasadena Station KYND, Channel 223.

[3] We note in this regard, that Station KHCB-FM (Channel 289) and two other downtown Houston stations KRLY (Channel 229) and KQUE (Channel 275) have not applied to relocate in order to adequately serve Houston. ECI should indicate how the circumstances of its station differ from these three stations.

6. Interested parties may file comments on or before June 1, 1981, and reply comments on or before June 22, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considereed in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-11939 Filed 4-20-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 76
Tuesday, April 21, 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

Agricultural Stabilization and Conservation Service

1982 Wheat Program: Proclamation of National Marketing Quota

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of determination of a national marketing quota for wheat for 1982/83 marketing year.

SUMMARY: This notice is for the purpose of proclaiming that a national marketing quota shall be in effect for wheat for the 1982/83 marketing year and that the amount of such quota is 2,459 million bushels. These determinations are required in accordance with Section 332 (a) and (b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1332).

Other declarations relating to a marketing quota program such as: (1) the proclamation of the national acreage allotment; (2) the apportionment of such national allotment; (3) the designation of commercial wheat producing areas; and (4) establishing the date when a national referendum of farmers will be conducted to determine whether they favor or oppose marketing quotas for the 1982/83 marketing year for wheat are not being made at this time since the legislation requiring marketing quotas for wheat, which was suspended through the 1981 crop, may be further suspended.

DATES: Effective date: April 15, 1981.

FOR FURTHER INFORMATION CONTACT: Bruce R. Weber, Senior Agricultural Program Specialist, USDA–ASCS, Production Adjustment Division, P.O. Box 2415, Washington, D.C. 20013, (202) 447–4695. The Final Impact Statement describing the options considered in developing the notice of determinations is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with the provisions of Executive Order 12291 and has been classified "major". The emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule.

The announcement of these determinations with respect to a national marketing quota for wheat for the 1982/83 marketing year is required by statute to be made not later than April 15, 1981. Thus, this notice of determination shall be effective on April 15, 1981 or upon date of filing with the Director, Office of the Federal Register, whichever is earlier.

The title and number of the federal assistance program to which this notice applies is: Title-Wheat Production Stabilization, NUMBER 10.055, as found in the Catalog of Federal Domestic Assistance.

This action will not have a significant impact specifically on area and community development. Therefore, a review as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local governments are informed of this action.

Section 332 of the Agricultural Adjustment Act of 1938, as amended was suspended through the 1981 crop of wheat by the Food and Agriculture Act of 1977. Until further suspended, the provisions thereof are in effect for wheat for the 1982/83 marketing year.

Section 332(a) of the Agricultural Adjustment Act of 1938, as amended, provides that whenever prior to April 15 in any calendar year the Secretary determines the total supply of wheat in the marketing year beginning in the next calendar year will, in the absence of a marketing quota program, likely be excessive, the Secretary shall proclaim that a national marketing quota for wheat shall be in effect for such marketing year. If the Secretary determines and declares in such proclamation that a two- or three-year marketing quota is necessary to effectuate the policy of the 1938 Act, the Secretary shall proclaim a national marketing quota for wheat for either the following marketing year or the following two marketing years.

Section 332(b) of the Agricultural Adjustment Act of 1938, as amended, provides that, if such a national marketing quota is proclaimed, the Secretary shall determine and proclaim the amount of such national marketing quota not later than April 15 of the calendar year preceding the year in which such marketing year begins. The amount of the quota shall equal the quantity of wheat which the Secretary estimates will be, during such marketing year, (1) utilized as food, seed, and livestock feed and (2) exported from the United States less estimated imports into the United States and, if the stocks of wheat owned by the Commodity Credit Corporation are determined to be excessive, a quantity of wheat determined by the Secretary to be a desirable reduction in such stocks during such marketing year. If the Secretary determines the total stocks of wheat in the U.S. are insufficient to assure an adequate carryover for the next succeeding year, the quota otherwise determined is required to be increased by an amount determined to be necessary to assure an adequate carryover. In any event, the national marketing quota for wheat for any marketing year may not be less than one billion bushels.

In accordance with these provisions, the Secretary has made the following determinations with respect to the 1982/83 marketing year for wheat.

Determinations

1. *Proclamation of a National Marketing Quota.* In accordance with Section 332 of the Agricultural Adjustment Act of 1938, as amended, it is hereby determined that a national marketing quota for wheat shall be in effect for the 1982/83 marketing year. This determination is based on the following:

Item	Million bushels
A. Total supply:[1]	
(1) Carryover, June 1, 1982	1,014
(2) Estimated production (1982 crop)	2,550
(3) Estimated imports (1982/83)	2
(4) Total supply	3,566
B. Normal supply:[2]	
(1) Estimated domestic use (1981/82):	
a. Food	610
b. Feed	155
c. Seed	107
(2) Estimated exports (1982/83)	1,615
(3) Allowance for carryover (equal to 20 percent of 1 plus 2)	497
(4) Total normal supply	2,984

Item	Million bushels
C. Estimated excess supply (item A minus item B)	582

[1] Determined in accordance with Section 301(b)(16)(A) of the Agricultural Adjustment Act of 1938, as amended.
[2] Determined in accordance with Section 301(b)(10)(A) of the Agricultural Adjustment Act of 1938, as amended.

2. *Proclamation of the Amount of the National Marketing Quota.* In accordance with Section 332 of the Agricultural Adjustment Act of 1938, as amended, it is hereby determined that the amount of the national marketing quota for wheat for the 1982/83 marketing year shall be 2,459 million bushels. This determination is based on the following:

Item	Million bushels
A. Estimated utilization for 1982/83 marketing year:	
(1) Domestic human consumption	615
(2) Seed	106
(3) Feed	125
(4) Exports	1,615
(5) Total	2,461
B. Less estimated imports	2
Total	2,459
C. Decrease in excessive CCC stocks[1]	
D. Increase for total stocks to assure an adequate carryover[2]	
E. National marketing quota	2,459

[1] CCC stocks of wheat for the 1982/83 marketing year will be near 180 million bushels. The Food Security Wheat Reserve accounts for 147 million bushels, with the balance available for disaster reserve and food aid commitments, as needed. CCC stocks are not considered excessive, therefore, no decrease in such stocks is desirable.
[2] Carryover stocks from the 1982/83 marketing year are estimated to be about 1.1 billion bushels, a level considered adequate. Therefore, no increase in total stocks is necessary to assure an adequate carryover.

Signed at Washington, D.C. on April 15, 1981.

John R. Block,

Secretary.

[FR Doc. 81-11867 Filed 4-20-81; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

Horse Protection Act; Disqualification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individuals, under section 6(c) of the Horse Protection Act (15 U.S.C. 1821–1831), from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the period indicated:

Dude Crowder, Shelbyville, Tennessee
Billy Hale, Shelbyville, Tennessee

Dude Crowder and Billy Hale have been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year which is to run from February 27, 1981, through February 26, 1982.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act states in relevant part that, "* * * any person * * * may be disqualified by order of the Secretary, after notice and opportunity for a hearing before the Secretary, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition or horse sale or auction for a period of not less than 1 year for the first violation and not less than 5 years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to civil penalty of not more than $3,000 for each violation. Any horse show, horse exhibition, or horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to a civil penalty of not more than $3,000 for each violation * * *."

This will serve as notification to the general public and the horse industry that Dude Crowder and Billy Hale have been disqualified as indicated, and that allowing a disqualified person to participate in prohibited activities is a violation of section 6(c) of the Act and is subject to the penalties indicated therein.

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

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-11861 Filed 4-20-81 8:45 am]

BILLING CODE 3410-34-M

Horse Protection Act; Disqualification

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individual, under section 6(c) of the Horse Protection Act (15 U.S.C. 1821–1831), from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the period indicated:

George Clinton, Jackson, Mississippi

George Clinton has been disqualified from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of 1 year which is to run from March 1, 1981, through February 28, 1982.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Horse Protection Act states in relevant part that, "* * * any person * * * may be disqualified by order of the Secretary, after notice and an opportunity for a hearing before the Secretary, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition or horse sale or auction for a period of not less than 1 year for the first violation and not less than 5 years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to civil penalty of not more than $3,000 for each violation.

Any horse show, horse exhibition, or horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to a civil penalty of not more than $3,000 for each violation * * *."

This will serve as notification to the general public and the horse industry that George Clinton has been disqualified as indicated, and that allowing a disqualified person to participate in prohibited activities is a violation of section 6(c) of the Act and is subject to the penalties indicated therein.

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

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 81-11837 Filed 4-20-81; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Umatilla National Forest Grazing Advisory Board; Meeting

The Umatilla National Forest Grazing Advisory Board will meet at 1:00 p.m., May 11, 1981, at the U..S Forest Service Office, 2517 S. W. Hailey Avenue in Pendleton, Oregon. The purpose of the

meeting will be to review the range betterment projects planned for Fiscal Year 1982 and to formulate recommended priorities for Fiscal Year 1983. The Forest Service will present a review of range allotment planning procedures and goals. The Board will be expected to make recommendations on these goals following a field review of selected allotments. (Field Review date to be set at this meeting.)

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office at 2517 S. W. Hailey Avenue, Pendleton, Oregon 97801, or call 276–3811, ext. 415. Written statements may be filed with the Forest Service before or after the meeting.

The established rules for public participation are that a time period will be set up for the public to participate. Time limits may be set on individual public participation.

Dennis E. Jones,

Acting Forest Supervisor.

April 6, 1981.

[FR Doc. 81–11558 Filed 4–20–81; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Deseret Generation and Transmission Co-Operative; Sandy, Utah

Under the authority of Public Law 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $1,030,000,000 to Deseret Generation and Transmission Co-operative, Sandy, Utah. These loan proceeds will be used to finance (1) Deseret's 81.23 percent ownership share in the construction of a 400 MW coal-fired steam generating unit, known as the Moon Lake Generating Station—Unit No. 1, proposed near Bonanza, Utah and approximately 150 miles of associated 345 kV transmission line and related facilities and (2) the construction of approximately 67 miles of 138 kV transmission line and the development costs relating to the Deserado Coal Mine near Rangely, Colorado.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Merrill J. Millett, Manager, Deseret Generation and Tramission Co-operative, P.O. Box BB, Sandy, Utah 84091.

In order to be considered, proposals must be submitted on or before May 21, 1981 to Mr. Millett. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Deseret and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

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

Joe S. Zoller,

Administrator, Rural Electrification Administration.

[FR Doc. 81–11916 Filed 4–20–81; 8:45 am]

BILLING CODE 3410–15–M

Mt. Wheeler Power, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance to Mt. Wheeler Power, Inc. (Mt. Wheeler), of Ely, Nevada, for the construction of 66.8 km (41.5 miles) of 69 kV transmission line and associated facilities.

The 69 kV transmission line will be built between the Machacek Substation located in Eureka County, Nevada and Amselco Alligator Ridge gold mining project in White Pine County, Nevada. Associated facilities include the construction of a new distribution substation, the expansion of one existing substation, and construction of a new switching station. The Bureau of Land Management (BLM) has prepared an Environmental Assessment Report (EAR) concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, archaeological and historic sites, wetlands and floodplains, and other potential impacts of the project are adequately considered in the BLM and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of BLM's EAR, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20–21:320–21, Part I.

Various alternatives to the proposed transmission line and substation were reviewed by BLM and REA. The alternatives include no action and alternative corridors. The most viable alternative to deliver power to all existing and future loads of Mt. Wheeler in White Pine County is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment and BLM's EAR may be reviewed in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, Mt. Wheeler Power, Inc., 1137 Avenue F, East Ely, Nevada 89315.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

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

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81–11917 Filed 4–20–81; 8:45 am]

BILLING CODE 3410–15–M

White River Electric Association, Inc.; Finding of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the approval of a construction contract, Facilities Agreement and Agreement for Service by REA for White River Electric Association, Inc. (White River), of Meeker, Colorado. The proposed project will consist of 35.2 km (22 miles) of 138

kV transmission line and associated substation facilities.

The 138 kV transmission line will be built between the Meeker Switching Station and a new switching station on Oil Shale Tract C-b in Rio Blanco County, Colorado. Associated substation facilities include the construction of two new distribution substations, a switching station, and the expansion of the existing Meeker Switching Station. White River has prepared a Borrower's Environment Report and the Bureau of Land Management (BLM) has prepared an Environmental Assessment Report concerning the proposed project. An Environment Assessment was also prepared by REA.

Threatened and endangered species, important farmlands, archaeological and historic sites, wetlands and flood plains, and other potential impacts of the project are adequately considered in the White River, BLM, and REA Environmental Assessments.

REA's independent evaluation of the proposed project leads it to conclude that its proposed approval of a Construction Contract, Facilities Agreement, and Agreement for Service for this project, do not constitute major Federal actions that will significantly affect the quality of the human environment.

Based on this independent evaluation, the REA Environmental Assessment, and a review of White River's Borrower's Environmental Report and BLM's Environmental Assessment Report, a Finding of No Significant Impact was reached in accordance with Sections IV.B and IV.D.1 of REA Bulletin 20-21:320-21, Part I.

Various alternatives to the proposed transmission line and substations were reviewed by White River and REA. The alternatives include no action and alternative corridors. The most viable alternative to deliver power to all existing and future loads on Oil Shale Tract C-b is the proposed project.

Copies of REA's Finding of No Significant Impact, REA's Environmental Assessment, BLM's Environmental Assessment Report, and White River's Borrower's Environmental Report may be reviewed in the office of the Director, Distribution Systems Division, Room 3306, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, White River Electric Association, Inc., P.O. Box 958, Meeker, Colorado 81641.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loan and Loan Guarantees.

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

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-11964 Filed 4-20-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Docket 26200 and Docket 34547]

Peter T. Robertson v. Pan American World Airways, Inc., et al. and Stephen Franklin Haust v. Pan American World Airways, Inc., et al.

Notice of Reassignment of Proceeding

The above proceedings have been reassigned to Administrative Law Judge John M. Vittone. Future communications should be addressed to Judge Vittone.

Dated at Washington, D.C., April 14, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-11966 Filed 4-20-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Canned Tomatoes and Canned Tomato Concentrates From Italy; Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination To Revoke

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order and of Tentative Determination to Revoke.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on canned tomatoes and canned tomato concentrates from Italy. As a result, the Department has tentatively determined to revoke such order on the grounds that the subsidy practices cited in the final determination have been terminated. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Black or Josephine Russo, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1774 or 377-2786).

SUPPLEMENTARY INFORMATION:

Procedural Background

A notice of "Final Countervailing Duty Determination," T.D. 68-112, was published in the **Federal Register** of April 19, 1968 (33 FR 6011). The notice stated that the Treasury Department had determined that exports of canned tomatoes and canned tomato concentrates from Italy were provided bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On September 8, 1972, Treasury published T.D. 72-234 (37 FR 18193) amending the order so as to restrict its application to canned tomatoes and canned tomato concentrates imported indirectly from Italy on or after July 15, 1971. On August 22, 1979 a notice of "Final Countervailing Duty Determination" was published in the **Federal Register** (44 FR 49248) regarding exports of tomato products from the European Communities ("the EC"). 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"). 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, the Department has conducted an administrative review of the order on canned tomatoes and canned tomato concentrates from Italy.

Scope of the Review

Imports covered by this review are canned tomatoes and canned tomato concentrates currently classificable under item numbers 141.65 and 141.66 of the Tariff Schedules of the United States (TSUS).

Preliminary Results of Review

As a result of our review, we preliminarily conclude that the imported merchandise no longer benefits from subsidies from the Government of Italy. The Department has received official confirmation that the Government of Italy ended all subsidy programs on this

merchandise. The Italian subsidy programs were replaced by the EC subsidies. The International Trade Commission found no injury by reason of the EC subsidies and we revoked the order on tomato products from the EC on October 20, 1980.

Therefore, in accordance with § 355.42(c)(2) of the Commerce Regulations, the Department has tentatively determined to revoke the countervailing duty order concerning canned tomatoes and canned tomato concentrates from Italy. If this order is revoked, it shall apply with respect to unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. The Department is not aware of any unliquidated entries prior to August 22, 1979, the effective date of the order on tomato products from the EC. Since any entries of Italian canned tomatoes and canned tomato concentrates only received subsidies under the programs of the EC since that date, entries made on or after August 22, 1979, through December 31, 1979, shall be liquidated in accordance with the EC order. The revocation on tomato products from the EC required liquidation of all entries made on or after January 1, 1980 without regard to countervailing duties. Consequently, the Department intends to instruct Customs officers to proceed with liquidation of all such entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 without regard to countervailing duties.

Interested parties may submit written comments on or before May 21, 1981, and may request disclosure and/or a hearing on or before May 6, 1981. Any request for an administrative protective order must be made within 5 days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of issues raised in written comments or at a hearing.

This administrative review, tentative determination to revoke, and notice are in accordance with sections 751(a)(1), (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and § 355.42 of the Commerce Regulations (19 CFR 355.42).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

April 15, 1981

[FR Doc. 81-11935 Filed 4-20-81; 8:45 am]

BILLING CODE 3510-25-M

Chains and Parts Thereof, of Iron or Steel, From Spain 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 January 5, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on chains and parts thereof, of iron or steel, from Spain. The review is based upon information for the period January 1, 1979 to December 31, 1979.

Interested parties were given an opportunity to submit written comments or to request a hearing on these preliminary results. We received no comments or requests for a hearing.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Mary A. Martin, Office of Compliance, Room 1126, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1770).

SUPPLEMENTARY INFORMATION:

On January 24, 1978, a notice of "Final Countervailing Duty Determination," T.D. 78-20, was published in the **Federal Register** (43 FR 3258). The notice stated that the Treasury Department had determined that exports of chains and parts thereof, of iron or steel, from Spain were provided bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On January 5, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 993) a notice of the preliminary results of its administrative review of the countervailing duty order on chains and parts thereof, of iron or steel, from Spain for the period of January 1, 1979 to December 31, 1979. The notice stated that the Department preliminarily determined to assess countervailing duties equal to the calculated value of the net subsidy, that is, of 12.50 percent of the f.o.b. invoice price of the merchandise. Interested parties were afforded an opportunity to furnish oral or written comments. The Department received no such comments.

Scope of the Review

The imports covered by this review are chains and parts thereof, of iron or steel. They are currently classifiable under items 652.24, 652.27, 652.30, 652.33, and 652.35 of the Tariff Schedules of the United States.

The review covers calendar year 1979, and it is limited to the Desgravacion Fiscal rebate program, which was the only program found countervailable in the Final Determination.

Final Results of the Review

The Government of Spain provided no response to our questionnaire of May 17, 1980. Because we have received no information to indicate that any part of the 12.50 percent Desgravacion Fiscal rebate is not countervailable, we determine that the net subsidy conferred upon producers exporting to the United States is 12.50 percent *ad valorem* of the f.o.b. invoice price.

The U.S. Customs Service shall assess countervailing duties at 12.50 percent *ad valorem* of the f.o.b. invoice price on all unliquidated entries of chains and parts thereof, of iron or steel, from Spain exported on or before December 31, 1979.

Further, the Customs Service shall collect a cash deposit of 12.50 percent *ad valorem* of the f.o.b. invoice price on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

These deposit requirements will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review prior to the next anniversary of the date of publication of the order.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (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 15, 1981.

FR Doc. 81-11936 Filed 4-20-81; 8:45 am]

BILLING CODE 3510-25-M

Float Glass From Italy; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, 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 float glass

from Italy. The time period varies for the two companies involved. As a result of this review, the Department has preliminarily determined to assess countervailing duties equal to the calculated value of the net subsidy as a percent of the f.o.b. invoice price of the merchandise. The rate for Societa Italiana Vetro S.p.A. for the period March 30, 1979 through December 31, 1979 is 11.36 percent *ad valorem*. The rates for Fabbrica Pisana S.p.A are: 10.17 percent *ad valorem* for the period January 7, 1976 through December 31, 1976; 8.99 percent *ad valorem* for 1977; 8.80 percent *ad valorem* for 1978; and 8.66 percent *ad valorem* for 1979. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Claire Richard or Ms. Mary Martin, Office of Compliance, Room 1126, Import Administration, International Trade Administration, Department of Commerce, Washington, D.C. 20230 (202–377–1487 or 377–1770).

SUPPLEMENTARY INFORMATION:

Procedural Background

On January 7, 1976, the Department of the Treasury ("Treasury") published a countervailing duty order, T.D. 76–9, with respect to float glass from Italy (41 FR 1274). Treasury modified the original order on March 8, 1977 (T.D. 77–77, 42 FR 13016) to exclude Societa Italiana Vetro S.p.A. ("SIV"). The petitioner challenged that determination and, on March 29, 1979, the U.S. Customs Court (now the Court of International Trade) held, in *ASG Industries Inc.* v. *United States*, 467 F. Supp. 1200 (Cust. Ct. 1979), that imports of float glass from Italy manufactured or produced by SIV did in fact benefit from the payment of bounties or grants. Liquidation was suspended on March 30, 1979 following the court's decision. The United States appealed the Customs Court decision to the U.S. Court of Customs and Patent Appeals ("CCPA").

On January 1, 1980, the provisions of title I of the Trade Agreement Act of 1979 ("the TAA") became effective. On January 2, 1980, the authority for administering the countervailing duty law was transferred from Treasury to the Department of Commerce ("the Department").

On June 18, 1980, the CCPA granted the motion of the United States to dismiss its appeal. As a result, the Department published an order on October 24, 1980, amending the countervailing duty order applicable to float glass from Italy to include float glass manufactured or exported by SIV.

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 ("the Tariff Act"), the Department has conducted an administrative review of the order on float glass from Italy.

Scope of the Review

The merchandise covered by this review is flat glass manufactured by the float process from Italy. It is currently classifiable under item numbers 543.21 through 543.69 of the Tariff Schedules of the United States (TSUS). Entries of float glass which have been substantially further manufactured (e.g., into tempered glass or laminated glass) are not subject to this countervailing duty order.

The review covers the two known exporters, Fabbrica Pisana and SIV, of this merchandise to the United States covered by this order. We have preliminarily determined that both companies received subsidies in the form of preferential financing, capital grants, reduced contributions to the Italian Social Welfare System (l'Istituto Nazionale Previdenza Sociale), and a reduced corporate income tax rate.

Analysis of Programs

(1) Preferential Interest Rate Program

Under these programs firms can obtain medium and long term government loans at preferential rates. These lower rates encourage firms to locate in the economically disadvantaged Mezzogiorno region (Southern Italy). The difference between the interest which would be paid at the commercial rate and that actually paid at the preferential rate is the subsidy.

SIV received two ten-year loans at preferential interest rates, one in 1974 and one in 1976. These are 7.71 and 10.8 percentage points below our estimate of the commercially available rates at the times. Fabbrica Pisana received two loans in 1972 and two additional loans in 1979. The two loans in 1972 were for ten years at interest rates which were 9.1 and 6.0 percentage points below the commercially available rates at the time. The interest rates of the 1979 loans were 10.75 and 1.9 percentage points below commercial rates. Payments for the first of these 1979 loans did not begin until after the present review period ended and it is, therefore, not considered here. We calculated the net *ad valorem* benefits of the preferential interest rate program for SIV to be 3.14 percent and for Fabbrica Pisana to be 1.60 percent (1976), 1.16 percent (1977), 0.99 percent (1978) and 0.88 percent (1979).

(2) Capital Investment Grants

We have received information indicating that SIV received a capital grant related to investments in the Mezzogiorno. Fabbrica Pisana submitted no information about such grants; however, other evidence indicates that Fabbrica Pisana received such a grant which was to be paid out over a 15 year period. Allocating the benefits equally over a 15 year period, we calculated the *ad valorem* subsidy for SIV to be 1.33 percent and for Fabbrica Pisana to be 0.32 percent (1976), 0.29 percent (1977), 0.27 percent (1978), and 0.25 percent (1979).

(3) Reduced Contributions to l'Istituto Nazionale Previdenza Sociale

To encourage investment in the Mezzogiorno, the Italian Government may reduce a company's payments to the social welfare fund. The amount by which they were lowered was included as an item in the total subsidy figure for each company. The best information available described this reduced payment as a percentage of labor costs. Labor costs for each firm were estimated to be a constant percentage of the total value of production. We received no information regarding this item from Fabbrica Pisana. In the absence of other information, we assumed that they took maximum advantage of this benefit, as SIV did. We calculated the net *ad valorem* benefit to be 0.64 percent for SIV and 1.29 percent each year for Fabbrica Pisana.

(4) Income Tax (IRPEG) Payments

While the normal income tax rate for corporations is 25 percent, our information indicates that the Government of Italy reduces the rate by half for companies operating in Southern Italy. We computed the taxable income for each firm to be half of the value of production, as we lack actual figures from the companies. The difference in the rates of taxation, 12.5 percent of taxable income, was calculated as this program's subsidy for each company. We calculated this *ad valorem* subsidy to be for SIV 6.25 percent and for Fabbrica Pisana: 6.96 percent (1976), 6.25 percent (1977, 1978, 1979).

Preliminary Results of Review

As a result of our review, we preliminarily determine the net subsidy rate conferred upon SIV to be 11.36 percent *ad valorem*. The net subsidy rates for Fabbrica Pisana are: 10.17

percent *ad valorem* for January 7, 1976 through December 31, 1976, 8.99 percent *ad valorem* for January 1, 1977 through December 31, 1977, 8.80 percent *ad valorem* for January 1, 1978 through December 31, 1978 and 8.66 percent *ad valorem* for January 1, 1979 through December 31, 1979. The Department intends to instruct the Customs Service to assess countervailing duties on merchandise from SIV entered, or withdrawn from warehouse, for consumption on or after March 30, 1979 and exported on or before December 31, 1979, at the 11.36 percent *ad valorem* rate. The Department intends to instruct the Customs Service to assess countervailing duties on merchandise from Fabbrica Pisana entered, or withdrawn from warehouse, for consumption on or after January 7, 1976 and exported before December 31, 1979 at the above stated rates.

Further, the Customs Service will be instructed to collect a cash deposit of estimated countervailing duties at the most recent of the above (11.36 percent for SIV, 8.66 percent for Fabbrica Pisana) on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of the 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, the suspension of liquidation and deposit requirements previously ordered will continue.

Interested parties may submit written comments on these preliminary results on or before May 21, 1981 and may request disclosure and/or a hearing on or before May 6, 1981. Any requests for an administrative protective order must be made on or before April 27, 1981. The Department will publish a notice of the final results of the administrative review including the results of its analysis of any such comments or hearing.

(Sec. 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.

[FR Doc. 81-11887 Filed 4-20-81; 8:45 am]

BILLING CODE 3510-25-M

Sugar From France, Belgium and the Federal Republic of Germany; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On February 23, 1981, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on sugar from France, Belgium, and the Federal Republic of Germany. The review covered the 13 known exporters and transshippers of this merchandise to the United States and covered the time period February 12, 1979 through May 31, 1980 for each firm.

Interested parties were given an opportunity to submit written comments on the preliminary results. No comments or requests for a hearing were received.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Linda L. Pasden, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-4106).

SUPPLEMENTARY INFORMATION:

Procedural Background

On June 13, 1979, a dumping finding with respect to sugar from France, Belgium, and the Federal Republic of Germany was published in the **Federal Register** as Treasury Decision 79-167 (44 FR 33878). On February 23, 1981, the Department of Commerce ("the Department") published in the **Federal Register** the preliminary results of its administrative review of the antidumping finding (46 FR 13536). The Department has now completed the administrative review of the finding.

Scope of the Review

Imports covered by this review are shipments of sugar, both raw and refined, currently classifiable under item numbers 155.2025, 155.2045, and 155.3000 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of a total of 13 exporters and transshippers to the United States of sugar from France, Belgium, and the Federal Republic of Germany. The review covers the period February 12, 1979 (the date of suspension of liquidation) through May 31, 1980. The Department received no comments or requests for a hearing.

Final Results of the Review

Because we received no comments, the final results of our administrative review are the same as our preliminary results. We found no shipments or transshipments of sugar from France, Belgium, and the Federal Republic of Germany during this period and there are no known unliquidated entries. We used fair value weighted-average margins as the best information available:

	Margins [1] percent
France	
S.A. Ancienne Maison Marcel Bauche	102
Societe Beghin Say S.A	102
Societe Jean Lion	102
Generale Sucriere	102
CIE Commerciale Sucre et Denrees	102
Belguim	
Raffinerie Tirlemontoise S.A.	103
Societe pour l'Exportation des Sucres	103
Federal Republic of Germany	
Suddeutsche Zucker AG	121
Pfeifer & Langen	121
Braunschweiger AG	121
August Topfer & Co	121
Transshipppers	
E.D. & F. Man, Ltd., London, England	[2]
C. Czarnikow, Ltd., London, England	[2]

[1] No shipments during current period.
[2] Rate based on country of origin.

As required by section 353.48(b) of the Commerce Regulations, a cash deposit of 102%, 103%, and 121% of the entered value, based upon the margins above, shall be required on all shipments of sugar from France, Belgium, and the Federal Republic of Germany, respectively, entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results. The cash deposit shall be reduced by the amount of any countervailing duty cash deposit attributable to export subsidies required at the time of entry. These deposit requirements shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of June 1982.

(Sec. 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53)

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-11888 Filed 4-20-81; 8:45 am]

BILLING CODE 3510-25-M

Unrefined Montan Wax From the German Democratic Republic; Antidumping; Extension of Period for Final Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Extension of period for final determination.

SUMMARY: We are extending by 60 days the period for final determination in the antidumping investigation of unrefined

montan wax from the German Democratic Republic. We will make a final determination by July 17, 1981.

EFFECTIVE DATE: April 21, 1981

FOR FURTHER INFORMATION CONTACT: Frank R. Crowe or Charles E. Wilson, Office of Investigations, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–3003 or 202–377–5288).

SUPPLEMENTARY INFORMATION: On March 9, 1981, we determined preliminarily that unrefined montan wax from the German Democratic Republic was being, or was likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673) ("the Act"). We announced out determination in the **Federal Register** on March 12, 1981 (46 FR 16287–16290).

Chemie Export-Import is the sole exporter of unrefined montan Wax from the German Democratic Republic. On April 9, 1981, Chemie Export-Import requested that we extend by 60 days the period for final determination in accordance with section 735 (a)(2) of the Act (19 U.S.C. 1673d(a)(2)). We are granting this request and extending the period for final determination to July 17, 1981.

Dated: April 15, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–11889 Filed 4–20–81; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

Proposed Federal Information Processing Standard (FIPS), Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Subdivisions

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. Responsibilities of the National Bureau of Standards for the development, publication, and promulgation of data element and representation standards are defined in Part 6 of Title 15 of the Code of Federal Regulations.

The purpose of this notice is to advise that a Federal Information Processing Standard (FIPS), Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Subdivisions, is being proposed as a Federal General Data Element and Representation Standard for Federal use. The proposed FIPS would supersede current standard FIPS 10–2, Countries, Dependencies, and Areas of Special Sovereignty. The proposed FIPS would also expand the content of FIPS 10–2 to include principal administrative subdivisions, which are defined as administrative areas directly subordinate to the pertinent governing authority. All areas which are directly subordinate are considered to be "principal," even though they may not be of equal rank.

Prior to the submission of this proposed FIPS to the Secretary for review and approval, it is essential to assure that consideration is given to the views of Federal agencies, State and local governments, the private sector including industry, and the public at large. Accordingly, a secondary purpose of this notice is to advise of the availability of the proposed FIPS and to solicit such views.

The proposed FIPS contains two basic sections: (1) an announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specifications section which includes the technical content of the standard. The specifications section lists, for each primary geopolitical entity, its name and code, the generic name or names for subdivisions of the entity, the names and codes of the principal administrative subdivisions, and a scope note, as necessary, to explain a circumstance relevant to the entity. The coding structure is alphanumeric. Two alphabetic characters serve as the primary entity code; the are identical to those in FIPS PUB 10–2, as updated. Two numeric characters are added to uniquely identify each subdivision. Each outlying area of the United States has two alternate codes: a unique primary entity code and another code indicative of U.S. sovereignty. Included in the specifications section is an index, in code sequence, to all entities listed in the standard. Only the announcement section of the proposed FIPS is provided in this notice. It appears at the conclusion of the notice.

Interested parties may obtain a copy of the technical specifications from and submit comments in writing to Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (ATTN: Proposed FIPS on Countries). To be considered, comments on this proposed FIPS must be received not later than July 20, 1981.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C. 20230.

Persons desiring further information about this proposed FIPS may contact Roy Saltman, Data Management and Programming Languages Division, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921–3491.

Dated: April 16, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication ——— 1981 (month) (day)

Announcing the Standard for Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Subdivisions

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards pursuant to Section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973), and Part 6 of Title 15 Code of Federal Regulations.

1. Name of Standard. Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Subdivisions, (FIPS PUB ———).

2. Category of Standard. Federal General Data Element and Representation Standard.

3. Explanation. This Federal Information Processing Standard sets forth a list of the basic geopolitical entities in the world, together with the principal subdivisions that comprise each entity. The generic name of each subdivision type is given. The standard also provides a four-character alphanumeric identifier for each subdivision listed. The two-character alphabetic portion of this identifier serves as the country code of a basic entity. This code is identical to that published in FIPS PUB 10–2, Countries, Dependencies, and Areas of Special Sovereignty. The remainder of the identifier, primarily numerical, differentiates the principal subdivisions in each basic entity. Therefore, this standard supersedes FIPS 10–2 in its entirety.

Basic geopolitical entities are defined as they were in FIPS 10–2:

a. independent states;

b. dependent areas;

c. areas of quasi-independence, noncontiguous territories, possessions without populations, areas with special sovereignty associations, and areas without sovereignty;

d. political regimes not recognized by the United States;

e. outlying areas of the United States, including islands in dispute.

For purposes of this standard, a principal administrative subdivision is defined as an

administrative area directly subordinate to the pertinent governing authority. Even though all principal administrative subdivisions within an entity may not be of equal rank, this standard considers them as "principal."

Names of the principal subdivisions listed in the standard are names approved by the United States Board on Geographic Names, the authority established by law to assure the standardization of geographic names for purposes of official Federal use.

4. Approving Authority. The Secretary of Commerce.

5. Maintenance Agency. Office of the Geographer, Department of State, Washington, DC 20520.

Questions concerning the list of entities and codes should be addressed to the Maintenance Agency. The Maintenance Agency will provide changes as they occur to the National Bureau of Standards. These may include changes in names (as approved by the U.S. Board on Geographic Names), and changes in definitions or codes.

Change notices to this FIPS PUB will be issued by the National Bureau of Standards. Users who wish to receive such notices should complete the Change Request Form included in this FIPS PUB and return it to the address indicated on the form.

6. Cross Index. None.

7. Applicability. Federal general data element and representation standards are prescribed for interchange among executive departments and independent agencies and for Federal interchange with the non-Federal sector including industry, State, local, and other Governments, and the public at large.

8. Implementation Schedule. This standard becomes effective six months after approval by the Secretary of Commerce. Federal agencies will develop procedures for implementing this standard by their operating units and personnel.

9. Specifications. Federal Information Processing Standard (FIPS), Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Subdivisions (affixed).

10. Waiver Procedure. Heads of agencies may request that the provisions of this standard be waived in instances where its use would seriously affect the capability of the agency to perform its operational mission. Such waiver requests will be reviewed and resolved by the Secretary of Commerce. Correspondence setting forth the reasons and justification for the waiver should be included in the waiver request.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, DC 20230. Each request shall be labeled as a Request for Waiver to a Federal Information Processing Standard. No action shall be taken by an agency to deviate from the standard prior to the receipt of a waiver approval response from the Secretary of Commerce.

11. Where to Obtain Copies of the Standard. Copies of this publication are available for sale by the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161; order desk telephone: (703) 487–4650. When ordering, please refer to Federal Information Processing Standards Publication (FIPS–PUB–), and title. When microfiche is desired, this should be specified. Payment may be made by check, money order, American Express card, or deposit account.

Inquiries concerning the FIPS data element standards program may be directed to the Program Manager, Data Element and Representation Standards Program, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234; telephone: (301) 921–3491.

[FR Doc. 81–11967 Filed 4–20–81; 8:45 am]

BILLING CODE 3510–13–M

Proposed Federal Information Processing Standard Codes for the Identification of Federal and Federally Assisted Organizations

Under the provisions of Pub. L. 89–306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. Responsibilities of the National Bureau of Standards for the development, publication, and promulgation of data element and representation standards are defined in Part 6 of Title 15 of the Code of Federal Regulations.

The purpose of this notice is to advise that a Federal Information Processing Standard (FIPS), Codes for the Identification of Federal and Federally-Assisted Organizations, is being proposed as a Federal General Data Element and Representation Standard for Federal use. The proposed FIPS responds to a long-standing requirement for a coding system identifying Federal organizations that is consistent with both the organizational and budgetary structures of the Federal Government. The proposed coding system adopts, as a major subelement, the Treasury Agency Symbol (TAS) used in the budgetary process and maintained by the U.S. Department of the Treasury.

Prior to the submission of this proposed FIPS to the Secretary for review and approval, it is essential to assure that consideration is given to the views of Federal agencies, State and local governments, the private sector including industry, and the public at large. Accordingly, a secondary purpose of this notice is to advise of the availability of the proposed FIPS and to solicit such views.

The proposed FIPS contains two basic sections: (1) an announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specifications section which includes the technical content of the standard. The specifications section contains a Table of Organizations and Codes which provides a standard code for each organization listed, and it contains an Appendix, Selection and Classification of Organizations, in which an explanation of the design of the standard is given. The Table of Organizations and Codes consists of three parts. In Part A, arrangement of the organizations is by hierarchical and budgetary relationship; in Part B, arrangement is by alphabetic sequence of the organizations; and in Part C, organizations are arranged by alphanumeric sequence of the assigned codes. Only the announcement section of the proposed FIPS is provided in this notice. It appears at the conclusion of the notice.

Interested parties may obtain a copy of the technical specifications from and submit comments in writing to Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (ATTN: Proposed FIPS on Federal Organization Codes). To be considered, comments on this proposed standard must be received not later than July 20, 1981.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, D.C. 20230.

Persons desiring further information about this proposed FIPS may contact Roy Saltman, Data Management and Programming Languages Division, Center for Programming Science and Technology, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921–3491.

Dated: April 16, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication ——— 1981 (Month) (Day)

Announcing the Standard for Codes for the Identification of Federal and Federally Assisted Organizations

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated

May 11, 1973), and Part 6 of Title 15, Code of Federal Regulations.

Name of Standard: Codes for the Identification of Federal and Federally Assisted Organizations, (FIPS PUB ———).

Category of Standard: Federal General Data Element and Representation Standard.

Explanation: This standard provides a four-character identifier for each organization listed. The set of identifiers defines a standard data element. The two leftmost characters form a standard sub-element which is identical with the two-digit numerical code used in the Federal budgetary process to identify major Federal organizations. This sub-element, designated as the Treasury Agency Symbol (TAS), is maintained by the U.S. Department of the Treasury.

Each organization listed in this standard is included in one of the following categories:

* Legislative Branch,
* Judicial Branch,
* Executive Office and Departments (and their Associated Organizations),
* Other Independent Federal Organizations (and their Associated Organizations),
* Independent Federal-State and Interstate Organizations,
* International Organizations.

Approving Authority: The Secretary of Commerce.

Maintenance Agency: Data Element and Representation Standards Program, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234. Questions concerning the list of organizations and codes should be addressed to the Maintenance Agency.

Change notices to this FIPS PUB will be issued by the National Bureau of Standards. Users who wish to receive such notices should complete the Change Request Form included in this FIPS PUB and return it to the address indicated on the form.

Cross Index: None.

Applicability: Federal general data element and representation standards are prescribed for interchange among executive departments and independent agencies and for Federal interchange with the non-Federal sector including industry, State, local, and other Governments, and the public at large.

Under these interchange conditions, an example of the use of the data element defined herein is the recording of coded representations identifying the organizational distribution of Federal operating parameters. Some examples of operating parameters are: number of personnel employed, value of contracts and grants issued, value of services of an identical type received from a single source, inventoried quantity of a particular item, and value and identity of property managed or controlled. This data element is not required to indicate the distribution of operating parameters to organizational levels lower than that considered herein. However, the data element is applicable if the lower level data are aggregated to be consistent with the levels for which codes have been provided.

The data element defined herein is applicable also under the above interchange conditions for use with identification codes assigned to a set of similar items, but only if organizational identification is used as part of the code. If organizational identification is employed, but it is relevant only at the first level, then only the two leftmost characters of the standard data element (the TAS) are applicable. Examples of sets of items which could employ organizationally indicative identification codes are: the set of identities of Federal reports and computer programs that are available for public use or distribution, the set of identities of domestic assistance programs for which a prospective recipient might apply, and the set of identities of grants and contracts awarded. The adoption of this standard does not require the modification of any existing or proposed identification code which is not organizationally indicative.

Implementation Schedule: This standard becomes effective twelve months after approval by the Secretary of Commerce. Federal agencies will develop procedures for implementing this standard by their operating units and personnel.

Specifications: Federal Information Processing Standard ——— (FIPS PUB ———), Codes for the Identification of Federal and Federally Assisted Organizations (affixed).

Waiver Procedure: Heads of agencies may request that the provisions of this standard be waived in instances where its use would seriously affect the capability of the agency to perform its operational mission. Such waiver requests will be reviewed and resolved by the Secretary of Commerce. Correspondence setting forth the reasons and justification for the waiver should be included in the waiver request.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, D.C. 20230. Each request shall be labeled as a Request for Waiver to a Federal Information Processing Standard. No action shall be taken by an agency to deviate from the standard prior to the receipt of a waiver approval response from the Secretary of Commerce.

Where To Obtain Copies of the Standard: Copies of this publication are available for sale by the National Technical Information Service (NTIS), U.S. Dept. of Commerce, Springfield, Virginia 22161. When ordering, refer to Federal Information Processing Standards Publication ——— (FIPS PUB ———), and title. When microfiche is desired, this should be specified. Payment may be made by check, money order, American Express card, or deposit account.

Inquiries concerning the FIPS data element standards program may be directed to the Program Manager, Data Element and Representation Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234; telephone: (301) 921-3491.

[FR Doc. 81-11968 Filed 4-20-81; 8:45 am]

BILLING CODE 3510-13-M

Proposed Federal Information Processing Standard, Standard Occupational Classification (SOC) Codes

Under the provisions of Public Law 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. Responsibilities of the National Bureau of Standards for the development, publication, and promulgation of data element and representation standards are defined in Part 6 of Title 15 of the Code of Federal Regulations.

The purpose of this notice is to advise that a Federal Information Processing Standard (FIPS), Standard Occupational Classification (SOC) Codes, is being proposed as a Federal General Data Element and Representation Standard for Federal use. The proposed FIPS would adopt the occupational codes and titles published in the Standard Occupational Classification Manual and promulgated as Directive 10 of the Office of Federal Statistical Policy and Standards. The statistical standard, Directive 10, is intended for use in the collection and analysis of occupational data. The proposed FIPS assures compatibility with Directive 10 in the automated interchange of occupationally-coded data.

Prior to the submission of this proposed FIPS to the Secretary for review and approval, it is essential to assure that consideration is given to the views of Federal agencies, State and local governments, the private sector including industry, and the public at large. Accordingly, a secondary purpose of this notice is to advise of the availability of the proposed FIPS and to solicit such views.

The proposed FIPS contains two basic sections: (1) an announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard, and (2) a specifications section which includes the technical content of the standard. The specifications section provides short or "tabulating" titles for the occupational groups listed and a numeric code for each title. An explanation of the principles used in the development of the standard occupational classification system is also included in the specifications section. The codes and titles used are consistent with the Revised (1980) Edition of the Standard Occupational Classification Manual (available from the Government Printing Office). Only

the announcement section of the proposed FIPS is provided in this notice. It appears at the conclusion of the notice.

Interested parties may obtain a copy of the technical specifications from and submit comments in writing to Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (ATTN: Proposed FIPS on Standard Occupational Classifications). To be considered, comments on this proposed FIPS must be received not later than July 20, 1981.

Written comments received in response to this notice will be made part of the public record and will be made available for inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Persons desiring further information about this proposed FIPS may contact Roy Saltman, Data Management and Programming Languages Division, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234; telephone (301) 921–3491.

Dated: April 16, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication ——— 1981 (month) (day)

Announcing the Standard for Standard Occupational Classification (SOC) Codes

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Public Law 89–306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations.

1. Name of Standard. Standard Occupational Classification (SOC) Codes, (FIPS PUB ———).

2. Category of Standard. Federal General Data Element and Representation Standard.

3. Explanation. This Federal Information Processing Standard provides codes and titles (shortened for tabulation purposes) for identifying and classifying occupations. The standard includes all occupations in which work is performed for pay or profit, including work performed in family-operated enterprises where direct remuneration may not be made to family members.

The SOC was developed by the Interagency Committee on Occupational Classification and promulgated as a statistical standard by Directive 10 of the Office of Federal Statistical Policy and Standards. The latter office assumed the statistical policy functions formerly resident in the Statistical Policy Division of the Office of Management and Budget.

4. Approving Authority. The Secretary of Commerce.

5. Maintenance Agency. Office of Federal Statistical Policy and Standards, Department of Commerce, Washington, DC 20230.

Questions concerning the classification of occupations should be directed to the Maintenance Agency. The Maintenance Agency will provide the National Bureau of Standards with information on changes relating to the SOC occupations and titles, their definitions, and codes.

Change notices to this FIPS PUB will be issued by the National Bureau of Standards. Users who wish to receive such notices should complete the Change Request Form included in this FIPS PUB and return it to the address indicated on the form.

6. Cross Index. The SOC codes adopted by this standard have been published by the Office of Federal Statistical Policy and Standards in the Standard Occupational Classification Manual, 1980 Edition. The titles classified in this standard are taken from the Dictionary of Occupational Titles (DOT), Fourth Edition, 1977. Both documents are available from the Superintendent of Documents, U.S. Government Printing Office. The Stock Number for the Manual is 003–005–00187–5; for the Dictionary the Stock Number is 029–013–00079–9.

7. Applicability. Federal general data element and representation standards are prescribed for interchange among executive departments and independent agencies and for Federal interchange with the non-Federal sector including industry, State, local, and other Governments, and the public at large.

The Standard Occupational Classification is to be used in statistical analysis, collection, and presentation of data on workers that are classified by type of occupational activity in which they are engaged. The classification should be used wherever occupational distinctions are needed in labor force, employment, personal income, and other demographic information programs. Its use will provide better analytical comparability to other related, occupational data.

8. Implementation Schedule. This standard becomes effective six months after approval by the Secretary of Commerce.

9. Specifications. Federal Information Processing Standard ——— (FIPS ———), Standard Occupational Classification (SOC) Codes (affixed).

10. Waiver Procedure. Heads of agencies may request that the provisions of this standard be waived in instances where its use would seriously affect the capability of the agency in performing its operational mission. Such waiver requests will be reviewed and resolved by the Secretary of Commerce. Correspondence setting forth the reasons and justification for the waiver should be included in the waiver request.

Forty-five days should be allowed for review and response by the Secretary of Commerce. Waiver requests shall be submitted to the Secretary of Commerce, Washington, DC 20230, and labeled as a Request for Waiver to a Federal Information Processing Standard. No action will be taken by the agency to deviate from the standard prior to the receipt of a waiver approval response from the Secretary of Commerce.

11. Qualifications. None.

12. Where to Obtain Copies of the Standard. Copies of this publication are available for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. When ordering, please refer to Federal Information Processing Standards Publication ——— (FIPS–PUB– ———), and title. When microfiche is desired, this should be specified. Payment may by made by check, money order, American Express card, or deposit account.

A magnetic tape version of this standard is available for sale by the same agency. In addition to the SOC codes and short titles published herein, the magnetic tape version contains the codes and titles as published in the SOC Manual. The tape also contains data from the Dictionary of Occupational Titles, Fourth Edition.

Inquiries concerning the FIPS data element standards program may be directed to the Program Manager, Data Element and Representation Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234, telephone (301) 921–3491.

[FR Doc. 81–11969 Filed 4–20–81; 8:45 am]

BILLING CODE 3510–13–M

National Technical Information Service

Mead Johnson and Co.; Intent To Grant Limited Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Mead Johnson & Company a limited exclusive right in the United States to manufacture, use and sell products embodied in the invention, "N-Acetyl-Cysteine Protects Against Cardiac Damage from Subsequently Administered Adriamycin in Cancer Therapy."

The invention is protected by U.S. Patent Application No. 24,246 (dated March 27, 1979). Copies of the application may be purchased from NTIS, Springfield, VA 22161 at five dollars per copy. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the right to license this invention has been transferred to the Secretary of Commerce.

The availability of this invention for licensing was announced in the **Federal Register** (44 FR 54535; September 20, 1979); *Government Inventions for Licensing* (September 4, 1979); and the Patent and Trademark Office's *Official Gazette* (October 16, 1979). To date, these and other promotional efforts have not resulted in any applications for

nonexclusive licenses under this patent. The proposed limited exclusive license will be royalty-bearing and will expire five years from the date of New Drug Approval by the Food and Drug Administration of the products embodied in the invention. The terms and conditions of the license will comply with 35 U.S.C. 209 (Public Law 96–517) and 41 CFR 101–4.1.

The proposed license may be granted unless, on or before June 22, 1981, NTIS receives (1) an application for a nonexclusive license from a responsible applicant intending to practice the invention in the United States and NTIS determines that such applicant is likely to bring the invention to the point of practical application within a reasonable period of time; or (2) written evidence and argument which establishes that the grant of the proposed limited exclusive license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed limited exclusive license must be submitted to the Office of Government Inventions and Patents, NTIS, Springfield, VA 22161. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter (including the basis therefor).

Dated: April 14, 1981.

Melvin S. Day,

Director.

[FR Doc. 81–11937 Filed 4–20–81; 8:45 am]

BILLING CODE 3510–04–M

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange, Inc.'s Proposed Futures Contract Based Upon a Comex 500 Stock Index

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed commodity futures contract.

SUMMARY: The Commodity Exchange, Inc. ("Comex") has applied for designation as a contract market for futures contracts based upon a Comex 500 Stock Index. Comex's index would use the same 500 stocks and the same method of computation as the Standard and Poor's 500 Stock Index, with the contract unit estblished by multiplying the index by $500. Delivery would be effected through cash settlement. The Commodity Futures Trading Commission ("Commission") has determined that the terms and conditions of this proposed futures contract are of major economic significance and that, accordingly, publication of the proposed terms and conditions is in the public interes, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 22, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to Comex 500 Stock Index Contract.

FOR FURTHER INFORMATION CONTACT: Wendy E. Robinson, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–8955; or Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–7303.

SUPPLEMENTARY INFORMATION: The terms and conditions of the proposed Comex 500 Stock Index Contract are as follows:

Chapter 12

Comex 500 Stock Index By-Laws

Contract Unit for Comex 500 Stock Index

Section 1201. (a) The contract unit for each futures contract based upon the Comex 500 Stock Index shall be five hundred ($500) dollars times the Comex 500 Stock Index.

(b) The Comex 500 Stock Index shall be calculated according to the following formula:

$$\text{Comex 500 Stock Index} = \frac{\sum_{i=1}^{500} P_{it} Q_{it}}{\sum_{i=1}^{500} P_{ie} Q_{ie}} \times 10$$

Such formula shall use the same five hundred stock issues used by Standard and Poor's in calculating its stock price index. Pursuant to such formula, each component stock is weighted so that it will influence the index in proportion to its market value; the weighting factor is the number of shares outstanding.*

*P_{it} represents the current market price of the i'th stock; P_{ie} represents the market price of the i'th stock in the base period; Q_{it} represents the number of shares of the i'th stock currently outstanding; and Q_{ie} represents the number of shares outstanding in the base period.

Form of Comex 500 Stock Index Contract

Section. 1202. All futures contracts based upon the Comex 500 Stock Index shall be in the following form:

Commodity Exchange, Inc., Comex 500 Stock Index Contract

New York, N.Y., , 19

has this day (sold) (bought) and agreed to effect settlement at maturity of futures contract(s) based upon the Comex 500 Stock Index, in accordance with the provisions of the By-Laws, Rules and Regulations of Commodity Exchange, Inc., on the date selected by Comex Clearing Association, Inc. for settlement of the contract, upon notice by both parties as provided by the By-Laws, Rules and Regulations of Commodity Exchange, Inc.

Either party may call for a margin, as the variations of the market may warrant, which margin shall be kept good.

This contract is made in view of, and in all respects subject to the By-Laws, Rules and Regulations of Commodity Exchange, Inc.

For and in consideraiton of one dollar to the undersigned, in hand paid, receipt whereof is hereby acknowledged, the undersigned accepts this contract with all its obligations and conditions.

Verbal contracts (which shall always be presumed to have been made in the approved form) shall have the same standing, force and effect as written ones if notice in writing of such contracts shall have been given by one of the parties thereto to the other parties during the day on which such contract is made.

Settlement of Comex 500 Stock Index Contract

Section 1203. (a) Each futures contract based upon the Comex 500 Stock Index in the current calendar month, which is open at the close of business on the last day of trading in such contract month, shall be settled on the business day following the last day of trading in such contract month at the settlement price thereof on the last day of trading, all in the manner set forth in this section 1203 of the By-Laws.

(b) Each futures contract based upon the Comex 500 Stock Index in the current calendar month, which is open at the close of business on the last day of trading, shall expire at 11:00 a.m. on the business day following the last day of trading in such contract month, and shall be settled at that time and date.

(c) Settlement of each futures contact based upon the Comex 500 Stock Index pursuant to this sectin 1203 of the By-Laws shall be effected in cash.

Comex 500 Stock Index Rules

Hours for Trading Comex 500 Stock Index Contracts

Rule 1. The hours for trading futures contracts based upon the Comex 500 Stock Index shall be from 10:00 a.m. to 4:10 p.m., New York time.

Call for Comex 500 Stock Index Contracts

Rule 2. (a) A call for the purchase and sale of Comex 500 Stock Index futures contracts shall be held in the designated trading area of the Exchange on each business day at the hour prescribed for the opening of trading in Comex 500 Stock Index futures contracts as provided in Rule 1, and shall be conducted by a person designated by the President.

The call shall be for the delivery months prescribed in Rule 3. Each such delivery month shall be called separately commencing with the nearest delivery month and shall continue until the last of such delivery months within the period specified in Rule 3 has been called, after which the call shall stand adjourned.

(b) Notwithstanding the provisions of paragraph (a) of this rule, if the Board of Governors determines that trading in Comex 500 Stock Index futures contracts will be facilitated thereby, the Board, by resolution, may order trading in all such delivery months for Comex 500 Stock Index futures contracts to open at the same time at the hour prescribed for the opening of trading in Comex 500 Stock Index futures contracts as provided in Rule 1. In the event of such an order by the Board, there shall be no opening call in Comex 500 Stock Index futures contracts.

Contract Months for Comex 500 Stock Index Contracts

Rule 3. Trading in Comex 500 Stock Index futures contracts shall be conducted for maturity in the following months in any twenty-three month period beginning with the current calendar month: March, June, September and December. In addition, trading in Comex 500 Stock Index futures contracts shall be conducted for maturity in every current calendar month and the immediately following two calendar months.

Termination of Trading in a Contract Month

Rule 4. Futures trading in a contract month shall terminate as of the close of business on the second last business day of the calendar month.

Price Multiples for Comex 500 Stock Index Contracts

Rule 5. Prices for Comex 500 Stock Index futures contracts shall be quoted in terms of the Comex 500 Stock Index. The minimum price fluctuation shall be five one-hundredths (0.05) of the Comex 500 Stock Index. Contracts made on any other basis are prohibited.

Price Fluctutation Limitation for Comex 500 Stock Index Contracts

Rule 6. Trades for future delivery in any month shall not, during any one day, be made at prices varying more than five 5.0 index points (or $2,500) above or below the settlement price for such month on the preceding business session of the Exchange as established by the Committee on Quotations for Financial Instruments.

Any business day on which one or more contract months close at the day's price limit shall be called a "limit day". In the event two consecutive business days are limit days at the normal price limit set forth above, then an expanded daily price limit schedule shall go into effect as follows:

(a) the third business day's price limit in all contract months shall be 150% of the normal price limit;

(b) if any day on which the 150% price limit is in effect is a limit day, then the next businesss day's price limit in all contract months shall be 200% of the normal price limit;

(c) if any day on which the 200% price limit is in effect is a limit day, then the daily price limit on the next business day in all contract months shall be 200% of the normal price limit; and

(d) if any day on which either the 150% or 200% expanded price limit is in effect is not a limit day, then such expanded price limit shall continue on the following business day;

(e) if neither of two consecutive days on which the 200 percent expanded price limit is in effect are limit days, the daily price limit on the next business day shall be 150 percent of the normal price limit; and

(f) if neither of two consecutive days on which the 150 percent expanded price limit is in effect are limit days, the daily price limit on the next business day shall be the normal price limit.

The foregoing daily price fluctuation limitations shall not apply to trading in a delivery month during the period beginning with the first business day following the cessation of trading in the prior delivery month and ending with the last day of trading in such delivery month, unless otherwise determined by the Board.

At the discretion of the Board, any limit of trading herein provided for may from time to time and without previous notice be changed or temporarily modified.

The affirmative vote of a majority of those present, but in no event less than twelve members of the Board, shall be necessary to effect any change in the foregoing provisions.

Reportable Account

Rule 7. Each member firm that maintains an account either for itself or for a customer that is the record holder of a quantity of Comex 500 Stock Index futures contracts which is equal to or in excess of the reporting levels established by the Board ("Reportable Account") shall immediately report such fact in writing to such representative of the Exchange or to such persons, firm or corporation as may be designated by the Exchange and thereafter shall report, on a daily basis, the position of a Reportable Account. Such report shall set forth the name, address and business affiliation of the Reportable Account. Such report shall set forth the name, address and business affiliation of the Reportable Account and the beneficial owner of the Reportable Account, and shall describe the entire Comex 500 Stock Index features position of the Reportable Account by delivery month and number of contracts. For purposes of determining the aggregate number of contracts held by any person, firm or corporation ("Aggregate Contracts") the following rules shall apply: (i) positions shall be evaluated on a gross, rather than net, basis, and (ii) if a member firm knows, or with the exercise of due care should know, or is advised by the Exchange, that two or more accounts either are controlled by or under common control with, the same or related or affiliated persons, or are acting pursuant to an express or implied agreement or understanding, then such accounts shall be aggregated to determine whether a Reportable Account exists (any such two or more accounts are called "Affiliated Accounts").

The Board from time to time may establish or alter reporting levels for purposes of this Comex 500 Stock Index Rule 7.

* * * * *

Other materials submitted by Comex in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. § 552) and the Commission's regulations thereunder (17

CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts compliance staff of the Office of the Secretariat at the Commissioner's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by Comex in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by June 22, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on April 16, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-11949 Filed 4-20-81; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Dockets 81-3, 81-4, 81-5 and 81-6]

John R. Lyman Co., Inc., et al.; S. Schwab Co., Inc., et al.; Hollywood Needlecraft, Inc., et al.; and Western Publishing Co., Inc.; Publication of Complaints

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of Complaints under the Consumer Product Safety Act.

SUMMARY: Under provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025), the Commission must publish in the **Federal Register** complaints which it issues under the Consumer Product Safety Act. Printed below are four complaints which the Commission has recently issued.

The Complaints are: CPSC Docket No. 81–3, in the matter of John R. Lyman Company, Inc., and Edward S. Wright, as an officer of the corporation; CPSC Docket No. 81–4, in the matter of S. Schwab Company, Inc., and Richard D. Schwab and Leonard C. Schwab as officers of the corporation; CPSC Docket No. 81–5, in the matter of Hollywood Needlecraft, Inc., and William C. Roen as president of the corporation; and CPSC Docket No. 81–6, in the matter of Western Publishing Company, Inc.

SUPPLEMENTARY INFORMATION: [attached].

Dated April 16, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

United States of America, Consumer Product Safety Commission

CPSC Docket No. 81–3

Complaint

Nature of the Proceeding

In the matter of John R. Lyman Company, Inc. a corporation, and Edward S. Wright, as an officer of the corporation.

1. This is an adjudicative proceeding under the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission (hereinafter, the "Commission"), 16 CFR Part 1025, for the assessment of civil penalties pursuant to section 20 of the Consumer Product Safety Act (hereinafter, the "CPSA"), 15 U.S.C. 2069, against respondents John R. Lyman Company, Inc. and Edward S. Wright for failing to comply with the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

Jurisdiction

2. The Commission has jurisdiction over the subject matter of this adjudicative proceeding pursuant to sections 15(b), 19(a)(3), 19(a)(4), 20, and 27(a) of the CPSA, 15 U.S.C. 2064(b), 2068(a)(3), 2068(a)(4), 2069 and 2076(a); 16 C.F.R. 1115.2d); and 43 F.R. 34988, 34989 (August 7, 1978).

Respondents

3. Respondent John R. Lyman Company, Inc. (Lyman) is a corporation organized and existing under the laws of the State of Massachusetts with its principal corporate offices located at 60 Depot Street, P.O. Box 157, Chicopee, Massachusetts 01014. The corporation is a "distributor" and/or "retailer" within the meaning of sections 3(a)(5) and (a)(6) of the CPSA, 15 U.S.C. 2052(a)(5) and (a)(6).

4. Respondent Edward S. Wright is president of the respondent corporation. In this capacity he controls the acts, practices, and policies of the respondent corporation.

The Consumer Product

5. Sleepwear produced or distributed for sale is a consumer product within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

6. TRIS (2,3-dibromopropyl) phosphate, commonly known and hereinafter referred to as "TRIS", is a flame-retardant chemical. Prior to 1977, TRIS was commonly applied to children's wearing apparel made with acetate, tri-acetate blends, and 100% polyester fabrics to meet the flammability standards for children's sleepwear, 16 CFR parts 1615 and 1616, promulgated pursuant to section 4 of the Flammable Fabrics Act, as amended, 15 U.S.C. 1193.

7. The Commission considers TRIS to be toxic within the meaning of section 2(g) of the Federal Hazardous Substances Act (hereinafter, the FHSA), 15 U.S.C. 1267(g), in that it has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through the body surfaces. The Commission considers TRIS to be a hazardous substance as that term is defined in section 2(f)1(A)(i) of the FHSA, 15 U.S.C. 1261(f)(1(A)(i), in that TRIS is toxic and may cause substantial personal injury or substantial illness by reason of its toxic carcinogenic and mutagenic characteristics, during or as approximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children. 42 FR 18850 (April 8, 1977); 42 FR 28060 (June 1, 1977); 42 FR 61593 (December 6, 1977).

8. The Commission further considers any TRIS-treated children's wearing apparel, fabric, and related articles and products containined or trated with TRIS to be a banned hazardous substance within the meaning of section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A), in that they are articles intended for use by children which are hazardsous substances or which bear or contain hazardous substances in such manner as to be susceptible of access to a child. 42 FR 18850 (April 8, 1977); 42 FR 28060 (June 1, 1977); 42 FR 61593 (December 6, 1977).

9. Specifically, the Commission believes that when used in children's wearing apparel, TRIS can enter the bodies of infants and children by absorption through the skin and by ingestion. Such exposure may cause cancer or other substantial injury or illness to infants and children exposed to TRIS.

Facts

10. On or about March 16, 1979, The William Carter Company, a manufacturer of children's sleepwear and other apparel located in Needham, Massachusetts, agreed to sell TRIS-treated children's sleepwear to John R. Lyman Company, Inc. The terms of the purchase as embodied in a Special Undertaking were, *inter alia*, that Lyman acknowledged the sleepwear was treated with TRIS and that TRIS was a banned hazardous substance. The respondents were required to process the goods by washing and cutting them and to sell them only as industrial wiping rags.

11. On or about May 30, 1979, Lyman purchased approximately 21,193 lbs. of TRIS-treated children's sleepwear garments (garments) from Carter through M. Goldstein & Sons, Inc., a broker. This was approximately 75,000 garments or 6,200 dozen garments.

12. The garments were shipped directly from a Carter warehouse in Norwood, Massachusetts to Lyman and were placed in one of Lyman's trailer trucks for storage.

13. On or about September, 1979, some portion of the garments had been washed and cut and some portion of the garments had been cut without being washed. The total amount cut and processed by Lyman was approximately 5,442 lbs.

14. By letter dated November 15, 1979, Mr. Richard Dalton, then plant manager of Lyman, informed the Consumer Product Safety Commission that Lyman had cut up all the garments received from Carter.

15. From November 1979 to the present date, Lyman sold to consumers approximately 8,143 lbs. of TRIS-treated children's garments through the Lyman Mill Outlet, its retail outlet.

16. Respondents destroyed, under supervision of the CPSC, approximately 7,608 lbs. of TRIS-treated garments in March, 1981.

17. Respondents did not cut approximately 8,143 lbs. of TRIS-treated children's sleepwear purchased from Carter into industrial wiping rags prior to its sale to distributors, retailers, and consumers.

18. Respondents distributed and sold TRIS-treated children's sleepwear in commerce as distribution in commerce and commerce are defined in sections 3(a) (11) and (12), 15 U.S.C. 2052(a) (11) and (12).

Violations

19. Section 15(b) of the CPSA, 15 U.S.C. 2064(b), requires every manufacturer, distributor and retailer of a consumer product distributed in commerce to immediately inform the Commission upon obtaining information that such consumer product contains a defect which could create a substantial product hazard, as that term is defined in section 15(a) of the CPSA, 15 U.S.C. 2064(a).

20. Pursuant to 16 CFR 1115.2(d), every manufacturer, distributor, and retailer of TRIS-treated children's sleepwear, a product subject to regulation under the FHSA, is required to comply with the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b).

21. Respondents obtained information which reasonably supported the conclusion that TRIS-treated children's sleepwear contained a product defect (as described in paragraphs 6–9) which could create a substantial product hazard within the meaning of sections 15 (a) and (b) of the Act, 15 U.S.C. 2064 (a) and (b).

22. Respondents did not inform the Commission that the defective TRIS-treated children's sleepwear was being distributed in commerce, as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b), and as that section is interpreted in 16 CFR 1115.13.

23. Respondents' knowing failure to furnish the information required by section 15(b) of the CPSA, 15 U.S.C. 2064(b), concerning approximately 25,000 or more individual TRIS-treated children's sleepwear garments distributed in commerce constitutes a separate violation and offense under section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), with respect to each garment involved.

24. The knowing failure of respondents to furnish information required by section 15(b) of the CPSA, 15 U.S.C. 2064(b), constitutes a separate offense under section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), with respect to each day information was withheld for each distribution.

Relief Sought

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission:

1. Determine that a civil penalty should be assessed against the respondents or any of them;

2. Determine the amount of the civil penalty to be assessed against the respondents or any of them, not to exceed $2,000 for each violation up to a maximum of $500,000 for each related series of violations;

3. Impose a civil penalty on the respondents or any of them pursuant to section 20 of the CPSA, 15 U.S.C. 2069; and

4. Grant such other additional relief as the interest of justice may require together with costs and disbursements of this action.

Dated: March 20, 1981.

Catherine C. Cook,

Acting Associate Executive Director, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission.

United States of America, Consumer Product Safety Commission

CPSC Docket No. 81–4

Complaint

Nature of the Proceeding

In the matter of S. Schwab Company, Inc., a corporation, Richard D. Schwab, as an officer of the corporation, and Leonard C. Schwab, as an officer of the corporation.

1. This is an Adjudicative Proceeding under the Consumer Product Safety Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025, for the assessment of a civil penalty against S. Schwab Company, Inc., pursuant to Section 20 of the Consumer Product Safety Act, as amended (hereinafter, the "CPSA"), 15 U.S.C. 2051, 2069, for knowingly failing to furnish information required by a Special Order issued pursuant to Section 27(b) of the CPSA, 15 U.S.C. 2076(b).

Jurisdiction

2. The Commission has jurisdiction over the subject matter of this Adjudicative Proceeding pursuant to Sections 20 and 27 of the CPSA, 15 U.S.C. 2069 and 2076.

Respondents

3. S. Schwab Company, Inc., is a corporation organized and existing under the laws of the State of Maryland with its principal place of business located at Upper Potomac Industrial Park, Cumberland, Maryland 21502. S. Schwab Company, Inc., is engaged in the manufacture and sale of children's wearing apparel.

4. Richard D. Schwab is the president and treasurer of S. Schwab Company, Inc.; and in his capacity as president, he controls the acts, practices, and policies of respondent corporation.

5. Leonard C. Schwab is the vice-president and secretary of S. Schwab Company, Inc.; and, in his capacity as vice-president, is responsible for business transactions involving garments which contain or are treated with TRIS (2,3-dibromopropyl) phosphate (TRIS).

Special Order

6. On June 14, 1978, pursuant to Sections 5, 27(b)(1) and 30(d) of the CPSA, 15 U.S.C. 2054, 2076(b)(1), and 2079(d), and Section 11(a) of the FHSA, 15 U.S.C. 1270(a), the Commission issued a "Special Order for Submission of Information" to manufacturers of children's sleepwear, including S. Schwab Company, Inc. In this Special Order, the manufacturers of children's wearing apparel are required to provide, *inter alia*, the following information concerning TRIS-treated products:

"9. State the number and exact location of all TRIS-treated products that are currently in inventory or otherwise under the firm's control, identifying each product and the quantity thereof by style or other identifiable classification.

"10. For every disposition (for example, destruction) of TRIS-treated products which is to be made by the firm after receipt of this Special Order, notify the Associate Executive Director for Compliance and Enforcement at least 15 days before each such disposition is scheduled to occur, stating (1) the intended means of disposition, (2) the intended place of disposition, (3) the time scheduled for disposition, (4) a description as to style or other identifiable classification for each product and the quantity thereof, (5) the name, address and telephone number of the official within the firm who is responsible for accomplishing such disposition, (6) the name, address, and telephone number of any agent or independent contractor who will accomplish such disposition on behalf of the firm, and (7) identify and describe in complete detail each and every document and entry thereon maintained by or on behalf of the firm which relate to the disposition of the TRIS-treated products described herein, or, in the alternative, submit copies of each such document.

* * * * *

"12. For any changes which occur in the firm's inventory of TRIS-treated products after your initial submission of or for any other change the information furnished in the firm's initial submission of information, provide immediate supplemental responses to reflect all such changes as they occur, until otherwise notified by the Commission. State this information in the same form as your initial responses."

7. On July 11, 1978, S. Schwab Company, Inc. responded to this Special Order as follows:

"We have on hand about 600 dozen TRIS-treated garments, most of which are acetate poly, stored in a trailer at our plant. We also have on hand about $70,000.00 worth of merchandise which was returned to us by our customers and stored in our plant. This consists of assorted styles of merchandise which have not been specifically inventoried."

Violations

8. On January 19, 1981, S. Schwab Company, Inc. sold 1200 TRIS-treated children's garments to The Store, a division of Kandyman Sales, Inc., which sells, at retail, close-out children's wearing apparel at 6200 W. Kellogg, Wichita, Kansas 67209. S. Schwab Company, Inc. sent these garments to The Store on January 23, 1981.

9. On undetermined dates after the effective date of the Special Order, and after May 5, 1978, S. Schwab Company, Inc. sold and disposed upon sale 40 pounds of TRIS-

treated products to Brock Scrap Metal Company located in Cumberland, Maryland.

10. On undetermined dates after the effective date of the Special Order, and after May 5, 1978, S. Schwab Company, Inc. sold and disposed upon sale an undetermined quantity of TRIS-treated products to Benchmark Mechanical Contractors located in Cumberland, Maryland.

11. On January 22, 1981, S. Schwab Company, Inc. sold 480 TRIS-treated children's garments to New Brands, Inc., which sells children's clothing, at retail, in Tulsa, Oklahoma. S. Schwab Company, Inc. sent these garments to New Brands, Inc. on or about February 13, 1981.

12. S. Schwab Company, Inc. failed to inform the Commission of each of the dispositions of the TRIS-treated garments and products referred to in paragraphs 8 through 11 of this Complaint, as required by paragraph 10 of the Special Order, and failed to inform the Commission of the correlative changes in its inventory of TRIS-treated products as required by paragraph 12 of the Special Order.

13. S. Schwab Company, Inc. knowingly failed to report to the Commission the information required by paragraphs 10 and 12 of the Special Order, in violation of Section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), from the date upon which it was required to so report, to the date the Commission discovered the sale and transfer by S. Schwab Company, Inc. of the TRIS-treated garments for each of the dispositions of TRIS-treated garments and products referred to in paragraphs 8 through 11 of this Complaint.

14. Pursuant to Section 20(a)(1) of the CPSA 15 U.S.C. 2069(a)(1), for each of the dispositions of the TRIS-treated garments and products referred to in paragraphs 8 through 11 of this Complaint, each day on which S. Schwab Company, Inc. knowingly failed to comply with paragraphs 10 and 12 of the Special Order in violation of Section 19(a)(3), 15 U.S.C. 2068(a)(3), constitutes a separate offense which subjects it to a civil penalty of $2,000 for each such violation and offense, except that the maximum civil penalty shall not exceed $500,000 for the said related series of violations.

Relief Sought

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission:

1. For each of the dispositions of TRIS-treated garments and products referred to in paragraphs 8 through 11 of this Complaint, determine that the respondents or any of them knowingly failed to comply with paragraphs 10 and/or 12 of the Special Order, in violation of Section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), for which a civil penalty is authorized pursuant to Section 20(a)(1) of the CPSA, 15 U.S.C. 2069(a)(1).

2. For each of the dispositions of TRIS-treated garments and products referred to in paragraphs 8 through 11 of this Complaint, assess a civil penalty pursuant to Section 20(a) of the CPSA, 15 U.S.C. 2069(a), against the respondents or any of them, in the sum of $2,000 for each day of any such violation not to exceed the maximum amount allowed under the statute.

3. Grant such other and further relief as the Commission deems necessary and proper.

Dated: March 20, 1981.

Catherine C. Cook,

Acting Associate Executive Director, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission.

United States of America, Consumer Product Safety Commission

CPSC Docket No. 81-5

Complaint

Nature of the Proceeding

In the Matter of HOLLYWOOD NEEDLECRAFT, INCORPORATED, a corporation, and WILLIAM C. ROEN, as President of Hollywood Needlecraft, Incorporated.

1. This is an Adjudicative Proceeding under the Consumer Product Safety Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025, for the assessment of a civil penalty against Hollywood Needlecraft, Incorporated, and William C. Roen, as President, pursuant to Sections 19 and 20 of the Consumer Product Safety Act, as amended (hereinafter, the "CPSA"), for knowingly failing to furnish information required by a Special Order issued pursuant to Section 27(b) of the CPSA, 15 U.S.C. 2076(b).

Jurisdiction

2. The Commission has jurisdiction over the subject matter of this Adjudicative Proceedig pursuant to Sections 20 and 27 of the CPSA, 15 U.S.C. 2069 and 2076.

Respondents

3. Hollywood Needlecraft, Incorporated is a corporation organized and existing under the laws of the State of California with its principal place of business located at 3777 South Main Street, Los Angeles, California 90007. Hollywood Needlecraft, Incorporated is engaged in the manufacture of childrens' sleepwear garments.

4. William C. Roen is president of the respondent corporation. In this capacity he controls the acts, practices and policies of the respondent corporation.

Special Order

5. On June 14, 1978, pursuant to Sections 5, 27(b)(1) and 30(d) of the CPSA, 15 U.S.C. 2054, 2076 (b)(1), and 2079(d), and Section 11(a) of the FHSA, 15 U.S.C. 1270(a), the Commission issued a "Special Order for Submission of Information" to manufacturers of children's sleepwear, including Hollywood Needlecraft, Incorporated. In this Special Order, the manufacturers of children's wearing apparel are required to provide, *inter alia*, the following information concerning TRIS-treated products:

"9. State the number and exact location of all TRIS-treated products that are currently in inventory or otherwise under the firm's control, identifying each product and the quantity thereof by style or other identifiable classification.

Respondents

3. Hollywood Needlecraft, Incorporated is a corporation organized and existing under the laws of the State of California with its principal place of business located at 3777 South Main Street, Los Angeles, California 90007. Hollywood Needlecraft, Incorporated is engaged in the manufacture of childrens' sleepwear garments.

4. William C. Roen is president of the respondent corporation. In this capacity he controls the acts, practices and policies of the respondent corporation.

Special Order

5. On June 14, 1978, pursuant to Sections 5, 27(b)(1) and 30(d) of the CPSA, 15 U.S.C. 2054, 2076 (b)(1), and 2079(d), and Section 11(a) of the FHSA, 15 U.S.C. 1270(a), the Commission issued a "Special Order for Submission of Information" to manufacturers of children's sleepwear, including Hollywood Needlecraft, Incorporated. In this Special Order, the manufacturers of children's wearing apparel are required to provide, *inter alia*, the following information concerning TRIS-treated products:

"9. State the number and exact location of all TRIS-treated products that are currently in inventory or otherwise under the firm's control, identifying each product and the quantity thereof by style or other identifiable classification.

"10. For every disposition (for example, destruction) of TRIS-treated products which is to be made by the firm after receipt of this Special Order, notify the Associate Executive Director for Compliance and Enforcement at least 15 days before each such disposition is scheduled to occur, stating (1) the intended means of disposition, (2) the intended place of disposition, (3) the time scheduled for disposition, (4) a description as to style or other identifiable classification for each product and the quantity thereof, (5) the name, address and telephone number of the official within the firm who is responsible for accomplishing such disposition, (6) the name, address, and telephone number of any agent or independent contractor who will accomplish such disposition on behalf of the firm, and (7) identify and describe in complete detail each and every document and entry thereon maintained by or on behalf of the firm which relate to the disposition of the TRIS-treated products described herein, or, in the alternative, submit copies of each such document.

* * * * *

"12. For any changes which occur in the firm's inventory of TRIS-treated products after your initial submission of responses or for any other changes in the information furnished in the firm's initial submission of information, provide immediate supplemental responses to reflect all such changes as they occur, until otherwise notified by the Commission. State this information in the same form as your initial responses."

6. On August 14, 1978, the company responded, through its attorney, to this Special Order as follows:

"9. The firm has some merchandise on hand which has not been inventoried and

which is not capable of being inventoried without the expenditure of substantial sums.

"10–12. By its response, our client does not undertake to notify you in the future prior to any intended disposition either by way of supplemental letter on all. It will, however, subject to our advice and within its capabilities, continue to respond to specific inquiries made by you to it."

Violation

7. On February 16, 1979, Hollywood Needlecraft, Incorporated sold TRIS-treated children's sleepwear to Ely Finer Company located at 14725–A Bessemer Street, Van Nuys, California 91411. Ely Finer, the president of the company took delivery of the goods on Hollywood Needlecraft, Incorporated's premises. On August 1, 1979, Ely Finer Company sold these garments to Marshall's Department Store in Granada Hills, California.

8. Hollywood Needlecraft, Incorporated failed to inform the Commission of its disposition of the TRIS-treated fabric, as required by paragraph 10 of the Special Order, and failed to inform the Commission of the correlative change in its inventory of TRIS-treated products as required by paragraph 12 of the Special Order.

9. The Commission discovered the aforementioned sale and transfer during an inspection of children's sleepwear at Marshall's Department Store in Granada Hills, California. The inspection was prompted by a consumer complaint about sleepwear purchased at this store which was subsequently tested and revealed to contain TRIS.

10. Hollwyood Needlecraft, Incorporated knowingly failed to report to the Commission the information required by paragraph 10 and 12 of the Special Order, in violation of Section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), from the date upon which it was required to so report (February 2, 1979), to the date the Commission discovered the sale and transfer by Hollywood Needlecraft, Incorporated of the TRIS-treated garments (October 21, 1979), a period of 276 days.

11. Pursuant to Section 20(a)(1) of the CPSA, 15 U.S.C. 2069(a)(1), each day on which Hollywood Needlecraft, Incorporated knowingly failed to comply with paragraphs 10 and 12 of the Special Order in violation of Section 19(a)(3), 15 U.S.C. 2068(a)(3), constitutes a separate offense which subjects it to a civil penalty of $2,000 for each such violation and offense, except that the maximum civil penalty shall not exceed $500,000 for the said related series of violations.

Relief Sought

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission:

1. Determine that Respondents knowingly failed to comply with paragraphs 10 and/or 12 of the Special Order, in violation of Section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), for which a civil penalty is authorized pursuant to Section 20(a)(1) of the CPSA, 15 U.S.C. 2069(a)(1).

2. Assess a civil penalty pursuant to Section 20(a) of the CPSA, 15 U.S.C. 2069(a), against Respondents in the sum of $2,000 for each day of any such violation not to exceed the maximum amount allowed under the statute.

3. Grant such other and further relief as the Commission deems necessary and proper.

Dated: March 20, 1981.

Catherine C. Cook,

Acting Associate Executive Director, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission.

In the matter of Western Publishing Co., Inc., a corporation, CPSC Docket No. 81–6.

Complaint

Jurisdiction

1. This is an adjudicative proceeding under the Consumer Product Safety Commission's Rules of Practice for Adjudicative Proceedings, 16 CFR Part 1025, for the assessment of a civil penalty against Western Publishing Co., Inc. pursuant to section 20 of the Consumer Product Safety Act, as amended (hereinafter, the "CPSA"), 15 U.S.C. 2051, 2069.

Respondent

2. Respondent Western Publishing Co., Inc. (hereinafter "Western"), a wholly owned subsidiary of Mattel, Inc., is a Delaware corporation with its principal corporate office at 1220 Mound Ave., Racine, Wisconsin 53404. Western is a "manufacturer" within the meaning of section 3(a)(4) of the CPSA, 15 U.S.C. 2052(a)(4).

The Consumer Product

3. Western "manufactures" and "distributes in commerce," as these terms are defined in sections 3(a)(8), (11) and (12) of the CPSA, 15 U.S.C. 2052(a)(8), (11) and (12), respectively, a toy blow-gun known as the "Soft Shot Star Launcher" (hereinafter "blow-gun").

4. This toy blow-gun is produced and distributed for sale to consumers for use in or around a permanent or temporary household or residence, a school, in recreation, or otherwise, and is therefore, a "consumer product" within the meaning of section 3(a)(1) of the CPSA, 15 U.S.C. 2052(a)(1).

Facts

5. From May to October 17, 1979, Western manufactured approximately 284,000 of these blow-guns, of which 180,000 were distributed in commerce.

6. The blow-gun is of such a size and designed in such a way that the mouthpiece will fit into a child's mouth and further, it is inadequately secured to the body of the tube thereby allowing it to become easily dislodged.

7. The size of the mouthpiece and the ease with which it becomes dislodged from the tube can and did result in at least 3 and as many as 5 incidents of the mouthpiece being forced back into or otherwise becoming stuck in the throat of children playing with the toy.

8. The potential for such an occurrence existed in all of the approximately 284,000 blow-guns.

Violations

9. On or about July 26, 1979, Western received a letter from a consumer informing it of an incident in which an eight-year-old girl was playing with one of these blow-guns and the mouthpiece detached from the tube and became lodged in her throat.

10. On or about September 4, 1979, Western received a letter from a retailer enclosing an accident report in which it was alleged that a mouthpiece from another of these blow-guns detached and became lodged in the throat of a young girl. In the letter, the retailer specifically asked Western to "investigate this incident in order to determine whether or not it constitutes a substantial product hazard reportable pursuant to section 15(b) of the Consumer Product Safety Act."

11. On September 24, 1979, Western received a telephone call from a mother advising that her 9-year-old daughter had required emergency room treatment as a result of a mouthpiece from one of these blow-guns detaching and becoming lodged in her throat.

12. On October 19, 1979, Western informed the Commission staff of the problem associated with these blow-guns.

13. The size of the mouthpiece and the potential for easy detachment of the mouthpiece from the tube of the blow-gun, as set forth in paragraphs 5 through 8 of this Complaint, was a defect which could create a "substantial product hazard" as the term is defined in section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

14. By at least August 13, 1979, and thereafter, Western had obtained information which reasonably supported the conclusion that the blow-gun contained a defect which could create a substantial product hazard.

15. Western, during the time which it had obtained the information which reasonably supported the conclusion that the blow-gun contained a defect which could create a substantial product hazard, was subject to the requirements for notification of defect pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064(b), and the Commission's regulations for substantial product hazard notification then in effect, 16 CFR Part 1115.

16. Western knowingly failed to inform the Commission of the defect in the blow-gun immediately upon having obtained information which reasonably supported the conclusion that this defect could create a substantial product hazard, as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

17. The failure of Western to immediately furnish the information required by section 15(b) of the CPSA, 15 U.S.C. 2064(b), is a prohibited act pursuant to section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

18. Western knowingly failed to furnish the information required by section 15(b) of the CPSA, 15 U.S.C. 2064(b), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), and is, therefore, subject to a civil penalty pursuant to section 20 of the CPSA, 15 U.S.C. 2069.

19. In addition, by continuing to fail to make reports or to provide the information required under section 15(b) of the CPSA, 15 U.S.C. 2064(b), Western knowingly committed prohibited acts under section 19(a)(3) of the

CPSA, 15 U.S.C. 2068(a)(3), the continuing violation of which constitutes a separate offense with respect to each day involved.

Relief Sought

Wherefore, the staff of the Consumer Product Safety Commission believes that the following relief is in the public interest and requests that the Commission, after affording interested persons an opportunity for a hearing:

1. Determine that by at least August 13, 1979, and thereafter Western had obtained information which reasonably supported the conclusion that the blow-gun described in paragraph 3 above, contained a defect which could create a "substantial product hazard" within the meaning of section 15(a)(2) of the CPSA, 15 U.S.C. 2064(a)(2).

2. Determine that Western knowingly failed to report immediately to the Commission that the blow-guns contained a defect which could create a substantial product hazard, as required by section 15(b)(2) of the CPSA, 15 U.S.C. 2064(b)(2), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4).

3. Determine that Western knowingly violated section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3), by continuing to fail to make reports or provide information after August 13, 1979 as required by section 15(b)(2) of the CPSA, 15 U.S.C. 2064(b)(2).

4. Pursuant to section 20(a) of the CPSA, 15 U.S.C. 2069(a), assess a civil penalty of $2,000 per violation up to $50,000 consistent with the facts established in this proceeding, for knowingly violating sections 19(a) (3) and (4) of the CPSA, 15 U.S.C. 2068(a) (3) and (4).

5. Grant such other and further relief as the Commission deems necessary and proper to protect the public health and safety and to implement the CPSA.

By order of the Commission.

Dated: April 3, 1981.

Catherine C. Cook,

Acting Associate Executive Director for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, Telephone: (301) 492-6626.

[FR Doc. 81-11975 Filed 4-20-81 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Candidate Army Realignment: Consolidation of Army Aircraft Depot Maintenance Mission and Function; Filing of Final Environmental Impact Statement

The Army, on April 16, 1981, provided the Environmental Protection Agency the Final Environmental Impact Statement (FEIS) for Candidate Army Realignment: Consolidation of Army Aircraft Depot Maintenance Mission and Function. The preferred course of action is the mission realignment of aircraft maintenance from New Cumberland Army Depot, Fairview Township, York County, Pennsylvania to Corpus Christi Army Depot, Texas. Alternatives to the proposed action considered include: (1) the status quo, (2) consolidation of aircraft maintenance at New Cumberland Army Depot, and (3) consolidation of aircraft maintenance at Harrisburg International Airport. There are no significant environmental consequences identified for any course of action considered except an economic impact in the Corpus Christi region for alternatives 2 and 3 above.

Copies of the statement have been forwarded to concerned Federal, state, and local agencies. Interested organizations or individuals may obtain copies from Mr. Robert R. Jameson, Directorate for Plans and Analysis, U.S. Army Materiel Development and Readiness Command, 5001 Eisenhower Avenue, Alexandria, VA 22333, (202) 274-8155.

Lewis D. Walker,

Deputy for Environmental, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 81-11926 Filed 4-20-81; 8:45 am]

BILLING CODE 3710-08-M

Candidate Army Realignment; Fort Indiantown Gap, Annville, PA; Filing of Final Environmental Impact Statement

Pursuant to Sec. 805(c) of PL 96-125, Military Construction Authorization Act, 1980, the Army, on 16 April 1981 provided the Environmental Protection Agency the Final Environmental Impact Statement (FEIS) for the candidate realignment action at Fort Indiantown Gap, Annville, Pennsylvania.

The preferred alternative would terminate Army occupancy of Fort Indiantown Gap and Transfer Reserve Component training support activities to the Department of Military Affairs, Commonwealth of Pennsylvania. Alternatives considered are no action, and making the installation a sub-post of Fort Meade, MD. Impacts range from moderate positive effects on the natural environment to slight decreases in area socioeconomic indicators.

Copies of the FEIS have been forwarded to concerned Federal, state and local agencies. Interested organizations or individuals may obtain copies from Mr. C. Gregory, ATTN: AFOP-FSS, Headquarters, U.S. Army Forces Command, Fort McPherson, Georgia 30330. Interested personnel in the Fort Indiantown Gap area can review the FEIS at Building T-01, Post Headquarters, Fort Indiantown Gap.

In the Washington area, copies may be seen during normal duty hours in the Army Environmental Office, Office of the Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone (202) 694-3434.

The review period for this Final Environmental Impact Statement ends 26 May 1981.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 81-11927 Filed 4-20-81; 8:45 am]

BILLING CODE 3710-08-M

Board of Visitors, United States Military Academy; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy
Date of Meeting: May 6, 1981
Place of Meeting: Rm H-139, U.S. Capitol, Washington, DC
Time: 0900 hours

Proposed Agenda: Election of Officers, selection of Executive Committee, scheduling of meetings for remainder of year, and identification of areas of interest for 1981.

All proceedings are open. For further information contact Colonel, D. P. Tillar, Jr., United States Military Academy, West Point, NY 10996, telephone 914-938-2785/4723.

John O. Roach, II,

Army Liaison Officer with the Federal Register.

[FR Doc. 81-11895 Filed 4-20-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

National Hydropower Study; Announcement of Open Meeting

AGENCY: Army Corps of Engineers.

ACTION: Notice of Open Meeting.

SUMMARY: The U.S. Army Corps of Engineers announces a one day public meeting on the National Hydropower Study (NHS). The meeting is the third of a series of national level meetings devoted to discussion of policy matters. The NHS policy studies address the following subjects: legal and institutional, environmental, economic evaluation procedures, marketing and transmission, and technology assessment. The previous meetings were held in April 1980, in the Washington, DC area and in November 1980 in Portland, Oregon.

The meeting being announced is designed to inform participants and to obtain reactions to and discussion of preliminary findings and recommendations of the following aspects of the National Hydropower

Study: demand and potential; policies for development; optional scenarios for future development, and requirements for implementation.

DATE: May 26, 1981, 8:00 a.m. to 5:45 p.m.

ADDRESS: Rosslyn Westpark Hotel, 1900 Fort Myer Drive, Arlington, Virginia 22209.

REGISTRATION: To register for the meeting and to receive an information packet on the NHS, please write to: National Hydropower Study, c/o SRAC, 800 18th Street, N.W., 4th Floor, Washington, DC 20006.

Corps of Engineers

Point of Contact: To submit written comments or obtain information, contact Mr. Thomas M. Ballentine, U.S. Army Corps of Engineers, Institute for Water Resources, Kingman Building, Fort Belvoir, VA 22060, (202) 325–0478. The period for receiving written comments will remain open through 8 June 1981.

Dated April 15, 1981.

Maximilian Imhoff,

Colonel, CE, Commander/Director.

[FR Doc. 81–11894 Filed 4–20–81; 8:45 am]

BILLING CODE 3710–92–M

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electronic Devices (AGED) will meet in closed session on 19 May 1981 at the Palisades Institute for Research Services, AGED, 1925 N. Lynn St., Arlington, Virginia, 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group a meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: April 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–11956 Filed 4–20–81; 8:45 am]

BILLING CODE 3810–70–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 25 June 1981, at the NOSC—271 Catalina Blvd., San Diego, CA 92152.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: April 16, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 81–11957 Filed 4–20–81; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Cooperative Education Program; Application Notice for New Applications for Fiscal Year 1981

Applications are invited for new administration, demonstration, research, and training grants under the Cooperative Education Program.

In view of the large volume of applications anticipated for fiscal year 1981 funds, the Secretary will not give further consideration for funding to any application that receives an average score of less than 50 points in the evaluation process conducted in accordance with 34 CFR 75.217. (See § 631.33 of the proposed rules published in the **Federal Register** on December 31, 1980, Vol. 45, No. 252.)

Authority for this program is contained in Title VIII of the Higher Education Act of 1965, as amended by Pub. L. 96–374. (20 U.S.C. 1133–1133b.)

Closing date for transmittal of applications: Applications for administration, demonstration, research, and training grants must be mailed or hand-delivered by May 22, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.055A (if an administration grant application), 84.055B (if a demonstration grant application), 84.055C (if a research grant application), or 84.055D (if a training grant application), Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping lable, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with it local post office.

An applicant is encouraged to use registered mail or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand-delivered must be taken to the U.S. Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: Proposed rules for the Cooperative Education Program were published in the **Federal Register** on December 31, 1980, Vol. 45, No. 252. As a result of public comments, notice is hereby given that the Secretary intends to make certain changes to the proposed rules when they are published in final form to reduce the regulatory burden on participants in the Cooperative Education Program. The intended modifications to the proposed rules that have implications for the development of applications for fiscal year 1981 funds are indicated below. Except as noted, applicants should be guided by the provisions or requirements of the proposed rules in developing their applications.

Administration grants: To provide opportunities for a greater number of students to participate in Cooperative Education projects, the Secretary strongly encourages institutions to apply for funds for more than one eligible unit, as that term is defined in § 631.3 of the proposed rules published in the **Federal Register** on December 31, 1980, Vol. 45, No. 252.

The proposed rules contain detailed rules relating to the frequency and duration of the word experiences for participating students. In response to public comment, the Secretary intends to lighten those requirements in the final regulations. To facilitate an orderly application process, notice is hereby given to applicants of the likely modifications to the proposed rules. Applicants should take these modifications into account in preparing their applications.

In developing the work experiences for participating students, applicants must indicate a sufficient number of work assignments to ensure that:

(1) Students in a 2-year institution of higher education have the opportunity to complete at least two work experiences, one of which must be other than a summer work cycle, for the equivalent of at least six months or at least 1,040 hours of employment.

(2) Students in a 4-year institution of higher education have the opportunity to complete at least three work experiences, two of which must be other than a summer work cycle, for the equivalent of at least twelve months or at least 2,080 hours of employment.

(3) graduate students will complete a minimum of one work experience for the equivalent of at least four months or at least 640 hours of employment.

Further, it is the Secretary's intent to eliminate in the final regulations the requirement that administration projects be directed by a full-time project director.

Demonstration Grants:

Comprehensive projects: See the notice in the administration grants section pertaining to the Secretary's intent to modify the proposed rules published in the **Federal Register** on December 31, 1980, Vol. 45, No. 252, relating to the frequency and duration of the work experiences for participating students.

A grant will support a comprehensive project for up to three years. Successful applicants will be given a multi-year award out of a single year's appropriation.

Special projects: If the Secretary does not receive a sufficient number of high quality applications for comprehensive projects, the Secretary will fund a limited number of special projects designed to meet any one of the purposes described in § 633.11 of the proposed rules published in the **Federal Register** on December 31, 1980, Vol. 45, No. 252.

Notice is hereby given that the Secretary intends to reduce the regulatory burden in the final regulations by eliminating the requirement contained in the proposed rules that special demonstration projects be directed by a full-time project director. Applicants should take this likely modification into account in preparing their applications.

Should the Secretary make such awards, successful applicants will be given single-year awards.

Research grants: The Secretary will give priority for funding to applications for research projects that assess the impact of varied factors that hinder or enhance student participation in programs of Cooperative Education.

Notice is hereby given that the Secretary intends to reduce the regulatory burden in the final regulations by eliminating the requirement contained in the proposed rules that research projects be directed by a full-time project director. Applicants should take this likely modification into account in preparing their applications.

The Secretary will give single-year awards to successful applicants.

Training grants: The Secretary will fund up to eight training projects designed to meet the needs of eligible participants who participate or wish to participate in the administration of Cooperative Education projects at institutions of higher education.

In preparing the application, institutions of higher education and organizations are encouraged to work jointly with employers in planning comprehensive training programs.

A typographical error appeared in § 635.31(h) of the proposed rules published in **Federal Register** on December 31, 1980, Vol. 45, No. 252, relating to the selection criteria for the training component. The maximum possible score for the *Scope of training* criterion should be 15 points, rather than 10 points.

The Secretary will give awards for single-year or multi-year projects to successful applicants. Awards for multi-year projects will be made out of succeeding years' appropriations and in accordance with 34 CFR 75.253.

Available funds: It is expected that $23,000,000 will be available for the Cooperative Education Program in fiscal year 1981. Of this sum, $13,000,000 will be awarded for administration projects, and $9,625,000 will be available for demonstration, research, and training projects. A training contract has been awarded for $25,000, and $350,000 has been committed for non-competing continuation grant for a comprehensive demonstration project.

As provided in the statute, an institution of higher education applying individually for an administration grant is eligible for an award of up to $325,000, and as a member of a consortium applying for an administration grant is eligible for an award of up to $250,000.

$13,000,000 available for administration grants will support approximately 150 projects, with annual awards averaging $87,000. The Secretary will award approximately 24 to 30 grants for new projects.

Of the $9,625,000 available for demonstration, research, and training grants, $8,650,000 will be available to support 9 comprehensive demonstration projects, with awards averaging approximately $1,000,000; $200,000 will be available to support 4 research projects, with awards averaging $50,000; and $775,000 will be available to support 8 training projects, with awards averaging approximately $97,000.

These estimates do not bind the U.S. Department of Education except as may be required by the applicable statute and regulations.

Application forms: Application forms and program information packages are expected to be mailed to all eligible institutions of higher education by April 10, 1981. They may also be obtained after April 17, 1981, from the Cooperative Education Branch, U.S. Department of Education (Room 3053, Regional Office Building 3), 7th and D Streets, S.W., Washington, D.C. 20202. Telephone: (202) 245–2146.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 25 pages in length for administration applications, 30 pages for demonstration applications, 15 pages for research applications, and 20 pages for training applications. The Secretary further urges that applicants not submit information that is not requested.

Applicable regulations: Regulations applicable to this program include the following:

(a) proposed regulations governing the Cooperative Education Program (34 CFR Parts 631, 632, 633, 634, and 635) were published in the **Federal Register** on December 31, 1980, Vol. 45, No. 252). These regulations will apply after they are revised, republished, and take effect as final rules.

(b) Education Department General Administrative Regulations (EDGAR) (34 CFR Parts 75 and 77).

Further information: For further information, contact Mr. Morris L. Brown, Chief, Cooperative Education Branch, Division of Institutional and State Incentive Programs, Office of Higher Education Incentive Programs, U.S. Department of Education (Room 3053, ROB–3), 7th and D Streets, S.W., Washington, D.C. 20202. Telephone: (202) 245–2146.

(20 U.S.C. 1133–1133b)

(Catalog of Federal Domestic Assistance Program No. 84.055: Cooperative Education Program)

Dated: April 16, 1981.

T. H. Bell,

Secretary of Education.

[FR Doc. 81-12082 Filed 4-20-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(a)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided of the following meetings:

I. A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on May 4 and 5, 1981, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 3:00 p.m. on May 4. The purpose of this meeting is to permit attendance by representatives of the IWP at a meeting of an *Ad Hoc* Working Group of the IEA Standing Group on the Oil Market (SOM) which is being held at Paris on those dates.

The agenda for the meeting is under the control of the SOM *Ad Hoc* Working Group. It is expected that the following agenda will be followed:

Review of the crude oil and oil product reporting systems:
—EEC simplified product import price reporting.
—Analysis of the crude oil cost system.
—Analysis of the 2nd and 3rd quarter 1980 oil product register data.
—Paper by the U.S. delegation.
—Comments by the IWP.

II. A meeting of the IWP to the IEA will be held on May 5 and 6, 1981, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 9:30 a.m. on May 5. The purpose of this meeting is to permit attendance by representatives of the IWP at a meeting of the IEA Standing Group on the Oil Market (SOM) which is being held at Paris on those dates.

The agenda for the meeting is under the control of the SOM. It is expected that the following agenda will be followed:

Review of the crude oil and oil product reporting systems:
—EEC simplified product import price reporting.
—Analysis of the crude oil cost system.
—Analysis of the 2nd and 3rd quarter 1980 oil product register data.
—Paper by the U.S. delegation.
—Comments by the IWP.
—Report by the Chairman of the *Ad Hoc* Working Group.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, these meetings will not be open to the public.

Issued in Washington, D.C., April 13, 1981.

Craig S. Bamberger,

Assistant General Counsel, International Trade and Emergency Preparedness.

[FR Doc. 81-11930 Filed 4-20-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Issuance of an Amended Order Granting Exemptions Pursuant to Section 311 of the Powerplant and Industrial Fuel Use Act of 1978

The Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of its issuance of an Amended Order granting temporary public interest exemptions from the prohibitions of section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act) to Florida Power & Light Company, Cutler Plant Units #5 and #6 (Petitioner). This Amended Order is issued pursuant to section 311(e) of FUA, 10 CFR 501.68 and 10 CFR Part 508 to the petitioner listed below. The Amended Order is set forth following this Notice and has been sent by certified mail to the Petitioner.

The Petitioner filed for these temporary public interest exemptions pursuant to 10 CFR Part 508 (Exemption for Use of Natural Gas by Existing Powerplants Under the Act, April 9, 1979, 44 FR 21230, hereafter referred to as the Special Rule). Notice of the petition and Order granting these temporary exemptions was published in the March 10, 1980, **Federal Register** (45 FR 15253).

Based on the information provided by the Petitioner, the powerplants listed in the table below are either prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source or are prohibited from using natural gas as a primary energy source in excess of the average base year proportion allowed in section 301(a)(3) of the Act. These temporary exemptions will allow these units to burn natural gas, notwithstanding the prohibitions of sections 301(a) (2) and (3) of FUA, to displace consumption of middle distillate fuel oil.

Case No:	Petitioner	Generating station	Powerplant identification	Maximum duration date
51006-0610-05-41	Florida Power & Light Company	Cutler	No. 5	5/3/84
51006-0610-06-41			No. 6	5/3/84

Statement of Reasons

Because world oil supplies continue to be unstable there is an urgent need to use these natural resources wisely.

To the extent that the near-term choice of fuels for certain existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred over petroleum. The use of natural gas in these powerplants will be a significant step toward reducing our short-term oil consumption and will help the United States reduce its dependence on imported petroleum. This increased use of natural gas will also protect the Nation from the effects of any oil shortages, and will cushion the impact of increasing world oil prices, which

have a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficiency.

The petitioner has demonstrated that these powerplants, for which it is requesting temporary exemptions, are existing units that are either prohibited from using natural gas as a primary energy source by section 301(a)(2) of FUA or prohibited from using natural gas in excess of the average base year proportion allowed in section 301(a)(3) of the Act. The petitioner has also shown that the proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a) (2) or (3) of FUA, will displace consumption of middle distillate fuel oil and will not displace the use of coal or any other alternate fuel in any facility of the petitioner's utility system, including the powerplants for which these temporary exemptions are issued.

By establishing these facts the petitioner has met the eligibility criteria set out in 10 CFR § 508.2. Since the increased use of natural gas is in keeping with the purposes of FUA and is in the public interest, and since the petitioner has demonstrated that it has met the eligibility criteria, ERA is granting these temporary exemptions.

Supplementary Information

The petitioner's initial submission had incorrectly identified high sulfur residual oil as the primary fuel to be displaced by the exemption. Based upon this information, the Economic Regulatory Administration (ERA) previously published a Notice of the issuance of an Order granting temporary public interest exemptions in the **Federal Register** on March 10, 1980 (45 FR 15253). Both the Notice and Order, as previously issued, granting temporary public interest exemptions, pursuant to the authorities of section 311(e) of the Act, 10 CFR 501.68 and 10 CFR 508, from the prohibitions of sections 301(a) (2) and (3) of the Act, identified high sulfur residual oil as the oil to be displaced by Cutler Units #5 and #6. After receiving the Order, Petitioner informed ERA that these units could only operate on middle distillate oil, low sulfur residual oil, or natural gas due to current environmental requirements. The units have been on cold standby since November 1976 and operated on natural gas and high natural gas and high sulfur residual oil before that time. The Petitioner requested that the Order be amended and has submitted revised fuel displacement information on ERA Form 316 to certify that middle distillate oil will be displaced at Cutler Units #5 and #6.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State Regulatory agency or from any obligations the utility may have to its customers.

Any questions regarding this temporary public interest exemption should be directed to Mr. James W. Workman, Director, Powerplants Conversion Division, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3112, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653–4268.

Amended Order

The Economic Regulatory Administration (ERA) of the Department of Energy hereby issues this Amended Order granting temporary public interest exemptions from the prohibitions of sections 301(a) (2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978; 42 U.S.C. 8301 et seq. (FUA or the Act) to the Petitioner listed below:

Case No.	Petitioner	Generating station	Powerplant identification	Maximum duration date
51006-0610-05-41	Florida Power & Light Company	Cutler	5/3/84	No. 5
51006-0610-06-41		5/3/84	No. 6	

Duration of Temporary Exemption

ERA grants these temporary public interest exemptions for a period from the effective date of this Order until May 3, 1984. The temporary exemptions are subject to termination by ERA, upon six months written notice, if ERA determines such termination to be in the public interest.

Effective Date of Amended Order

This Amended Order shall become effective on the sixtieth calendar day following publication in the **Federal Register** in accordance with section 702(a) of FUA. However, in accordance with the policy set forth in the notice implementing the Special Rule (44 FR 21230), ERA will take no action with respect to any natural gas used by these exempted powerplants during the pendancy period prior to the effective date of this Amended Order.

Terms and Conditions

Pursuant to section 314 of FUA and 10 CFR § 508.6, the temporary exemptions granted under this Amended Order are conditioned upon, and shall remain in effect so long as the Petitioner, its successors and assigns, complies with the following terms and conditions:

(1) Petitioner will report to ERA for the period during which the petition was pending and for each six-month period thereafter (periods ending June 30 and December 31) the actual monthly volume of natural gas consumed in each exempted powerplant, and an estimate of the number of barrels of each type of fuel displaced. The report must be submitted within thirty days of the end of each six-month period.

(2) Pursuant to the terms and conditions of the order issued on September 10, 1979, to the Florida Power & Light Company, the Petitioner has submitted a system-side fuel conservation plan. Petitioner, pursuant to the terms and conditions of the September 10, 1979, order, must continue to submit annually a report on progress achieved in implementing the five-year system-wide fuel conservation plan throughout the period covered by this Order.

ERA's grant of these temporary public interest exemptions does not relieve an existing powerplant from compliance with any rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any State regulatory agency or from any obligations the utility may have to its customers.

Issued in Washington, D.C. on April 14, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-11928 Filed 4-20-80; 8:45 am]

BILLING CODE 6450-01-M

Receipt of Petitions for Temporary Public Interest Exemptions for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978; Proposed Order Granting Special Temporary Public Interest Exemptions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of petitions for and proposed order granting special temporary public interest exemptions.

SUMMARY: A number of petitions have been received and filed with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for temporary public interest exemptions for the use of natural gas as a primary energy source. Such exemptions are authorized by section 311(e) of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act). The owners/operators of the powerplants have provided the following information:

Petitioner/generating station	Unit identification	Maximum quantity of oil to be displaced (barrels per day)	Type of oil to be displaced	Coal or alternate fuel to be displaced
Community Public Service Co. (Lordsburg).	No. 3	140	Residual [1]	No.
Department of Public Utilities (Hamilton).	No. 7	68	Distillate	No
	GT 1	12	Distillate	No.
	GT 2	6	Distillate	No.
Consolidated Edison Co. of New York Inc. (59th Street).	No. 13	1,506	Residual	No.
	No. 14	1,095	Residual	No.
	No. 15	3,835	Residual	No.
Pacific Gas & Electric Co. (Oleum)	No. 1	182	Residual	No.
	No. 2	203	Residual	No.
(Pittsburg)	No. 4	1,739	Residual	No.
Arkansas Power & Light Co. (Hamilton Moses).	No. 1	465	Residual [1]	No.
	No. 2	465	Residual [1]	No.

[1] High sulfur residual fuel (greater than 0.5 percent sulfur).

FUA became effective on May 8, 1979. The Act prohibits the use of natural gas as a primary energy source in certain existing powerplants and also authorizes exemptions under certain conditions.

SUPPLEMENTARY INFORMATION: On April 9, 1979, ERA issued a final rule implementing section 311(e) of FUA. This final rule, 10 CFR Part 508 (44 FR 21230, April 9, 1979), sets forth the policy ERA has adopted in implementing section 311(e) of FUA, and the eligibility standards which petitioners for the temporary exemption must meet.

The grant of these temporary exemptions will allow these existing electric powerplants to use natural gas as a primary energy source in excess of the amounts which are permitted by section 301(a)(2) and (3) of FUA. The use of natural gas, permitted under these temporary exemptions, will result in displacing distillate and residual fuel oils in existing electric powerplants.

The above listed owners/operators have filed petitions with ERA for temporary public interest exemptions for certain existing electric powerplants. ERA has reviewed these petitions and has determined that the powerplants meet the eligibility criteria established in 10 CFR 508.2.

ERA is proposing to issue orders which would grant temporary public interest exemptions to all of the powerplants listed above, pursuant to the authority of section 311(e) of FUA and 10 CFR Part 508. These proposed orders, when finalized, would grant a temporary exemption to the subject powerplants from the prohibition against natural gas use, contained in section 301(a)(2) and (3) of FUA.

Additionally, special temporary public interest exemptions do not relieve existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Proposed Order Granting Special Temporary Public Interest Exemptions

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby sets forth its Order proposing to grant special temporary public interest exemptions from the prohibitions of section 301(a)(2) and (3) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.*, pursuant to section 311(e) of FUA, 10 CFR 510.68, and 10 CFR Part 508, to the following powerplants:

Case control No.	Petitioner	Generating station	Unit identification	Location
50645-2443-03-41	Community Public Service	Lordsburg	No. 3	Lordsburg, N. Mex.
51225-2917-07-41	Department of Public Utilities	Hamilton	No. 7	Hamilton, Ohio.
51225-2917-21-41	do	do	GT 1	Do.
51225-2917-22-41	do	do	GT 2	Do.
50653-2503-13-41	Consolidated Edison Co. of New York, Inc.	59th Street	No. 13	New York, N.Y.
50653-2503-14-41	do	do	No. 14	Do.
50652-2503-15-41	do	do	No. 15	Do.
52224-0263-01-41	Pacific Gas & Electric Co	Oleum	No. 1	Martinez, Calif.
52224-0263-02-41	do	do	No. 2	Do.
52224-0271-04-41	do	Pittsburg	No. 4	Pittsburg, Calif.
50105-0168-01-41	Arkansas Power & Light Co	Hamilton Moses	No. 1	Forest City, Ark.
50105-0168-02-41	do	do	No. 2	Do.

I. Statutory Prohibitions

The above listed powerplants are prohibited by section 301(a)(2) of FUA from using natural gas as a primary energy source, or are prohibited from using natural gas as a primary energy source in excess of the average base year proportions allowed in section 301(a)(3) of the Act.

II. Eligibility for Exemption

The existing powerplants listed above have submitted petitions to ERA for a special temporary public interest exemption and have asserted that:

a. Each existing powerplant is:

1. Prohibited on May 8, 1979, from using natural gas as a primary energy source by section 301(a)(2) of FUA, or

2. Prohibited from using natural gas in excess of the average base year proportions allowed in section 301(a)(3) of FUA.

b. The proposed use of natural gas as a primary energy source, to the extent that such use would be prohibited by section 301(a)(2) or (3) of FUA:

1. Will displace consumption of middle distillate or residual fuel oil, and

2. Will not displace the use of coal or any other altenate fuel in any facility of the owner/operator utility system, including the powerplant for which the exemption petition was submitted.

III. Rationale

To the extent that the *near-term* choice of fuels for existing powerplants is limited to petroleum or natural gas, the use of natural gas is preferred. The expanded use of natural gas in these powerplants will be a significant step toward reducing the Nation's oil consumption in the short term. This increased use of natural gas will help the United States meet its international commitments to reduce its demand for imported petroleum products, protect the Nation from the effects of oil shortages, and cushion the impact of increasing world oil prices, which have had a detrimental effect on the Nation's balance of payments and domestic inflation rate.

To the extent that this increased use of natural gas will accomplish these goals, it will reduce the importation of petroleum and further the goal of national energy self-sufficient. This is in keeping with purposes of FUA and is in the public interest.

Since the increased use of natural gas for oil displacement is in keeping with the purposes of FUA and is in the public interest, and since the petitioners have demonstrated that they have met the eligibility criteria established in 10 CFR 508.2, 44 FR 21230, ERA proposes to grant the exemptions.

IV. Duration

ERA proposes to grant these temporary public interest exemptions generally as follows:

1. In no case will any exemption granted extend beyond June 30, 1985, or exceed a maximum of 5 years (including the period of time during which the petition was pending), whichever occurs first.

2. To those facilities that will displace middle distillate fuel oil, grant exemptions until June 30, 1985, subject to the limitations described in paragraph 1, above.

3. To those facilities that will displace residual oil with a sulfur content of 0.5 percent or less, grant exemptions for an initial period of two years, with an automatic extension of up to three years, subject to the limitations described in paragraph 1, above, and upon ERA's written acceptance of a system-wide fuel conservation plan filed by the petitioner consistent with the terms and conditions set forth below.

4. To those facilities that will displace residual oil with a sulfur content greater than 0.5 percent, grant exemptions for an initial period ending December 7, 1981, with provisions for an extension, subject to the limitations described in paragraph 1, above, and at ERA's option based on an appropriate request filed by the petitioner.

These proposed temporary exemptions are subject to termination by ERA upon six months written notice, if ERA determines such termination to be in the public interest.

V. Terms and Conditions

Pursuant to the authority of section 314 of FUA and 10 CFR 508.6, ERA will require the recipient of a final order to: (1) report the actual monthly volumes of natural gas used in each exempted powerplant and the estimated number of barrels of each type of fuel oil displaced during the exemption period; (2) submit a system-wide fuel conservation plan to include the period covered by the temporary exemption; and (3) submit to ERA a report on progress achieved in implementing the system-wide fuel conservation plan. The first progress report is due within thirty days following the end of the calendar year in which the system-wide fuel conservation plan is required and annually thereafter.

Comments

ERA is publishing this notice of petitions filed and its proposed order granting these exemptions, to invite interested persons to submit written comments pursuant to the requirements of FUA. In addition, any interested person may request that a public hearing be convened in regard to these petitions under the provisions of section 701(d) of FUA.

DATES: Written comments relating to these petitions and the proposed order are due on or before June 5, 1981. Requests for a public hearing are also due on or before June 5, 1981.

ADDRESSES: Requests for a public hearing and/or 10 copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street, N.W., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Jack C. Vandenberg (Office of Pubic Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4055 Elmer Lee (Office of Fuels Conversion), Economic Regulatory Administration, Department of Energy, Room 3112-E, 2000 M Street, N.W., Washington, D.C. 20461, (202) 653-4268.

Marx Elmer (Office of General Counsel), Department of Energy, Room 6B-178, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2967.

This is not the final notice of petitions and proposed orders under the final rule. ERA will continue to comply with the requirements of section 710(c) of

FUA and will publish further notices as petitions are received and accepted.

Additionally, special temporary public interest exemptions do not relieve existing powerplants from compliance with any pertinent rules or regulations concerning the acquisition or the distribution of natural gas that are administered by the Federal Energy Regulatory Commission or any pertinent State regulatory agency or from any public utility obligation to pertinent categories of customers.

Issued in Washington, D.C. on April 14, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-11943 Filed 4-20-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Orders

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice that the following Proposed Remedial Orders have been issued. These Proposed Remedial Orders allege violations of applicable law as indicated.

A copy of the Proposed Remedial Orders, with confidential information deleted, may be obtained from Thomas M. Holleran, Program Manager for Product Retailers, 2000 M Street, NW, Washington, DC 20461, phone 202/653-3517. On or before May 6, 1981, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, DC 20461, in accordance with 10 CFR 205.193.

Issued in Washington, D.C., on the 15th day of April 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

Proposed Remedial Orders

Station	Address	Date	Violation amount	Highest cents per gallon violation (cents)
Western District				
O'Neal's Service Center Union 76	304 South Main St., Corona, CA 91720	02/24/81	$7,310.55	3.6
Ruiz Exxon Service	11007 South Street, Cerritos, CA 90701	03/16/81	4,250.79	8.4
Southwest District				
H & B Broadstreet Texaco	1903 Austin, Wichita Falls, TX, 76301	08/21/80	11,202.18	4.7

[FR Doc. 81-11973 Filed 4-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of March 23 Through March 27, 1981

During the week of March 23 through March 27, 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.

Appeaks

Arizona Fuels Corp., 3/25/81, BEA-0570, BES-0570, BED-0570

Arizona Fuels Corporation filed an Appeal from the November 1980 Entitlements Notice issued by the ERA in which the firm claimed that the ERA had erroneously failed to correct a calculational error committed in a prior entitlements notice. The DOE determined that the calculational error had been corrected in months subsequent to November 1980. Accordingly, the Appeal was denied. Arizona Fuels Corporation also filed an Application for Stay and a Motion for Discovery in connection with its Appeal. In view of the DOE's determination on the firm's Appeal, the Application for Stay and Motion for Discovery were dismissed.

Cranston Oil Service Co., 3/24/81, DEA-0281

The Cranston Oil Service Co. (Cranston) proceeding was initiated pursuant to a decision of the U.S. District Court for the District of Rhode Island in *Cranston Oil Service Co.* v. *Schlesinger* (C.A. No. 77-423). That decision directed the Office of Hearings and Appeals to reconsider a portion of an earlier determination in which Cranston was denied retroactive exception relief from the Mandatory Petroleum Price Regulations. Cranston had sought retroactive relief in order to be relieved of its obligation to refund overcharges assessed by the DOE in an earlier enforcement proceeding.

In considering the matters remanded by the District Court, the DOE affirmed its earlier findings regarding the exclusion of certain rental payments from its financial analysis as well as the length of time permitted Cranston to repay the overcharges assessed by the DOE. However, in view of the time which had elapsed since the prior proceedings involving Cranston, the DOE remanded the matter to the DOE Region I Office of Enforcement for modification of the interest provisions and repayment deadline applicable to the Cranston refunds.

Dobrovir, Oakes & Gebhardt, 3/26/81, BFA-0616

Dobrovir, Oakes & Gebhardt filed an Appeal from a determination issued by the Assistant Administrator for Applied Analysis of the Energy Information Administration of the DOE. That determination partially denied a request for information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the material which was initially withheld by the Assistant Administrator under Exemption 5 should be released to the public.

Important issues that were considered in the Decision and Order were (i) the applicability of the deliberative process privilege of Exemption 5 to statistical data and (ii) the public interest considerations concerning the release of data compiled by the Energy Information Administration.

Exxon Company, U.S.A., 3/27/81, BEA-0177

Exxon Company, U.S.A. filed an Appeal from an Order for the Redirection of Product issued by the Economic Regulatory Administration Region IV Office of Petroleum Operations on January 14, 1980. The order directed Exxon to supply 92,989 gallons of motor gasoline to Moore Oil Company of Spruce Pine, Alabama. The Order was issued by the ERA pursuant to the provisions of 10 CFR 205.90 *et seq.* and § 211.107(c) in order to ameliorate difficulties Moore was experiencing due to the allocation fraction of .49 declared by its base period supplier for the month of December, 1979. In considering Exxon's Appeal, the DOE found that the Region IV Order generally complied with the regulatory provisions governing the issuance of redirection orders, but was deficient in that it did not explicitly consider Lion Oil Company, one of Moore's base period suppliers for months other than December, as a possible choice to supply the needed volumes. However, since Lion had supplied less than 1 percent of Moore's base period allocation, it was determined that this technical flaw in Region IV's Order was *de minimis*, and did not require the rescission of the Order. Exxon's Appeal was therefore denied.

Fund for Constitutional Government, 3/24/81, BEA-0613

The Fund for Constitutional Government filed an Appeal from a partial denial by the Office of the Executive Secretary (OES) of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). The request concerned documents relating to a congressional staff memorandum, the subject of which was the DOE's enforcement program. In considering the Appeal, the DOE found that the OES had

correctly withheld a recommendatory portion of a memorandum authored by an official of the Economic Regulatory Administration and addressed to the Secretary, pursuant to Exemption 5 of the FOIA. The DOE also found, however, that the request should have been referred to the ERA's Office of Enforcement (OE) for a determination whether the OE has any responsive documents. Accordingly, the request was remanded to the OES with instructions that it be forwarded to the OE for such a determination.

John E. Grasberger, 3/27/81, BFA-056

John E. Grasberger filed an Appeal for a partial denial by the Assistant Administrator for Enforcement of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that Exemption 2 applies to DOE audit programs which describe procedures whose disclosure would assist persons in concealing their violations of DOE regulations. However, the DOE found that certain portions of the audit program for rent-a-car companies withheld by the Assistant Administrator pusuant to Exemption 2 did not fall within the exemption and should be released to the public, since their disclosure would not enable persons to circumvent the law. The DOE also found that most of the material withheld pursuant to Exemption 4 did not appear to fall within the exemption since it was not likely that the release of this information would cause any firm substantial competitive harm. The DOE remanded the proceeding to the Assistant Administrator for a new determination after consultation with the affected firms on whether this information fell within Exemption 4.

Saber Petroleum Corp., 3/27/81, BFA-0608

The Saber Petroleum Corporation filed an Appeal from a partial denial by the District Manager for the Southwest District of the Office of Enforcement of a request for information which the firm had submitted under the Freedon of Information Act. In considering the Appeal, the DOE found that one of the documents and portions of three other documents which were initially withheld under Exemption 5 should be released to the public. All other documents withheld by the District Manager were found to be properly withholdable pursuant to Exemption 5. The DOE also found that the District Manager adequately justified his application of Exemption 5 to the withheld documents.

State of Minnesota, 3/26/81, BFA-0590

The State of Minnesota filed an Appeal from a partial denial by the Director, Field Operations, Office of Special Counsel for Compliance of a Request for Information which the State had submitted under the Freedom of Information Act (the FOIA). In considering the appeal, the DOE found that certain portions of the documents which were initially withheld under Exemptions 2, 4, 5, and 7(A) should be released to the public. An important issue that was considered in the Decision and Order was whether certain segregable portions of draft NOPV's and audit segment reports which contain limited factual background information should be disclosed.

Texaco, Inc., 3/27/81, DEA-0610

Texaco, Inc. (Texaco) filed an Appeal of a Decision and Order issued to Western Refining Co. (WRC) by the Economic Regulatory Administration. In its Appeal, Texaco claimed that it was precluded from making comments on WRC's application for an emergency allocation of crude oil because the confidential information with respect to WRC's operations had been deleted, and sought access to an unexpurgated copy of WRC's application. In considering Texaco's request, the DOE found that Texaco was able to formulate comments on WRC's application without the confidential information. Accordingly, Texaco's Appeal was denied.

Petition for Special Redress

Ernest E. Allerkamp, 3/27/81, BEG-0039, BES-0148

Ernest E. Allerkamp filed a Petition for Special Redress and an Application for Stay requesting that he not be obliged to file a Statement of Objections to a Proposed Remedial Order issued by the Audit Director of the San Antonio Office of the ERA. Allerkamp contended that his Fifth Amendment privilege against self-incrimination and his Due Process rights would be violated if he was obliged to file before a decision was made to refer the matter to the Department of Justice for possible criminal prosecution. OHA determined that a stay or other relief was unnecessary because Allerkamp could raise his claims in the remedial order proceedings.

Requests for Exception

Atlantic Gasohol Fuels Co., 3/27/81, BEE-1358

Atlantic Gasohol Fuels Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline for the purpose of marketing gasohol. The Office of Hearings and Appeals issued a Proposed Decision and Order which tentatively concluded that the firm's exception request should be granted. Prior to the issuance of a final determination, the President issued an executive order which immediately exempted motor gasoline, crude oil and propane from the provisions of the DOE Mandatory Petroleum Allocation Regulations. Thereafter, Atlantic was informed that its application appeared to be moot and should be dismissed. Atlantic responded that the Office of Hearings and Appeals (OHA) should proceed with consideration of the firm's application because allocation controls could be reimposed by judicial ruling or an executive order. In a final determination OHA concluded that Atlantic's request for further consideration of its application should be denied because it is unlikely that the DOE Mandatory Allocation Regulations will be reinstituted and because any opinion which might be issued by OHA on the merits of the case would be purely advisory.

By-Rite Oil Company, 3/25/81, BEE-0631

By-Rite Oil Company filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline for the purpose of blending and marketing gasohol. In considering the request, the DOE found that because of the recent Executive Order exempting motor gasoline from the provisions of the DOE Mandatory Petroleum Allocation Regulations, it could no longer grant the type of exception relief By-Rite sought. Accordingly, the Application for Exception was dismissed.

Enterprise Oil and Gas Company, 3/27/81, BEE-1638

Enterprise Oil and Gas Company filed an Application for Exception from the provisions of the Entitlements Program (10 CFR 211.67). According to the firm's submission, Enterprise was unable to fulfill its September 1980 entitlement sales obligation as a result of a purchase default by another firm. Consequently, Enterprise requested that it be issued additional entitlements which are equivalent in value to the amount of the unfulfilled sales obligation. In considering the request, the DOE determined that the issuance of the previously unsold entitlements would prevent the firm from suffering an unfair distribution of burdens and enable it to obtain the expeditious recovery of the entitlements benefits. Accordingly, the request was granted. In addition, the DOE concluded on its own motion that the same type of relief should be granted to thirty other firms which were unable to fulfill sales obligations incurred during September 1980.

Flying J, Inc., 3/25/81, BEE-1534

Flying J, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm requested entitlements for any crude oil which it purchases to enlarge its inventory at its Williston, North Dakota refinery. In considering the request, the DOE found that the firm almost certainly purchased the Williston refinery knowing of the reduced crude oil inventory at the facility. Moreover, the DOE noted that in numerous decisions it had held that exception relief is not appropriate to indemnify a firm against the effects of its own discretionary, independent business decisions. Accordingly, exception relief was denied.

Quaker State Oil Refining Co., 3/23/81, BEE-0795

Quaker State Oil Refining Co. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought an increase in the number of entitlements issued to the firm. In considering the request, the DOE noted that the Entitlements Program was conceived as a mechanism for equalizing refiners' access to domestic price-controlled crude oil, rather than refiners' acquisition costs of uncontrolled crude oil. The DOE further found that the firm had not demonstrated that its product distributors have suffered competitive harm as a result of the firm's crude oil cost disparity. Accordingly, Quaker's exception request was denied.

Robo of Dayton, Inc., 3/27/81, DEO–0342

Robo of Dayton, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary to sustain the firm's operations. Accordingly, exception relief was granted with respect to periods prior to the deregulation of motor gasoline.

Southern Fuel Co., 3/27/81, BEE–1530

Southern Fuel Company filed an Application for Exception in which the firm sought to be relieved of the requirement to file Form EIA–9A, No. 2 Distillate Price Monitoring Report. In considering the request, the DOE found that exception relief was necessary to alleviate the firm's unusual difficulties in attempting to comply with the reporting requirements in a timely manner. Accordingly, exception relief was granted.

Tucson Electric Power Company/Southwest Gas Corp., 3/27/81, BEO–0852

Tucson Electric Power Company (TEP) filed a Statement of Objections to a Proposed Decision and Order issued with respect to an Application for Exception from the provisions of 10 CFR Part 211 filed by Southwest Gas Corporation. In its application, Southwest sought an allocation of motor gasoline for use in a natural gas plant operation which Southwest acquired from TEP. If TEP's Statement of Objections were sustained, Southwest would not receive TEP's right to obtain an allocation of motor gasoline for the natural gas plant operation. In considering the request, the DOE found that exception relief was necessary to avoid frustrating two objectives delineated in the Emergency Petroleum Allocation Act of 1973. In addition, since Southwest had received exception of relief pursuant to an Interim Order issued to the firm pending a final determination on the firm's Application for Exception, the DOE concluded that the exception decision should be finalized for the period prior to the deregulation of motor gasoline. Accordingly, the exception relief was granted in part.

Requests for Temporary Exception

Natchez Refining, Inc., 3/26/81, BEL–1548

Natchez Refining, Inc., filed an Application for Temporary Exception from the provisions of 10 CFR 211.67 in which the firm sought to immediately receive entitlements for the crude oil which it purchased to establish and inventory for its new refinery located in Natchez, Mississippi, pending a determination on its Application for Exception (BEE–1548). In considering the request, the DOE found that the firm had failed to satisfy the regulatory criteria governing the approval of an Application for Temporary Exception. Accordingly, temporary exception relief was denied.

Pioneer Refining, Inc., 3/23/81, BEL–1634

Pioneer Refining, Inc. filed an Application for Temporary Exception from the provisions of 10 CFR 211.67 in which the firm sought the issuance of additional entitlements for the crude oil which it purchased to establish an increased inventory at its refinery. The DOE found that the firm had failed to demonstrate that it would suffer an irreparable injury in the absence of immediate relief. Accordingly, temporary exception relief was denied.

Requests for Stay

Golden State Petroleum Company, 3/26/81, BES–1644

Golden Gate Petroleum Company filed an Application for Stay which, if granted, would relieve the firm of its obligation to prepare and file Form EIA–9A, No. 2 Distillate Price Monitoring Report, pending determination of a concurrently filed Application for Exception. In considering the request, the DOE found that the firm failed to satisfy any of the criteria provided in § 205.125(b) of the DOE Procedural Regulations which govern the determination of an Application for Stay. Specifically, the firm failed to establish (i) the magnitude of the alleged hardship that would result from filing the form; (ii) that it would experience a greater burden than that experienced by all other firms required to file Form EIA–9A; and (iii) that it was desirable for public policy reasons to grant a stay. Accordingly, the Application was denied.

J. D. Streett & Company, Inc., 3/27/81, BRS–0090

J. D. Streett & Company, Inc. filed an Application for Stay of its obligation to respond to a Notice of Probable Violation (NOPV) issued to it by the Central Enforcement District of the ERA. Streett contended that its due process rights and the Fifth Amendment rights of its employees would be violated if it was obliged to answer before a decision was made to refer the matter to the Department of Justice for possible criminal prosecution. OHA held that stay relief was unnecessary because Streett could raise its constitutional claims in the NOPV proceeding. Accordingly, the Application for Stay was denied.

Motion for Discovery

Marathon Oil Company, 3/24/81, BRD–1491

Marathon Oil Company filed a Motion for Discovery in connection with its Statement of Objections to a January 15, 1981 Proposed Decision and Order issued to Asamera Oil (U.S.) Inc. In its Motion for Discovery, Marathon requests access to complete and undeleted copies of documents submitted by Asamera in the exception proceeding. On March 24, 1981, the discovery motion was granted to the extent that up to three specifically designated Marathon employees who are in positions which insulate them from any competition with Asamera shall have access to Asamera's confidential information.

Interlocutory Orders

John Morrell & Co., 3/26/81, BRZ–0090

John Morrell & Co. filed a Request to Participate in a remedial order proceeding involving Taylor Oil Company (BRO–1284). The request was filed late but Morrell contended that it had shown that there was good cause for the late filing, pursuant to 10 CFR 205.194(e). The Office of Hearings and Appeals found that Morrell had established good cause for its late intervention and the Request to Participate was granted.

Office of Special Counsel, Conoco, Inc., 3/26/81, BRZ–0088

In connection with a pending enforcement proceeding (Case No. BRO–1153) brought by the Office of Special Counsel against Conoco, Inc., the DOE issued an Interlocutory Order denying Conoco's Motion to Compel Discovery and denying OSC's Motion to Strike portions of Conoco's Statement of Objections. Conoco's Motion to Compel Discovery was denied because no prejudice to Conoco's interest in an expedited discovery process had been shown. OSC's Motion to Strike was denied because its approval would only have delayed the enforcement proceeding without producing any corresponding benefit.

Supplemental Order

The 341 Tract Unit of the Citronelle Field, 3/27/81, BEX–0181

In accordance with the provisions of an Interim Decision and Order previously issued to the 341 Tract Unit of the Citronelle Field, several candidates were nominated to act as a special trustee in the Citronelle case. The special trustee would monitor the tertiary recovery project undertaken on the Citronelle Field. After a review of the qualifications of the proposed candidates, the DOE concluded that the First National Bank in Dallas should be appointed as the special trustee in the Citronelle case.

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, Case No.

Augusta Mall Gulf Service, DEE–6481
Grisez Oil Company, BEO–1068
Gugino's Amoco Service, BEO–0774
International Metal Company, BEO–0775
Payne's Oil Co., Inc., DEE–2431
Tarpon Springs Fina Gas & Car Wash, BEO–0276

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Apex Oil Company, BEE–1485
B&M Texaco & Towing, BRO–1178
Ergon Refining, Inc., BET–0015
Jones & Gungoll, BFA–0617
Powerine Oil Company, BES–0142, BET–0142
Rocky Flats Area Office, BEO–0538
Tiger Petroleum Products, BFA–0635

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 15, 1981.

[FR Doc. 81-11971 Filed 4-20-81 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of March 30 Through April 3, 1981

During the week of March 30 through April 3, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 15, 1981.

Congleton Oil Co., Richmond, Kentucky, BEE-1645, No. 2 Heating Oil

Congleton Oil Company filed an Application for Exception which, if granted, would relieve the firm of its obligation to file DOE Form EIA-9. On April 3, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Isthmus Refining Corp., Washington, D.C., BEE-1577, crude oil

Isthmus Refining Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would permit the firm to receive additional entitlements benefits for the crude oil which the firm plans to purchase to establish a starting inventory for its new refinery. On March 30, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Southland Oil/VGS Corporation, Jackson, Mississippi, BXE-1595, crude oil

Southland Oil Company/VGS Corporation filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Southland to be relieved of its obligation to purchase entitlements pursuant to the provisions of 10 CFR 211.67 for the firm's fiscal year beginning January 1, 1981. On March 30, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted in part.

[FR Doc. 81-11972 Filed 4-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Conservation and Renewable Energy

[Case No. F-001]

Energy Conservation Program for Consumer Products; Petition for Waiver of Consumer Product Test Procedures Form Carrier Corporation

AGENCY: Department of Energy.

ACTION: Decision and Order.

SUMMARY: Today's Decision and Order grants in part the Carrier Corporation's request for waiver from the existing DOE test procedures for furnaces. Specifically today's order grants modifications to the test procedures which would allow testing of the Carrier design of furnace. However, the request for a waiver of the insulation requirement is denied.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, U.S. Department of Energy, Office of Conservation and Renewable Energy, Room GH-065, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Room 6B-128, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9510.

SUPPLEMENTARY INFORMATION:

Background

The energy conservation program for consumer products was established pursuant to the Energy Policy and Conservation Act. The Department of Energy (DOE), on September 26, 1980, amended the prescribed test procedure regulations for the energy conservation program for consumer products to allow the Assistant Secretary for Conservation and Renewable Energy temporarily to waive requirements for a particular covered product (45 FR 64108, Sept. 26, 1980). Waivers may be granted when characteristics of a product prevent use of the prescribed test procedures or lead to results that provide materially inaccurate comparative efficiency data.

On September 26, 1980, Carrier Corporation filed an "Application for Exception" which was forwarded by the Office of Hearings and Appeals (OHA) to the Office of Conservation and Solar Energy (now called Conservation and Renewable Energy) since it could be more appropriately handled under the provisions of 10 CFR 430.27 "Petitions for Waiver." In accordance with section 430.27 DOE published in the **Federal Register** the Carrier "Petition for Waiver" (45 FR 80896, December 8, 1980) and thereby solicited comments, data, and information respecting the determinations of the petition. Comments were received from Whirlpool Corporation and Borg-Warner Corporation, both manufacturers of furnaces. All received comments were sent to the petitioner on January 27, 1981, and Carrier responded by letter to DOE on February 12, 1981.

Carrier's petition contends that while the induced draft gas furnace manufactured by its BDP Division is a covered product under the Act, it cannot be adequately tested under the existing DOE test procedures for furnaces, i.e., the Carrier design incorporates a "draft safeguard system" which is not addressed in the existing furnace test procedures. The system includes a small passage which allows small amounts of air to enter the venting system.

DOE amended the test procedures to include methods of testing for induced draft gas furnaces (45 FR 53714, August 12, 1980). The amended procedures do not provide for dilution air in the venting system. These amendments resulted from an earlier "Application for Exception" by the "Heil-Quaker Co." (Whirlpool). Carrier believes the test procedure modifications for the "Heil-Quaker" design can be made applicable to the Carrier design through additional modifications to account for the dilution air. Carrier correctly realizes that the

introduction of dilution air into the venting system increases the amount of excess infiltration, thereby reducing the efficiency of the furnace. Carrier suggests that if the dilution passage is open during the test for determining the D_p factor, the additional infiltration loss will be accounted for when testing since the dilution air will increase the value of the D_p factor. However, Whirlpool objected to having the dilution passage open during testing because it feels doing so would unfairly raise the average efficiency (AFUE) obtained.

DOE believes that Whirlpool's contention is based on the fact that dilution air would reduce the stack gas temperature measurements, thus reducing the value obtained for sensible heat loss. However, the dilution air also reduces the percent CO_2 concentration in the stack gas which results in increased value obtained for sensible heat loss. For small dilution rates, such as those apparent in the Carrier design, the effects on efficiency of reduced stack gas temperatures are offset by the effects of reduced CO_2 concentration. Therefore, having the dilution passage open does not unfairly raise the AFUE. Today's decision and order allows testing of the Carrier induced draft furnace under the same conditions and provisions allowed the "Heil-Quaker" induced draft furnace design, with the additional proviso that the dilution passage be open during testing.

Carrier also requested that the requirement to insulate the "flue collector and inducer housing" be waived. Carrier provided data which demonstrated the small effect insulating these areas would have on the efficiency determination and added that there is difficulty in insulating these areas. Whirlpool objected to this waiver of insulation requirement on the grounds that it would favor the Carrier design since the only effect lack of insulation could have is to raise the average AFUE. DOE agrees and fails to see the need to waive this insulation requirement when the existing sampling provisions (including conservative rating techniques) can be employed to resolve the issue. Specifically, a manufacturer may choose to test without the insulation if he knows that the test results still will yield representations which are within the prescribed confidence limits and tolerances. Or, a manufacturer may choose to test without insulation and "de-rate" the resulting efficiency by an amount the manufacturer determines to be appropriate. Carrier has submitted test data which attempts to quantify this "de-rate" amount (Carrier has tested units with and without insulated flue collectors and draft inducer housings).[1] Therefore, today's decision and order does not provide specific relief from any insulation requirements.

Another manufacturer of furnaces (York) questioned the safety of the Carrier design of induced draft furnace and pointed out an abnormal operating mode that could be considered unsafe. Carrier has responded to this comment by stating that the failure mode pointed out by the commenter has been taken into consideration in the certification process by the American Gas Association Laboratories and furthermore this design with the draft safeguard feature provides a higher overall level of safety than natural draft furances presently on the market. DOE agrees and is therefore not considering further investigation of the safety aspects of this design.

In consideration of the foregoing, it is therefore ordered that: (1) The "Petition for Waiver" filed by Carrier Corporation on September 26, 1980, is hereby granted in part as set forth in Paragraph (2) below, subject to the provisions of Paragraphs (3), (4), (5) and (6).

(2) Notwithstanding any contrary provisions of 10 CFR, Part 430, Carrier Corporation shall be permitted to test its induced draft gas furnace on the basis of the test procedures specified in 10 CFR, Part 430, Appendix N, with the modifications set forth in Paragraph (3) below.

(3) Notwithstanding any contrary provisions of 10 CFR, Part 430, Carrier Corporation, in tests of its induced draft gas furnaces, shall be permitted to assign the following system values and assumptions:

(a) S/F=1
(b) $D_s=D_f=D_p$
(c) system number =2
(d) TFSS=TSSS, and
(e) XC02F=XC02S

(4) With the exception of the modifications set forth in Paragraph (3) above, Carrier Corporation shall comply in all respects with the test procedures specified in 10 CFR, Part 430, Appendix N.

(5) The waiver shall remain in effect only until the Department of Energy issues test procedures appropriate to the type of induced draft gas furnace manufactured by Carrier Corporation and shall in any event expire (one year from issuance).

(6) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the applicant and commenters. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C., April 15, 1981.

Frank DeGeorge,

Acting Assistant Secretary for Conservation and Renewable Energy

[FR Doc. 81-11929 filed 4-20-81; 8:45 am]

BILLING CODE 6450-01-M

[1] As mentioned in the amendments to furnace test procedures (45 FR 53714, August 12, 1980), a conservative rating does not justify reduced accuracy. Rather, it provides a means for a manufacturer to eliminate unnecessary burdens.

ENVIRONMENTAL PROTECTION AGENCY

[PH-FRL 1757-3; OPP-30000/28c]

Creosote, Pentachlorophenol and the Inorganic Arsenicals; Preliminary Notice of Determination Concluding the Rebuttable Presumption Against Registration of the Wood Preservative Uses of Pesticide Products; Notice of Availability of Position Document 2/3

Correction

In FR Doc. 81-5603, published at page 13020, on Thursday, February 19, 1981, make the following corrections:

(1) On page 13021, in the first column, in the sixth line of "Address", "20469" should be corrected to read "20460".

(2) Also in the first column, in the third line of **For Further Information Contact**", "(TS-701)" should be corrected to read "(TS-791)".

(3) In the second column, in the first paragraph, the second line from the bottom, "preservation" should be corrected to read "preservative".

(4) In the third column, in the second line from the top "preservation" should be corrected to read "preservative".

(5) On page 13022, in the first column, in the ninth line from the top "Agency has determined that these risk" should be corrected to read "Agency has determined that these modifications in the terms and conditions of registration accomplish significant risk".

(6) In the third column, in the second paragraph, in the eighth line from the bottom "section 6" should be corrected to read "section 6 notices".

(7) On page 13023, in the first column, in the third line from the bottom "humans the" should be corrected to read "humans. The ".

(8) In the last line "indicating the" should be corrected to read "Indicating that".

(9) On page 13024, in the second column, in the first paragraph, in the

seventh line, "telephone piles" should be corrected to read "telephone poles".

(10) On page 13027, in the third column, in the third paragraph, in the twelfth line "cancellation both" should be corrected to read "cancellation of both".

(11) On page 13028, in the third column, in the fifteenth line "adhension" should be corrected to read "adhesion".

(12) On page 13033, in the first column, in the sixth paragraph, in the second line "only be certified" should be corrected to read "only by certified".

(13) In the third column, in the fifth paragraph, in the second line, "creosote or" should be corrected to read "creosote and".

BILLING CODE 1505-01-M

[OPP-66079; PH FRL 1808-5]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: May 21, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-447, 401 M St. SW., Washington, D.C 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. E-228, 401 M St. SW., Washington, D.C. 20460 (202-426-8540).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
3635-130	Oxford Bacto-Phene	Oxford Chemicals Inc., PO Box 80202, Atlanta, GA 30366.	May 3, 1972.
3635-131	Oxford Vapogene	do	Mar. 9, 1972.
3635-163	Oxford Germ-Master	do	July 10, 1972.
3635-197	Oxford 1922 Disinfectant-Detergent	do	Jan. 10, 1975.
3635-198	Oxford 1925 Disinfectant-Detergent	do	Jan. 8, 1975.
3635-202	Oxford 1926	do	Aug. 5, 1975.

The agency has agreed that such cancellation shall be effective May 21, 1981 unless within this time Oxford Chemicals Inc., or other interested person with the concurrence of the company, requests that the registration be continued in effect. Oxford Chemicals Inc., was notified by certified mail of this action.

The agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-660079]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-447, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holiday.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136)

Dated: April 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-11934 Filed 4-20-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-66080; PH FRL 1808-4]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: May 21, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 516, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7121).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
6392-10	Detergisept	Burns-Biotec Laboratories, P.O. Box 3113, Omaha, NE 68103	Aug. 21, 1974.
10735-1	Marine Copper Bottom Paint	Conchemco Inc., 18th and Garfield Streets, Kansas City, MO 64127	Aug. 9, 1971.
100-546	Nuvan Pressurized Space Spray	Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, NC 27409	May 28, 1974.
100-547	Nuvan Synergized Aerosol Space Spray	do	May 28, 1974.

Registration No.	Product name	Registrant	Date registered
100-583	Dual 6E	do	Nov. 23, 1976.
677-67	Diamond 75-25 Grain Fumigant	Diamond Shamrock Corp., 1100 Superior Avenue, Cleveland, OH 44114	Jan. 4, 1956.
279-658	Niagara Zineb 13 Dust	FMC Corp., Agricultural Chemical Division, 100 Niagara Street, Middleport, NY 14105	May 27, 1952.
4584-28	Rido Insect Repellent	Gem, Inc., One Gem Blvd., Byhalia, MS 38611	June 26, 1961.
5905-115	Helena Brand Diosen Chloroneb-Disulfaton Granular	Helena Chemical Co., 5100 Poplar Ave., Suite 2900, Memphis, TN 38137	May 11, 1970.
5905-213	Helena Brand 10-D Cotton Fungicide	do	May 24, 1973.
5905-222	Helena Brand 10-G Cotton Fungicide	do	Aug. 1, 1973.
10182-7	Pirimor 50W Insecticide	ICI Americas Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897	Aug. 29, 1974.
10182-15	Pirimicarb Technical Insecticide	do	Nov. 12, 1977.
10182-16	Pirimor 50 WP Insecticide	do	Jan. 5, 1979.
4418-6	T.V.B. Hog Oil with Lindane	Pennsylvania Consumers Oil Co., 1120 South Main Street, Council Bluffs, IA 51501	Feb. 11, 1970.
4418-7	Penn Back Rubber Oil 2% Malathion	do	May 17, 1973.
359-41	Chipman Hi-Test Lead Arsenate	Rhone-Poulenc Inc., Agrochemical Division, P.O. Box 125, Monmouth Junction, NJ 08852.	May 12, 1948.
359-237	2,4-D Butyl Ester 265E	do	Mar. 9, 1954.
359-247	Chipman 2,4-D Isopropyl Ester 334E	do	May 18, 1954.
359-574	Chipman Aerosol Special Mixture No. 1	do	Apr. 27, 1966.
359-578	Chipman 2,4,5-T Acid	do	May 19, 1966.
359-582	Chipman 2,4-D and 2,4,5-T Ester Mix Technical	do	May 19, 1966.
359-600	Chipman DMB Mix #1	do	Apr. 14, 1967.
359-605	Chipman D. & T. Mix #6	do	July 19, 1967.
4185-285	Smith-Douglass Premerge Dinitro Weed Killer	Smith-Douglass Division, Borden Chemical, Borden Inc., P.O. Box 419, Norfolk, VA 23501.	Jan. 21, 1966.
2459-213	Master Brand Premerge Dinitro Weed Killer	Stevens Industries, Inc., Dawson, GA 31742	Dec. 2, 1968.
327-26	Dr. Roger's Screw Worm Smear	Texas Phenothiazine Co., P.O. Box 4186, Forth Worth, TX 76106	Jan. 29, 1948.
99-114	Swat for Dairy Cattle	Watkins Inc., 150 Liberty Street, Winona, MN 55987	Mar. 24, 1980.

The Agency has agreed that such cancellation shall be effective May 21, 1981 unless within this time the registrant or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66080]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-107, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: April 11, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-11933 Filed 4-20-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-30197; PH FRL 1808-3]

Receipt of Application To Register Pesticide Products Containing New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received application to register pesticide products containing new active ingredients.

DATE: Comments must be received on or before May 21, 1981.

ADDRESS: Written comments to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby (703-557-7060).

SUPPLEMENTARY INFORMATION: EPA gives notice that certain companies have submitted applications to register pestidcide products containing new active ingredients.

These applications are made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136) and the regulations thereunder (40 CFR 162.6). Notice of receipt of these applications does not indicate a decision by the agency on the applications.

EPA File Symbol 100-ARI. Agricultural Division, Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409. Product Name: CGA-64250 Technical fungicide containing the new active ingredient 1[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxalan-2-yl]methyl] 1-*H*-1,2,4-triazole at 88 percent. The application proposes that the product be registered for general use in formulations of fungicides.

EPA File Symbol 100-ART. Agricultural Division, CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409. Product Name: Tilt 3.6E Fungicide containing the new active ingredient 1[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxalan-2-yl]methyl] 1-*H*-1,2,4-triazole at 41.8 percent. The application proposes that the pesticide be registered for general use for control of rusts (*Puccinia* sp.) and powdery mildew in grasses grown for seed including perennial rye grass, red fescue, and chewing fescue.

Interested persons are invited to submit written comments on the applications referred to in this notice.

Notice of approval or denial of these applications will be annouced in the **Federal Register**. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, and the regulations thereunder, the test data and other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the

Federal Register if an application is approved.

(Sec. 3(c), 86 Stat. 972, (7 U.S.C. 136a))

Dated: April 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc.81-11932 Filed 4-20-81 8:45 am]

BILLING CODE 6560-32-M

FEDERAL MARITIME COMMISSION

Agreements Cancelled

Torm Tramping Co. A/S and Transatlantic and Pacific Steamship Lines, Inc., Peralta Line Joint Service Agreement; Cancellation

Filing Party: William B. Galvin, Vice President, Peralta Shipping Corporation, 25 Broadway, New York, New York 10004.

Agreement No. 8620.

Summary: On September 22, 1980, the Commission received notice to cancel Agreement No. 8620, a joint service agreement. The agreement will be cancelled effective September 22, 1980, the date the notice of cancellation was received by the Commission.

Peralta Line and Harrison Line Sailing Agreement; Notice of Cancellation

Filing Party: William B. Galvin, Vice President, Peralta Shipping Corporation, 25 Broadway, New York, New York 10004.

Agreement No. 8714.

Summary: On September 22, 1980, the Commission received notice to cancel Agreement No. 8714, a sailing agreement. The agreement will be cancelled effective September 22, 1980, the date the notice of cancellation was received by the Commission.

Torm Tramping Co. A/S and Odnamra Shipping Corporation Peralta (Atlantic) Line Joint Service Agreement; Notice of Cancellation

Filing Party: William B. Galvin, Vice President, Peralta Shipping Corporation, 25 Broadway, New York, New York 10004.

Agreement No. 9512.

Summary: On September 22, 1980, the Commission received notice to cancel Agreement No. 9512, a joint service agreement. The agreement will be cancelled effective September 22, 1980, the date the notice of cancellation was received by the Commission.

By Order of the Federal Maritime Commissioner.

Dated: April 16, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-11875 Filed 4-20-81: 8:45 am]

BILLING CODE 6730-01-M

[Agreement No. T-3800-A]

Crane Lease Agreement Between City of Long Beach and California United Terminals; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. T-3800-A will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that the preparation of an environmental impact statement is not required. This agreement, between the City of Long Beach and California United Terminals, involves the rental, use and operation of two container cranes at the Port of Long Beach.

This Finding of No Significant Impact (FONSI) will become final within 10 days unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Secretary.

[FR Doc. 81-11873 Filed 4-20-81: 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-28]

Transportacion Maritima Mexicana, S.A. and Board of Commissioners of the Port of New Orleans

Notice is given that a complaint filed by Transportacion Maritima Mexicana, S.A. against the Board of Commissioners of the Port of New Orleans was served April 14, 1981. Complainant alleges that respondent has claimed dockage charges in excess of that provided in its tariff in violation of section 17 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge William B. Harris. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-11876 Filed 4-20-81: 8:45 am]

BILLING CODE 6730-01-M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 1, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. T-3800-A.

Filing party: Mr. Robert W. Parkin, Deputy City Attorney, Harbor Branch Office, Harbor Adminstration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-3800-A, between the City of Long Beach (City) and California United Terminal (CUT), provides for the lease by City to CUT of two container cranes for use in handling containers at Piers B and C in the Port of Long Beach, California. Upon approval of the agreement, and commencing July 1, 1981, rental of the cranes will be based on amortization of the purchase price over an 18-year period, which will require a basic monthly rental payment of $56,532.84. A portion of the rental may be deferred during the first 8 years of the amortization period, at CUT's option, and depending on whether CUT's option to renew

the basic preferential berth assignment at the premises (Agreement No. T-3800) are exercised. If Agreement No. T-3800 is not renewed, the remaining payment becomes due as a lump sum. CUT has the option to purchase the cranes at any time during the term of the agreement. All rates, charges, regulations and practices of CUT will be subject to the review and control of City. City also reserves the right to make temporary assignments of the cranes to other parties, so long as such assignments do not interfer with CUT's authorized operations.

Agreement No. T-3909-B.

Filing party: Mr. Richard L. Landes, Deputy City Attorney, Offices of the City Attorney of Long Beach, Harbor Adminstration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-3909-B, between the City of Long Beach (City) and Orient Overseas Container Line Limited (Assignee), provides for the assignment of certain portions of the premises originally assigned under Agreement No. T-3909, which the parties mutually agree are available and usable for Assignee's permitted uses, together with other premises in the vicinity of Berths 243-244 as said areas become available, prior to the effective date of Agreement No. T-3909. The term of the agreement commences upon its approval by the Commission (or May 1, 1981, whichever is later) and will terminate upon the sooner of: (a) the effective date of Agreement No. T-3909; or (b) June 30, 1982. As rental, Assignee shall pay to City $1,720 per month per acre until that date on which the number of acres/months of usage by Assignee, subsequent to the effective date of Agreement No. T-3909-B, equals 534 (presently estimated to be June 30, 1982) and thereafter the sum of $3,200 per month per acre.

Dated: April 15, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-11874 Filed 4-20-81; 8:45 am]

BILLING CODE 6730-01-M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 11, 1981. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-2623-3.

Filing party: E. F. Brimo, Treasurer, Global Terminal & Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-2623-3, between Global Terminal and Container Services, Inc. (Global) and Dart Containerline Co., Ltd. (Dart), modifies the parties' basic container terminal, stevedoring and LCL service agreement. The purpose of the modification is to change the payment of rates and charges billed to Dart by Global from 15 days to 30 days and delete section 2(b) of the basic agreement.

Agreement No. T-2625-2.

Filing party: E. F. Brimo, Treasurer, Global Terminal & Container Services, Inc., P.O. Box 273, Jersey City, New Jersey 07303.

Summary: Agreement No. T-2625-2, between Global Terminal and Container Services, Inc. (Global) and Schiffahrtsgesellschaft Columbus Line M.B.H. (Columbus Line) modifies the parties' basic container terminal and stevedoring services agreement. The purposes of the modification are to: (1) state Schiffahrtsgesellschaft Columbus Line M.B.H. a successor in interest to Dr. August Oetker Schiffahrts Und Beteiligungs-Ges M.B.H. under the agreement; (2) change the payment of rates and charges billed by Global to Columbus Line from 15 days to 30 days; and (3) delete section 2(b) of the basic agreement.

Agreements Nos. T-3565-2 and T-3565-A-3.

Filing party: Ms. Annette U. Landrau, Acting General Counsel, Puerto Rico Ports Authority, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreements Nos. T-3565-2 and T-3565-A-3 are between the Puerto Rico Ports Authority (Authority) and Sea-Land Service, Inc. (Sea-Land). Agreement No. T-3565-2 modifies the parties' basic agreement granting Sea-Land preferential use of Berths E and F. Puerto Nuevo, together with approximately 300,000 square feet of adjoining apron and cargo-in-transit area. Agreement No. T-3565-A-3 modifies the parties' basic agreement providing for Sea-Land's lease and exclusive use of certain marshalling areas adjacent to the areas preferentially assigned Sea-Land under Agreement No. T-3565.

The purpose of Agreement No. T-3565-2 is (1) to alter the size of the Preferential Use Area; (2) to restate the agreement's term as extending through June 1, 1983, with four (4) renewal options of five (5) years each; (3) to adjust rental charges accordingly; and (4) to add a new clause providing for penalty charges to be assessed Sea-Land for failure to vacate and surrender the leased premises in the event of termination of the lease.

The purpose of Agreement No. T-3565-A-3 is (1) to change the leased land area; (2) to restate the agreement's term as extending through June 1, 1983, with four (4) renewal options to five (5) years each; (3) to adjust rental charges accordingly; (4) to add a new clause providing for penalty charges to be assessed Sea-Land for failure to vacate and surrender the leased premises in the event of termination of the lease; and (5) to provide for security for payment of rental and other charges.

Agreement No. T-3959.

Filing party: Mr. Randall V. Adams, Traffic/Accounting, Port of Palm Beach, P.O. Box 9935, Riviera Beach, Florida 33404.

Summary: Agreement No. T-3959, between Port of Palm Beach District (District) and Kennelly & Sisman Company (KSC), provides for the five year exclusive lease, with renewal options, of certain land located at the Port of Palm Beach Terminal, Riviera Beach, Florida, to be used for the loading and unloading of KSC's chartered vessels and warehouse and office space. The leased area will include 18,940 sq. ft. of warehouse space, 1,060 sq. ft. of office space and 8,000 sq. ft. of open area. KSC shalll pay District a monthly rental charge of $5,378.33, with terms provided for cost of living adjustments, plus applicable taxes and port tariff charges. The parties further agree to terms of indemnification, assignments, insurance, repair and construction and other terms and conditions provided for in the agreement. This agreement cancels Agreements Nos. T-3624 and T-3893.

Agreement No. T-3963.

Filing party: Ms. Annette U. Landrau, Acting General Counsel, Ports Authority, Commonwealth of Puerto Rico, G.P.O. Box 2829, San Juan, Puerto Rico 00936.

Summary: Agreement No. T-3963, between the Puerto Rico Ports Authority (Authority) and Seaboard Caribbean Terminal Inc. (Lessee), provides for the preferential lease of 150,000 sq. ft. and exclusive use of the marine facilities on Pier M at Puerto Nuevo, Puerto Rico. The term of the agreement shall be for 5 years, with option for one renewal of 5 years. The Lessee will pay the Authority for the preferential lease a monthly rental of $625 and for the exclusive use of the facilities on Pier M a monthly rental of $6,754.02. Additionally, Lessee shall pay to the Authority, on an annual basis, $125,000 minimum wharfage and dockage charges. The facilities are to be used by the Lessee for its business of docking and mooring of vessels, distribution of wood products, loading and unloading containers, handling of lumber and general cargo.

Dated: April 16, 1981.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-11892 Filed 4-20-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 552 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C., 20573.

Richard L. Held, 6562 West 51st Street, Mission, Kansas 66202

Miru International Corp., 245 E. 87th Street, Mayflower Bldg. 6-D, New York, NY; Officers: Michael W. Rubin, President; Mona Hyman, Secretary

Phoenician Transport, Inc., 10 East 40th Street, Suite 2705, New York, NY 10016; Officers: Emilie Chidiac De Adem, President/Director; Adonis Adem Shehadeh, Treasurer/Secretary/Director; Charles B. Audi, Executive Vice President/Director

Southern Pacific International, Inc., One California Street, Suite 2760, San Francisco, CA 94111; Officers: T. T. Edwards, President/Director; D. W. Hildebrand, Vice President/Controller; W. J. Fitzpatrick, Vice President/Assistant Controller; H. W. Waterman, General Counsel; E. F. Grady, Treasurer; A. G. Richards, Secretary; V. J. Kushner, Assistant Controller; E. A Fiammengo, Assistant Secretary; T. F. O'Donnell, Assistant Secretary; L. C. Verrman, Assistant Vice President Administration; C.B. Nines, Director; J. M. Smith, Director

Boston Bay Brokers, Inc., 80 Broad Street, Suite 508, Boston, MA 02110; Officers: Anna Alajajian, President; Richard Macchione, Vice President/Director

Dated: April 15, 1981.

The Federal Maritime Commission.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-11893 Filed 4-20-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bancorp of Mundelein, Inc.; Formation of Bank Holding Company

Bancorp of Mundelein, Mundelein, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares (less directors' qualifying shares) of Bank of Mundelein, Mundelein, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 14, 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 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11901 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

Old Stone Corp. and Northwest Bancorp.; Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*) directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received except as noted, by the appropriate Federal Reserve Bank not later than May 8, 1981.

A. *Federal Reserve Bank of Boston* (Richard E. Randall, Vice President) 30 Pearl Street, Boston, Massachusetts 02106:

Old Stone Corporation, Providence, Rhode Island (mortgage banking and insurance activities; Ohio): to engage *de novo* through its indirect subsidiary, UniMortgage Corporation of Ohio, in the origination, sale and servicing of first and second mortgage loans; the sale of credit life and credit health and accident insurance offered in connection with extensions of credit, which insurance would be reinsured by an affiliate, Motor Life Insurance Company, Jacksonville, Florida; and the sale of casualty insurance on property mortgaged in connection with extensions of credit. These activities would be conducted at an office in Dayton, Ohio, serving the immediate metropolitan area of Dayton and Montgomery County, Ohio.

B. *Federal Reserve Bank of Minneapolis* (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

Northwest Bancorporation, Minneapolis, Minnesota (consumer finance; leasing persoal property; Colorado): to engage *de novo* through its subsidiary, Banco Financial Corporation, the activities of a commercial finance company, servicing commercial finance loans and leasing personal property from an office in Denver, Colorado and will serve the states of Colorado, Nebraska, Wyoming, Kansas, Utah, Texas, Nevada and Oklahoma. Comments on this application must be received not later than May 7, 1981.

C. *Other Federal Reserve Banks:* None.

D. Michael Manies

Assistant Secretary of the Board.

[FR Doc. 81-11903 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Corp., et al.; Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 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 Reseve 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 14, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. Manufacturers Hanover Corporation, New York, New York (home equity lending and insurance activities; Delaware): to engage through a *de novo* indirect subsidiary Investors Mortgage Company of Delaware in arranging, making or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company; servicing such loans and other extensions of credit for any person; acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit; and through its subsidiary Tempco Life Insurance Company reinsuring such credit insurance. These activities would be conducted from the existing offices of Investors Loan Corporation of Delaware, located and servicing the following counties or portions thereof: New Castle, Kent, and Sussex, Delaware.

2. The Chase Manhattan Corporation, New York, New York (mortgage banking and related lending, servicing and insurance activities; Florida): to engage, through its subsidiary, Housing Investment Corporation of Florida, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit secured by real estate, including but not limited to, first and second mortgage loans secured by mortgages on one-to-four family residential properties; servicing loans and other extensions of credit for any person; selling mortgage loans in the secondary market; and offering mortgage term life insurance, accident and health insurance and disability insurance directly related to such lending and servicing activities. These activities will be conducted from an office located in the area of Kings Road and Oakfield Drive, Brandon, Florida, serving the eastern portion of Hillsborough County, Florida, and southwest to the Appollo Beach region, Ruskin, and Sun Cities and adjoining counties.

B. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Southern Bancorporation, Inc., Greenville, South Carolina (consumer finance activities; Oklahoma): to engage through its subsidiary, World Acceptance Corporation, in making extensions of credit as a licensed consumer finance lender. These activities would be conducted from an office in Tulsa, Oklahoma, serving the approximate city limits of Tulsa, Oklahoma and Tulsa County.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11904 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

Cambridge Capital Co.; Formation of Bank Holding Company

Cambridge Capital Co., Cambridge, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80.0 percent or more of the voting shares of Peoples State Bank of Cambridge, Cambridge, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 14, 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 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11902 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

First Shiloh Bancshares, Inc.; Formation of Bank Holding Company

First Shiloh Bancshares, Inc., Zion, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Zion State Bank and Trust Company, Zion, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 14, 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 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11905 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

Philadelphia National Corp.; Proposed Acquisition of Assets of Mortgage Bankers Service Corporation

Philadelphia National Corporation, Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire certain assets of Mortgage Bankers Service Corporation, Monterey, California.

Applicant states that the proposed subsidiary would engage in origination and servicing of FHA, VA and conventional residential mortgage loans. These activities would be performed from offices of Applicant's subsidiary in Monterey, Soquel, Concord, and Roseville, California, and the geographic areas to be served are the California counties of Monterey, Santa Cruz, Contra Costa, and Sacramento. 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).

Intersted 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 outweight 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 Philadelphia.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 7, 1981.

Board of Governors of the Federal Reserve System, April 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11906 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

Texas American Bancshares, Inc.; Acquisition of Bank

Texas American Bancshares, Inc., Forth Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Collin County National Bank of McKinney, McKinney, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 14, 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 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11907 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

Veblen Insurance Co., Inc.; Proposed Retention of the Assets of Veblen Insurance Company, Inc.

Veblen Insurance Company, Inc., Veblen, South Dakota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain the assets of Veblen Insurance Company, Inc., Veblen, South Dakota and for permission to retain an office in Veblen, South Dakota.

Applicant states that it will continue to engage in the selling of all lines of insurance, such as auto, fire, liability, crop, livestock, bonds, etc., in a town of less than 5,000 population. These activities would be performed from an office in Veblen, South Dakota, and the geographic area to be served is a 15 mile radius of Veblen, South Dakota. 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 person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 15, 1981.

Board of Governors of the Federal Reserve System, April 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11908 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

Veblen Insurance Company, Inc.; Formation of Bank Holding Company

Veblen Insurance Company, Inc., Veblen, South Dakota, 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 97 per cent or more of the voting shares of The Bank of Veblen, Veblen, South Dakota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 14, 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 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11909 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

Zappco, Inc., Formation of Bank Holding Company

Zappco, Inc., St. Cloud, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95 percent or more of the voting shares of Zapp National Bank of St. Cloud, St. Cloud, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 14, 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 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-11910 Filed 4-20-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81N-0096]

Allergenic Extracts; Availability of Report of Advisory Review Panel

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of the final report of the Panel on Review of Allergenic Extracts.

ADDRESSES: A copy of the report is on public display and may be reviewed at the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests for a copy of the report and information regarding costs may be sent to the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, 703-487-4650.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability to the public of the final report of the Panel on Review of Allergenic Extracts (the Panel) as submitted to the Commissioner of Food and Drugs in accordance with § 601.25(e) (21 CFR 601.25(e)) of the biologics regulations. FDA is releasing this report so that interested persons may have an opportunity to review the Panel's findings and recommendations to the agency.

The Panel's final report is currently under review within the agency, and the release of this report to the public should not be considered as representing FDA's endorsement or approval of the Panel's findings and recommendations. Consistent with § 601.25(f) (21 CFR 601.25(f)), the Panel's report and FDA's response to the report, including any proposed actions or disagreements with, or variances from, specific Panel recommendations will be published in the **Federal Register** at a later date in a "Proposed Implementation of Efficacy Review." When the implementation proposal is published, copies of the publication will be available from FDA. FDA requests that comments on the Panel's report be withheld until requested in the implementation proposal.

A copy of the report is on public display and may be reviewed in the Dockets Management Branch, FDA. Those persons interested in obtaining a copy of the Panel's report or information regarding the cost of the report may contact the National Technical Information Service (NTIS), at the address or telephone number above. The cost of the Panel's report from NTIS will be approximately $45.50 for a paper copy and $3.50 for microfiche. All correspondence to NTIS should include reference to the NTIS Accession Number PB 81-182115. The report is being made available to the public subject to format and editorial changes before publication in the **Federal Register.** These changes are designed to ensure that the report is free of incidental errors and conforms to the stylistic requirements established for documents published in the **Federal Register.** The report may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-11748 Filed 4-20-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 80G-0516]

Davison Chemical Division of W. R. Grace and Co.; Filing of Petition for Affirmation of GRAS Status; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Correction.

SUMMARY: In FR Doc. 81-5557 appearing at page 13375 in the issue of Friday, February 20, 1981, the following changes are made: (1) in the document subject heading "Davidson" should read "Davison"; (2) in the second line under the "Summary" heading "Davidson" should read "Davison"; (3) in the twelfth line under the "Supplementary Information" heading "Davidson" should read "Davison."

FOR FURTHER INFORMATION CONTACT: Agnes Black, Federal Register Writer (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

Dated: April 12, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-11747 Filed 4-20-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81G-0095]

Monsanto Co.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that the Monsanto Co. has filed a petition (GRASP 1G0272) proposing affirmation that sorbic acid and potassium sorbate are generally recognized as safe (GRAS) for use as preservatives in meat products, fresh poultry, and poultry products.

DATE: Comments by June 22, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly

the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Donna A. Dennis, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–4750.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), and the regulations for affirmation of generally recognized as safe (GRAS) status in § 170.35 (21 CFR 170.35), notice is given that a petition (GRASP 1G0272) has been filed by the Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166, proposing affirmation that sorbic acid and potassium sorbate used as preservatives in meat products, fresh poultry, and poultry products are GRAS. The petition has been placed on display at the Dockets Management Branch (HFA–305), Food and Drug Administration.

Any petition that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as preliminary indication of suitability for affirmation.

Interested persons may, on or before June 22, 1981, review the petition and/or file comments (four copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 9, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81–11748 Filed 4–20–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 78P–0011]

Siemens Corp. Approval of Extension of Variance for Status X Intraoral Dental X-Ray System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that an extension of variance from the performance standard for diagnostic x-ray systems and their major components has been approved by the Bureau of Radiological Health for the Status X intraoral dental x-ray system manufactured by Siemens Corp., Iselin, NJ. The electronic product is designed for panoramic radiographs of the upper and lower jaw and for the right or left maxillary and mandibular views.

DATES: The termination date of Variance No. 78002 is extended from July 6, 1981 to July 6, 1986.

ADDRESS: The application and all correspondence on the application have been placed on public display in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Wang, Bureau of Radiological Health (HFX–460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3426.

SUPPLEMENTARY INFORMATION: Under § 1010.4 (21 CFR 1010.4), Siemens Corp., 186 Wood Ave. South, Iselin, NJ 08830, has been granted a second extension of a variance from the field limitation and alignment requirement of § 1020.31(f)(4) (21 CFR 1020.31(f)(4)) of the performance standard for diagnostic x-ray systems and their major components. The Director of the Bureau of Radiological Health has determined that the arguments that led to the original granting of Variance No. 78002 are still valid. (See 43 FR 24604; June 6, 1978). This variance applies to the Status X intraoral dental x-ray system. The termination date of the variance has been extended from July 6, 1981 to July 6, 1986.

The product will continue to bear the Variance No. 78002. In accordance with § 1010.4, the application and all correspondence (including the written notice of approval) on this application have been placed on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration, and may be seen between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 10, 1981

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–11745 Filed 4–20–81; 8:45 am]

BILLING CODE 4110–03–M

[Docket No. 80N–0467]

GRAS Review of Activated Carbon (Charcoal), Bioflavonoids, Shellac and Shellac Wax, and Smoke Flavoring Solutions and Smoked Yeast Flavoring; Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a public hearing will be held on June 22, 1981, on activated carbon (charcoal), bioflavonoids, shellac and shellac wax, smoke flavoring solutions and smoked yeast flavoring, so that data, information, and views can be presented orally to determine whether these substances are generally recognized as safe (GRAS) or subject to a prior sanction.

ADDRESS: The hearing will be held in the Barn Meeting Room, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–4750; or

F. R. Senti, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014, 301–530–7033.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 25, 1980 (45 FR 27992), November 7, 1980 (45 FR 74056 and 74059) and January 13, 1981 (46 FR 3064), FDA issued notices advising the public that an opportunity would be provided for the oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), concerning the safety of the following 14 categories of food ingredients and the Select Committee's tentative determination of whether they are GRAS or subject to a prior sanction:

Benzoyl peroxide
Borax and boric acid
Malt syrup and malt extract
Shellac and shellac wax
Stearyl alcohol
Candelilla wax
Collagen
Methylpolysilicones
Oiticica oil
Ethoxylated soya fatty acid amines
Bioflavonoids
Enzyme-modified edible fats

Activated carbon (charcoal)
Smoke flavoring solutions and smoked yeast flavoring

No requests were received for a hearing on benzoly peroxide, borax and boric acid, malt syrup and malt extract, stearyl alcohol, candelilla wax, collagen, methylpolysilicones, oiticica oil, ethoxylated soya fatty acid amines, and enzyme-modified edible fats.

The Select Committee received requests from the following companies, institutions, and individuals asking for an opportunity to appear at a public hearing and to make an oral presentation on activated carbon (charcoal), bioflavonoids, shellac and shellac wax, and smoke flavoring solutings and smoked yeast flavoring:

Calgon Corp., Box 1346, Pittsburgh, PA 15230
Sunkist Growers, Inc., 760 E. Sunkist St., Ontario, CA 91761
Nutrilite Products, Inc., 5600 Beach Blvd., Buena Park, CA 90621
Red Arrow Products Co., P.O. Box 507, Manitowoc, WI 54220
Griffith Laboratories, U.S.A., 12200 South Central Ave., Alsip, IL 60658
Hickory Specialties Co., Inc., P.O. Box 705, Crossville, TN 38555
Broste Industri A/S, Kobenhavn K., Denmark, and
American Bleached Shellac Manufacturers Association, 99 Park Ave., New York, NY 10016

No other requests for a hearing on these four food categories were received.

In accordance with the procedures published in the **Federal Register** of April 25, 1980, November 7, 1980 and January 13, 1981, announcement is hereby made that a hearing on shellac and shellac wax, bioflavonoids, smoke flavoring solutions, and smoke yeast flavoring and activated carbon (charcoal) will be held beginning at 8:45 a.m. on June 22, 1981, in the Barn Meeting Room, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. Those who have requested an opportunity to make oral presentations will be expected to complete their presentation within the time period indicated and in accordance with the following schedule: *June 22, 1981*

8:45 to 10:30 a.m. Smoke Flavoring Solutions and Smoked Yeast Flavoring

1. C. M. Hollenbeck, Ph.D., Red Arrow Products Co., Manitowoc, WI, 30 minutes.
2. R. Sair, Ph. D., E.W. Davidheiser, Vice President, Griffith Laboratories U.S.A., Alsip, IL, 15 minutes.
3. S. D. Crace, Vice President, Hickory Specialties, Co., Inc., Crossville, TN, 15 minutes.
4. Carl Zir Olsen, Broste Industri A/S and W. K. Hill, Attorney for Broste Industri A/S, Kobenhavn K, Denmark, 30 minutes.

10:45 a.m. to 11:45 a.m. Bioflavonoids

1. G. C. Beisel, Research Director, Orange Products Developments, Sunkist Growers, Inc., Ontario, CA, 30 minutes.
2. J. Cupello, PhD., Nutrilite Products, Inc., Buena Park, CA, 30 minutes.

1:15 p.m. to 2 p.m. Shellac and Shellac Wax

P. R. Donovan, Jr., Chairman, Government Relations Committee, American Bleached Shellac Manufacturers Association, New York, NY, 30 minutes.

2:15 p.m. to 3:30 p.m. Activated Carbon (Charcoal)

J. Keating, Vice President, Carbon Division, Calgon Corp., Pittsburgh, PA, 1 hr.

Dated: April 15, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-11879 Filed 4-20-81; 8:45 am]
BILLING CODE 4110-03-M

[Docket No. 81N-0097]

Safety of Certain Food Ingredients; Opportunity for Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces an opportunity for public hearing on the safety of cornmint oil, glucono delta-lactone, vegetable gums, peptones, sodium aminotris (methylenephosphonate), glutens, and zein to determine whether they are generally recognized as safe (GRAS) or subject to a prior sanction. This action accords with procedures of a comprehensive safety review the agency is conducting. Interested persons are invited to give their views on the safety of these substances.

DATE: Requests to make oral presentations to the public hearing must be postmarked on or before May 21, 1981.

ADDRESSES: Written requests to the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014, and to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 26, 1973 (38 FR 20053), FDA issued a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (the Select Committee), about the safety of ingredients used in food to determine whether they are GRAS or subject to a prior sanction. The agency now announces that the Select Committee is prepared to conduct a public hearing on cornmint oil, glucono delta-lactone, oat gum, okra gum, psyllium seed husk gum, quince seed gum, peptones, sodium aminotris (methylenephosphonate), wheat gluten, corn gluten, and zein for use as direct food ingredients. The public hearing will provide an opportunity for interested persons to present to the Select Committee scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing under notices published in the **Federal Register** of July 26, 1973 (38 FR 20051, 20053), April 17, 1974 (39 FR 13798), and March 26, 1978 (43 FR 12941).

The Select Committee has reviewed all the available data and information on the food ingredients listed above and has reached one of the following five tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. (This finding does not apply to the substances covered by this notice.)

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted. (This finding does not apply to the substances covered by this notice.)

4. The evidence is insufficient to

determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now curent and in the manner now practiced. (This finding does not apply to the substances covered by this notice.)

5. The information available is not sufficient to make a tentative conclusion.

The Select Committee will evaulate the information received at the public hearing and use it in reaching its conclusion.

The following table lists the ingredients, the Select Committee's tentative conclusions (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions:

Substance	Select Committee tentative conclusion	Order No., price code, and price [1]		
		Scientific literature review	Animal study report	Other information
Commint oil	5	PB 284-878; A03; $6.50	Bioassay of dl-menthol for possible carcinogenicity, 1978, by National Cancer Institute. (PB 288-761; A06; $11.00).	1. Letter, January 28, 1970, L. E. Buckley, FDA, Washington, DC, to R. F. Sagle, Cook & Beneman Law Offices, Washington, DC. 2. Letter, May 19, 1961, F. A. Cassidy, FDA, Washington, DC, to W. A. Todd, A. M. Todd Co., Kalamazoo, MI. 3. Letter, April 19, 1962, F. A. Cassidy, FDA, Washington, DC, to W. A. Todd, A. M. Todd Co., Kalamazoo, MI. 4. Committee on GRAS List Survey—Phase III. The 1977 survey of industry on the use of food additives. (PB80-113418; E19; $50.50) 5. Memorandum, March 11, 1980, S. A. Anderson, FASEB, Bethesda, MD. 6. Letter, September 23, 1965, G. P. Larrick, FDA, Washington, DC, to E. E. Langenau, Fritzsche Brothers, Inc., New York, NY. 7. Memorandum, March 13, 1980, S. A. Anderson, FASEB, Bethesda, MD. 8. A further survey of compounds for radiation protection (1969). (SAM-TR-69-1, page 11.) V. Plzak and J. Doull, USAF School of Aerospace Medicine, Brooks Air Force Base, TX. 9. Unpublished report. Research Institute for Fragrance Materials. As cited in scientific literature review of alicyclic compounds of carbon, hydrogen, and oxygen. (Section 1.B, page 48.) (PB 265-515; A24; $38.00.) 10. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS). (PB 221-921 through PB 221-949 or PB 221-920 for the set; E99; $173.00.)
Glucono delta-lactone	1	PB 284-879; A03; $6.50	1. Mutagenic evaluation of compound, glucono delta-lactone (71-72), 1974, by Litton Bionetics, Inc., under FDA contract. (PB 245-438; A03; $6.50). 2. Teratologic evaluation of compound, glucono delta-lactone (71-72), by Food and Drug Research Laboratories, Inc., under FDA contract. (PB 223-830; A04; $8.00).	1. Memorandum, August 14, 1963, A. J. Beebe, FDA Washington, DC, to the Director, Atlanta District, FDA, Atlanta, GA. 2. Letter, October 18, 1960, F. A. Cassidy, FDA, Washington, DC, to C. F. Hagan, Chas Pfizer & Co., Inc., Brooklyn, NY. 3. Letter, June 6, 1961, F. A. Cassidy, FDA, Washington, DC, to E. C. Cox, Pet Milk Co., St. Louis, MO. 4. Stabilization of leavening systems in instant bread mix (1961), R. F. Larsen, Arthur D. Little, Inc., Cambridge, MA. (PB 163-545; A03; $6.50.) 5. Evaluation of the health aspects of certain calcium salts as food ingredients. (SCOGS-45) (PB 254-539; A02; $5.00.) 6. Evaluation of the health aspects of sodium, potassium, magnesium and zinc gluconates as food ingredients. (SCOGS-78) (PB 288-675; A02; $5.00.) 7. Evaluation of the health aspects of manganous salts as food ingredients. (SCOGS-67) (PB 301-404; A03; $6.50.) 8. Evaluation of the health aspects of copper gluconate, copper sulfate, and cuprous iodide as food ingredients. (SCOGS-98) (PB 301-400; A03; $6.50.) 9. Evaluation of the health aspects of iron and iron salts as food ingredients. (SCOGS-35) (PB80-178676; A05; $9.50.) 10. Evaluation of the health aspects of potassium gluconate as a food ingredient. (SCOGS-II-18, SCOGS-78-supplement) (PB 81-127862; A02; $5.00.) 11. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS). (PB 221-921 through PB 221-949 or PB 221-920 for the set; E99; $173.00.) 12. Letter, February 17, 1960, E. T. Wulfsberg, FDA, Washington, DC, to C. H. Hagen, Chas, Pfizer & Co., Brooklyn, NY.
Oat gum, okra gum, psyllium seed husk gum, and quince seed gum.	5	PB 289-412; A06; $11.00		1. Memorandum, July 31, 1981a, S. A. Anderson, FASEB, Bethesda, MD. 2. Memorandum, July 31, 1980b, S. A. Anderson, FASEB, Bethesda, MD. 3. Committee on GRAS List Survey—Phase III. The 1977 survey of industry on the use of food additives. (PB80-113418; E19; $50.50.) 4. Letter, March 31, 1980, W. A. Meer, Meer Corp., North Bergen, NJ, to F. R. Senti, FASEB, Bethesda, MD. 5. Evaluation of the health aspects of carob bean gum as a food ingredient. (SCOGS-3) (PB 221-952; A02; $5.00.)

Substance	Select Committee tentative conclusion	Order No., price code, and price [1]		
		Scientific literature review	Animal study report	Other information
				6. Evaluation of the health aspects of gum tragacanth as a food ingredient. (SCOGS–4) (PB 223–835; A02; $5.00.) 7. Evaluation of the health aspects of gum arabic as a food ingredient. (SCOGS–1) (PB 234–904; A02; $5.00.) 8. Evaluation of the health aspects of sterculia gum as a food ingredient. (SCOGS–5) (PB 234–905; A02; $5.00.) 9. Evaluation of the health aspects of carrageenan as a food ingredient. (SCOGS–6) (PB 266–877; A02; $5.00.) 10. Evaluation of the health aspects of gum ghatti as a food ingredient. (SCOGS–12) (PB 223–841); A02; $5.00.) 11. Evaluation of the health aspects of guar gum as a food ingredient. (SCOGS–13) (PB 223–836; A02; $5.00.) 12. Evaluation of the health aspects of agar-agar as a food ingredient. (SCOGS–23) (PB 265–502; A02; $5.00.) 13. Evaluation of the health aspects of gum guaiac as a food ingredient. (SCOGS–64) (PB 274–474; A02; $5.00.) 14. Memorandum, February 22, 1980. F. R. Senti, FASEB, Bethesda, MD. 15. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS). (PB 221–921 through PB 221 949 or PB 221–920 for the set; E99; $173.00.) 16. Letter, April 11, 1960, E. T. Wulfsberg, FDA, Washington, DC, to L. J. LaBrie, Morningstar-Praisley, Inc., New York, NY.
Peptones	1	PB 284–882; A04; $8.00	1. Mutagenic evaluation of compound, hydrolyzed vegetable protein (soy) (71–85), by Litton Bionetics, Inc., under FDA contract. (PB260–773; A04; $8.00). 2. Teratologic evaluation of compound, hydroloyzed vegetable protein (71–85), in mice, rats, and rabbits, by Food and Drug Research Laboratories, Inc., under FDA contract. (PB 234–875; A03; $6.50). 3. "Safety evaluation of shoyu." Included in "Scientific data and information for the Select Committee on GRAS Substances relating to fermented soy sauce." by Kikkoman Foods, Inc., (page 36–109), submitted at hearing on protein hydrolyzates, July 26, 1977. (Available from Dockets Management Branch, FDA, address above, Docket number 76N–0494).	1. Letter, February 21, 1980, G. B. Allen, Insolex Corp., Park Forest South, IL, to F. R. Senti, FASEB, Bethesda, MD. 2. Letter, February 12, 1980, J. C. Bard, Scientific Protein Laboratories, Waunakee, WI, to F. R. Senti, FASEB, Bethesda, MD. 3. Letter, December 8, 1959, F. A. Cassidy, FDA, Washington, DC to E. A. Chase, Sterling Drug, Inc., New York, NY. 4. Letter, September 15, 1961, F. A. Cassidy, FDA, Washington, DC, to E. A. Lazo-Wasem, Wilson Laboratories, Chicago, IL. 5. Letter, September 23, 1959, E. A. Chase, Sterling Drugs, Inc., New York, NY, to A. A. Checchi, FDA, Washington, DC. 6. Committee on GRAS List Survey—Phase III. The 1977 survey of industry on the use of food additives. (PB80–113418; E19; $50.50.) 7. Memorandum, February 11, 1980, F. R. Senti, FASEB, Bethesda, MD. 8. Letter, May 7, 1980, R. H. Kullick, Draft, Inc., Chicago, IL, to F. R. Senti, FASEB, Bethesda, MD. 9. Letter, August 10, 1961, E. A. Lazo-Wasem, Wilson Laboratories, Chicago, IL, to F. A. Cassidy, FDA, Washington, DC. 10. Letter, September 12, 1980, C. J. Meyerson, A. E. Staley Manufacturing Co., Decatur, IL, to F. R. Senti, FASEB, Bethesda, MD. 11. Evaluation of the health aspects of protein hydrolyzates as food ingredients. (SCOGS–37b) (PB 283–440; A04; $8.00.) 12. Evaluation of the health aspects of certain glutamates. (SCOGS–37a) (PB283–475; A04; $8.00.) 13. Evaluation of the health aspects of protein hydrolyzates as food ingredients. Supplemental review and evaluation. (SCOGS–37b–Suppl.) (PB80–178643; A02; $5.00.) 14. Evaluation of the health aspects of certain glutamates. Supplemental review and evaluation. (SCOGS–37a–Suppl.) (PB80–178635; A03; $6.50.) 15. Letter, January 8, 1960, D. L. Shapiro, Covington & Burling, Washington, DC, to E. T. Wulfsberg, FDA, Washington, DC. 16. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS). (PB 221–921 through PB 221–949 or PB 220–920 for the set; E99; $173.00.) 17. Memorandum, July 21, 1980, F. R. Senti, FASEB, Bethesda, MD. 18. Letter, April 11, 1960, E. T. Wulfsberg, FDA, Washington, DC, to D. L. Shapiro, Covington & Burling, Washington, DC.

Substance	Select Committee tentative conclusion	Order No., price code, and price [1]		
		Scientific literature review	Animal study report	Other information
Sodium salt of aminotris-(methylenephosphonic acid).	5	PB 289-683; A02; $5.00	1. Four-day static fish toxicity studies with aminotrimethyl phosphonic acid in rainbow trout and bluegills, 1972, by Industrial Bio-Test Co. (Data included in the scientific literature review). 2. 90-day subacute toxicity study with nitrilotri(methylenephosphonic acid); also, aminotrimethylenephosphonic acid in albino rats, 1973, by Industrial Bio-Test Co. (Data included in the scientific literature review). 3. The oral LD_{50} of sodium aminotrimethylenephosphonate in rats, 1975, by Wells Laboratories, Inc. (Data included in the scientific literature review). 4. The oral LD_{50} of pentasodium aminotrimethylenephosphonate for rats (Table 1); the minimum lethal dose of aminotrimethylenephosphonate by skin absorption in rabbits (Table 2); skin irritation in rabbits after application of aminotrimethylenephosphonate (Table 3); eye irritation in rabbits after application of aminotrimethylenephosphonate (Table 4). Analysis Y-62-105, 1962, by Younger Laboratories, Inc. (Data included in the scientific literature review). 5. The oral LD_{50} of aminotrimethylenephosphonic acid for rats (Table 1); the minimum lethal dose of aminotrimethylenephosphonic acid by skin absorption in rabbits (Table 2); skin irritation in rabbits after application of aminotrimethylenephosphonic acid (Table 3); eye irritation in rabbits after application of aminotrimethylphosphonic acid (Table 4). Analysis of Y-62-104, 1962, by Younger Laboratories, Inc. (Data included in the scientific literature review).	1. Letter, April 23, 1980, L. A. Larsen, FDA, Washington, DC, to F. R. Senti, FASEB, Bethesda, MD. 2. Letter, July 24, 1980, L. A. Larsen, FDA, Washington, DC. to F. R. Senti, FASEB, Bethesda, MD. 3. Memorandum, August 5, 1980, F. R. Senti, FASEB, Bethesda, MD. 4. Orlene M; Product #98800. Technical data, PA-0039 770, by Merck Chemical Division, Rahway, NJ. 5. Letter, October 6, 1967, W. G. Orr, FDA, Washington, DC, to J. H. Mahon, Galgon Corp., Pittsburgh, PA.
Wheat gluten, corn gluten, and zein.	1	PB 284-880; A06; $11.00		1. Letter, February 22, 1980, H. Bell, National Starch and Chemical Corp., Bridgewater, NJ, to F. R. Senti, FASEB, Bethesda, MD. 2. Committee on GRAS List Survey—Phase III. The 1977 survey of industry on the use of food additives. (PB80-113418; E19; $50.50.) 3. Memorandum, July 17, 1978, S. H. Henry, FDA, Washington, DC., to C. A. Brignoli, FDA, Washington, DC. 4. Letter, December 28, 1954, R. F. Kneeland, FDA, Washington, DC, to T. A. White, National Starch Products, Inc., New York, NY. 5. Letter, February 22, 1980, J. P. Minehan, Colorcon, Inc., West Point, PA, to F. R. Senti, FASEB, Bethesda, MD. 6. Evaluation of the health aspects of sodium thiosulfate as a food ingredient. (SCOGS-52) (PB 254-526; A02; $5.00.) 7. Evaluation of the health aspects of protein hydrolyzates as food ingredients. (SCOGS-37b) (PB 283-440; A04; $8.00.) 8. Evaluation of the health aspects of certain glutamates as food ingredients. (SCOGS-37a) (PB 285-475; A04; $8.00.) 9. Evaluation of the health aspects of certain glutamates as food ingredients. Supplemental review and evaluation. (SCOGS-37a-Suppl.) (PB80-178635; A03; $6.50.) 10. Evaluation of the health aspects of protein hydrolyzates as food ingredients. Supplemental review and evaluation. (SCOGS-37b-Suppl.) (PB80-178643; A02; $5.00.) 11. Letter, December 29, 1960, A. T. Spiher, Jr., FDA, Washington, DC, to T. W. Christopher, Corn Products Co., New York, NY. 12. Subcommittee on Review of the GRAS List—Phase II. A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS). (PB 221-921 through PB 221-949 or PB 221-920 for the set; E99; $173.00.) 13. Letter, March 31, 1960, F. A. Cassidy, FDA, Washington, DC, to R. A. Flink, Bass & Friend, New York, NY.

[1] Price subject to change.

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22161.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, its reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the **Federal Register** of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on cornmint oil, glucono delta-lactone, oat gum, okra gum, psyllium seed husk gum, quince seed gum, peptones, sodium aminotris (methylenephosphonate), wheat gluten corn gluten, and zein are available for review at the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C St. SW., Washington, DC 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review at the Dockets Management Branch.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the time required to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall inform the Select Committee in writing addressed to the Select Committee on GRAS Substances,

Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each request shall be sent to the Dockets Management Branch (address above). All requests will be placed on public display in the Dockets Management Branch. Any such request must be received by or postmarked on or before May 21, 1981. Requests shall state the substances(s) on which an opportunity to present oral views is requested and how much time is being requested for the presentation. Requests shall specify the docket number found in brackets in the heading of this notice. As soon as possible after the request deadline, a notice announcing the date, time, and place of scheduled presentation for any public hearing that has been requested will be published in the **Federal Register.**

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee reports shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Because of time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views, identified with the docket number found in brackets in the heading of this notice, shall be addressed to the Select Committee at the address noted above and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Dockets Management Branch, Food and Drug Administration, and will be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will be placed on public display in the Dockets Management Branch (HFA–305), Food and Drug Administration.

Dated: April 15, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81–11880 Filed 4–20–81; 8:45 am]

BILLING CODE 4110–03–M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 10, 1981. Pursuant to § 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 6, 1981.

Ronald M. Greenberg,

Program Manager.

California

Humboldt County

Orick vicinity, *Bald Hills Archeological District*

Georgia

Washington County

Sandersville, *Elder, Thomas Jefferson, High and Industrial School,* 316 Hall St.

Indiana

Jay County

Portland, *Jay County Courthouse,* U.S. 27

Noble County

Albion, *Noble County Courthouse,* Courthouse Sq.

Perry County

Rome, *Old Perry County Courthouse,* Town Sq.

Ohio

Patrol Stations in Cincinnati, Ohio Thematic Resources. Reference—see individual listings under Hamilton County.

Hamilton County

Cincinnati, *Patrol Station No. 6 (Patrol Stations in Cincinnati, Ohio Thematic Resources)* Delta Ave. and Columbia Pkwy.

Cincinnati, *Patrol Station No. 7 (Patrol Stations in Cincinnati, Ohio Thematic Resources)* 355 McMillan St.

Cincinnati, *Police Station No. 2 (Patrol Stations in Cincinnati, Ohio Thematic Resources)* 314 Broadway (previously listed in Lytle Park Historic District, 3–26–76)

Cincinnati, *Police Station No. 3 (Patrol Stations in Cincinnati, Ohio Thematic Resources)* 3201 Warsaw Ave.

Cincinnati, *Police Station No. 5 (Patrol Stations in Cincinnati, Ohio Thematic Resources)* 1024–1026 York St. (previously listed as part of Samuel Hannaford and Sons Thematic Resources 3–3–80)

Montgomery, *Wilder-Swaim House,* 7650 Cooper Rd.

Miami County

Covington, *Covington Historic Government Building,* Spring and Pearl Sts.

Ross County

Chillicothe, *Seip House,* 345 Allen Ave.

Oklahoma

Kay County

Ponca City, *Ponca City Civic Center,* 515 E. Grand Ave.

Payne County

Yale vicinity, *Norfolk Bridge,* S of Yale

Seminole County

Wewoka, *Seminole Whipping Tree,* Wewoka Ave.

Virginia

Alexandria County

Alexandria and vicinity, *Mount Vernon Memorial Highway,* Washington St. and George Washington Memorial Pkwy. (also in Arlington and Fairfax Counties and Washington, DC)

Washington

Skagit County

Anacortes, *Causland Park,* 8th St. and M Ave.

Snohomish County

Sultan vicinity, *Horseshoe Bend Placer Claim,* N of Sultan

Thurston County

Olympia, *Lord, C. J., Mansion,* 211 W. 21st Ave.

Whatcom County

Bellingham, *Citizen's Dock,* 1201 Roeder Ave.

[FR Doc. 81–11618 Filed 4–20–81; 8:45 am]

BILLING CODE 4310–03–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte 55 (Sub-43B)]

Acceptable Forms of Requests for Operating Authority—Classes A and B Explosives and Other Hazardous Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed policy statement.

SUMMARY: The Commission is considering changing its commodity description policy with regard to Classes A and B explosives and other hazardous commodities in motor carrier authorities. The Commission proposes either to (1) exclude these commodity descriptions from general commodities and certain generic commodity group descriptions, or (2) stop the current practice of excluding Classes A and B explosives from general commodities grants of authority. This action is being considered in response to a petition by a trucking conference which points out a possible inconsistency in current policies.

DATE: Comments are due June 5, 1981.

ADDRESS: Send an original and 15 copies, if possible, to: Ex Parte No. 55 (Sub-No. 43B), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:
Peter Metrinko, 202–275–7805;
David Gaynor, 202–275–7904.

SUPPLEMENTARY INFORMATION: The Munitions Carriers Conference, Inc., (MCC), one of the member conferences of the American Trucking Associations, Inc., has filed a petition to reopen the Commission's proceeding in Ex Parte No. 55 (Sub-No. 43A), *Acceptable Forms of Requests for Operating Authority*, 45 FR 86798, 12–31–80. Since that proceeding is administratively final and the subject matter of the MCC petition is comparatively limited in scope, it is more desirable to initiate this new proceeding. Overall policy with regard to licensing of motor carriers and brokers of property remains the same for the pendency of this proceeding, and authorities will not be affected retroactively.

The MCC Petition

MCC requests the Commission to revise the following three commodity description by excluding Classes A and B explosives: Ordnance and Accessories, STCC 19; Chemicals and Related Products, STCC 28; and Hazardous Materials, STCC 49. It further proposes that a separate commodity classification group, Classes A and B explosives, be added to those normally acceptable to the Commission.

Standard Transportation Commodity Code (STCC) listings are normally acceptable to the Commission. MCC points out that Classes A and B explosives, a commodity with whose safe transportation the Commission has long been concerned, may be transported under grants using these broad classifications. It asserts that motor carriers neither interested nor experienced in transporting Classes A and B explosives would nonetheless receive this authority if applying under the broad STCC groups. Another assertedly undesirable result, according to MCC, is the similar effect the Ex Parte No. 55 (Sub-No. 43A) policy statement has on removal of restrictions from existing certificates; see Ex Parte No. MC–142 (Sub-No. 1), *Removal of Restrictions from Authorities of Motor Carrier of Property*, 45 FR 86747, 12–31–80. MCC points out that the Ex Parte No. 55 (Sub-No. 43A) policy statement recognizes the distinctive nature of the transportation of Classes A and B explosives because it excluded them from the general commodities description for safety reasons. It states that past consideration of public convenience and necessity has embraced all phases of safety and the public interest. MCC believes only a specific showing of need for this service justifies a grant of authority to transport Classes A and B explosives. Finally, it is of the opinion that existing explosives licenses should be reexamined every five years to determine not only the carrier's fitness, but also the continuing need for the service.

Background of present policy

In Ex Parte No. 55 (Sub-No. 43A), *supra*, the Commission issued a policy statement to guide carriers in requesting authority under the Motor Carrier Act of 1980 (Act). Carriers are now to apply for broad, unencumbered authortiy, with restrictions acceptable only in unusual cases. STCC commodity groupings are one suggested method of describing authority. Several of these grouping, as pointed out, include Classes A and B explosives. In the same policy statement, the Commission announced that normally Classes A and B explosives would be excepted from grants of general commodities authority for safety reasons.

Our task here is to ascertain whether this policy compromises our legal obligation to promote safe, adequate, economical, and efficient transportation, 49 U.S.C. 10101(a)(2).

Limited ICC Jurisdiction

The public must recognize the Commission's limited jurisdiction in this matter. The responsibility for establishing and enforcing safety standards lies with the Bureau of Motor Carrier Safety (BMCS) of the U.S. Department of Transportation (DOT). The Motor Carrier Act of 1980 gave DOT further powers in the safety area. The Commission retains insurance jurisdiction with respect to loss or damage to cargo, while the primary responsibility for insurance standards lies with DOT. The Commission may, however, take legal action to enforce the requirement that carriers maintain adequate and valid insurance.

In response to Section 30 of the Act, the Federal Highway Administration of DOT (FHA) has issued a notice of proposed rulemaking in BMCS Docket No. MC–94, Notice No. 81–1, *Minimum Levels of Financial Responsibility for Motor Carriers*, 46 FR 8186, 1–26–81. This notice proposes rules for, among other things, the transportation of hazardous materials by all motor carriers.

While the rules are as yet proposed, we observe that DOT would require the highest financial responsibility levels for several types of commodities:

(1) Hazardous substances, as defined by the Administrator of the Environmental Protection Agency in 40 CFR 110, 116, and 261, when transported in cargo tanks, portable tanks, or hopper type vehicles with capacities in excess of 3,500 water gallons.

(2) In-bulk Class A explosives, poison gas, liquefied gas, or compressed gas; and

(3) Large quantities of radioactive materials.

DOT has established a sub-category of commodity transportation which would require a level of insurance higher than for non-hazardous materials. The commodities are oil, hazardous substances, and hazardous wastes not included in (1) through (3) above.

Regulatory Controls Over Unsafe Carriers

There are several basic tools which DOT and the Commission may use to control unsafe motor carriers. When a motor carrier applies for authority, the Commission can enter a finding of unfitness. The motor carrier of property will not be granted the certificate, since it has failed to meet one of the dual tests of 49 U.S.C. 10922, fitness *and* useful public purpose.[1] DOT may choose, as one device to halt unsafe carriers, to intervene in the economic licensing process of the Commission. This intervention device is also available to the Commission's Office of Consumer Protection.

It should be pointed out that the carrier's failure to show it is fit in one case does not act to halt the carrier's other operations. For existing motor carriers, the failure to prove fitness in a

[1] Contract carriage licensing is governed by 49 U.S.C. 10923, where the standard is fitness and consistency with the public interest. This notice, for purpose of simplicity, will refer only to common carriage.

single licensing case acts as a deterrent only to the extent that a new area of regulated operations may be denied to the carrier. The carrier is free to continue other regulated or unregulated operations.

A separate issue is the jurisdiction of DOT and the Commission with regard to operations under authority already in force. Generally, DOT may bring legal action to require a carrier, whether regulated or not by the Commission, to comply with DOT safety regulations through changed operational or equipment practices. The Commission, on the other hand, may bring action to suspend or revoke and underlying certificate where interstate operating authority is required. This power brings with it the possibility of the ultimate sanction, which is to require the carrier to terminate regulated operations by revoking its authorities.[2]

Prior Inconsistent Policy

The Commission has not followed a consistent policy in the past with regard to hazardous commodities descriptions in operating authorities. This can be illustrated by the Commission's policies with regard to the imposition of limited-terms (typically, 5 years) on certificates for the transportation of Classes A and B explosives and a few other commodities, such as cryogenic gases. As can be seen from the DOT classification of commodities requiring higher insurance levels, other commodities have high risk transportation characteristics.

In addition, the Commission has in the past granted broad unrestricted authorities which included commodities where, if individually applied for, would result in imposition of a limited term. Examples include (1) petroleum products, which authorizes a carrier to transport cryogenic gases such as liquefied petroleum gas, and (2) oilfield (or *Mercer*) commodities, which authorizes a carrier to transport explosives.

The MCC petition and the recent DOT action require us to reassess our policies with regard to (1) granting broad authorities whose class includes hazardous commodities, including Classes A and B explosives, and (2) putting limited terms on specific grants of authority.

[2] One cooperative device which has been used in the past is for the FHA to bring a complaint proceeding against the offending carrier before the Commission. This device allows DOT to argue for long term sanctions, or perhaps even termination, against a carrier. *Federal Highway Admin. v. Safeway Trails, Inc.*, 113 M.C.C 815 (1971). This device has been rarely used, however.

Alternative Proposals

We have two views on the resolution of this situation. The first major alternative would require a realignment of acceptable commodity classifications so that either Classes A and B explosives or all hazardous commodities which may require a higher insurance level would be excepted from a generic grant of authority. This excepted list would normally be dependent on the DOT classification, since we regard their expertise in the area as paramount. Under this alternative, a carrier would explicitly have to request a hazardous commodity authority.

An important question, however, is whether there is a correlation between the excepting of hazardous commodities from grants, and the ultimate safety behavior of the carrier. If there is little or no correlation, we may be unnecessarily inhibiting competition in the motor carrier industry.

It is possible that this correlation is very low, since, as pointed out above, our previous policies have allowed both new entrants and existing carriers to receive unrestricted generic authority which allows the carrier to transport commodities with dangerous transportation characteristics. DOT safety efforts, insurance company examination, and the carrier's interests in self-preservation may be sufficient to protect the public. Intervention in the licensing process by DOT or the Commission's Officer of Consumer Protection may not serve as a sufficient significant overall deterrent, since the carrier can continue to perform operations under existing authorities. A more effective approach may be to focus on the carrier's existing operations, since suspension and revocation may be more effective tools to police or deter unsafe operators.

The second major alternative would be to discontinue excepting any hazardous commodities from grants of authority and cease imposing limited terms on authorities. Requiring all carriers to prove before the fact that they will operate safely under the authority to be granted may be an almost wholly speculative endeavor. The Commission might better spend its limited resources on taking enforcement action against repeat violators. Undoubtedly, this would require close cooperation between the Commission and DOT. If this second major alternative is taken we could continue to restrict carriers' authorities whose safety records are in question. Where a carrier has unsatisfactory or conditional safety ratings from DOR, certificates obtained during that period could be restricted against hazardous materials transportation.

Because we wish to have the fullest public input on this issue, we shall make the Commission's Office of Consumer Protection a party to this proceeding. Further, we shall serve a copy of this decision on DOT and specifically invite its comment.

We do not anticipate that this action will have a significant effect on the human environment or conservation of energy resources. Nor will there be any affect on small businesses since the action would reduce government regulation or clarify existing policy. A copy of this decision is being served on the Chief Counsel for Advocacy of the Small Business Administration.

Authority for Promulgation

49 U.S.C. 10321, 5 U.S.C. 553.

Dated: April 14, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11900 Filed 4-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-No. 33)]

Louisville and Nashville Railroad Co.; Abandonment Between Wallace Junction and Midland, IN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided April 2, 1981 a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that the public convenience and necessity permit the abandonment by the Louisville and Nashville Railroad Company (L&N) of the line of railroad extending between milepost 0.00 near Wallace Junction, and milepost 42.2 near Midland, a distance of 42.20 miles in Owen, Clay, and Greene Counties, IN, subject to the conditions for the protection of employees developed in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the L&N based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 15 days from the date of publication the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served

concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this notice; and

(2) it is likely that such proferred assistance would:

(a) cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 90 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11898 Filed 4-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY-2-045

Decided: April 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 109632 (Sub-35), filed March 31, 1981. Applicant: LOPEZ TRUCKING, INC., 131 Linden St., Waltham, MA 02154. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, 617-523-0800. Transporting *building materials*, between the facilities of Owens-Corning Fiberglas Corporation, at points in the U.S., on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 130862 (Sub-1), (correction), filed March 11, 1981, published in the **Federal Register**, issue of March 30, 1981, and republished as corrected, this issue. Applicant: SCENIC TOURS, INC., 613 Oak Street, Aberdeen, WA 98520. Representative: Jeremy Kahn, 1511 K St., NW., Washington, DC 20005, (202) 783-3525. As a *broker*, at Aberdeen and Olympia, WA, in arranging for the transportation of passengers and their baggage, between points in the U.S. The purpose of this correction is to correct the territorial description.

MC 145672 (Sub-3), filed March 31, 1981. Applicant: CHARTER OAK TRUCKING CORPORATION, 45 Freight St., Waterbury, CT 06702. Representative: Sidney L. Goldstein, 109 Church St., New Haven, CT 06510, 203-787-1288. Transporting *building materials*, between points in CT, RI, and MA, and points in Dutchess, Putnam, Westchester, Rockland, Orange, Sullivan, Greene, Albany, Rensselaer, Suffolk, and Nassau Counties, NY.

MC 151183, filed April 2, 1981. Applicant: DOUGLAS F. GULLICKSON and JAMES L. HANSON, d.b.a. CAR CITY TRANSPORT COMPANY, Rte. #9, Box 231, Chippewa Falls, WI 54729. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *transportation equipment* (1) between Chicago, IL, on the one hand, and, on the other, points in Eau Claire and Chippewa Counties, WI, and (2) between points in IL, MN, and WI.

Volume No. OPY-2-046

Decided April 13, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler and Taylor.

MC 110012 (Sub-89), filed April 3, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Hill Rd., Morristown, TN 37814. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425-13th St. NW., Washington, DC 20004, 202-737-1030. Transporting *general commodities* (except classes A and B explosives), between points in Dallas County, TX, on

the one hand, and, on the other, points in the U.S.

MC 145773 (Sub-9), filed April 3, 1981. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of welding equipment and welding wires, between points in Miami County, OH, on the one hand, and, on the other, points in the U.S.

MC 147712 (Sub-18), filed April 2, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Rd., Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant), 213–921–7474. Transporting *such commodities* as are dealt in by grocery stores and food business houses, between points in the U.S.

MC 150672, filed April 1, 1981. Applicant: MEIGS TRUCKING, INC., 9323 West Greenfield Ave., West Allis, WI 53214. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *such commodities* as are dealt in by distributors of asphalt and asphalt products, between points in the U.S., under continuing contract(s) with Henry G. Meigs, Inc., of West Allis, WI.

MC 151322, filed April 1, 1981. Applicant: TAN ENTERPRISES, INC., 1100 Calvados, Sparks, NV 89431. Representative: Bart Tabor, P.O. Box 546, Sparks, NV 89431, (702) 358–5515. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Terra Aqua Conservation, of Reno, NV.

Volume No. OPY–3–042

Decided: April 13, 1981.

By The Commission, Review Board No. 2, Members Carleton, Fisher & Williams.

MC 14215 (Sub-95), filed April 1, 1981. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *coal and coal products*, between points in Washington County, PA, on the one hand, and, on the other, points in the U.S.

MC 30204 (Sub-46), filed April 3, 1981. Applicant: HEMINGWAY TRANSPORT, INC., 438 Dartmouth St., New Bedford, MA 02740. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, and DC. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of existing certificate in No. MC 30204 and related subs.

MC 40815 (Sub-8), filed March 31, 1981. Applicant: HARRAN TRANSPORTATION CO., INC., 1417 Jerusalem Ave., North Merrick, NY 11566. Representative: William H. Shawn, 1730 M St,. N.W., Suite 501, Washington, DC 20036, (202) 296–2900. Over regular routes, transporting *passengers and their baggage*, and *express and newpapers*, in the same vehicle with passengers, (1) Between Bay Shore, NY, and Atlantic City, NJ, from Bay Shore over NY Hwy 27 to junction Interstate Hwy 678, then over Interstate Hwy 678 to junction NY Hwy 25, then over NY Hwy 25 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction Interstate Hwy 278, then over Interstate Hwy 278 to junction NY Hwy 440, then over NY Hwy 440 to the NY-NJ state line, then over NJ Hwy 440 to junction Garden State Parkway, then over Garden State Parkway to junction Atlantic City Expressway, and then over Atlantic City Expressway to Atlantic City, and return over the same route, and (2) Between Hauppauge, NY, and Atlantic City, NJ, from Hauppauge over Interstate Hwy 495 to junction Community Drive, then over Community Drive to junction NY Hwy 25A, then over NY Hwy 25A to junction Interstate Hwy 678, then over Interstate Hwy 678 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Garden State Parkway, then over Garden State Parkway to junction Atlantic City Expressway, and then over Atlantic City Expressway to Atlantic City, and return over the same route, serving in (1) and (2) above all intermediate points in Nassau, Queens, and Suffolk Counties, NY.

MC 65895 (Sub-14), filed April 3, 1981. Applicant: REDDAWAY'S TRUCK LINE, a corporation, 1721 NW Northrup St., Portland, OR 97209. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *general commodities* (except classes A and B explosives), between points in OR and WA.

MC 107515 (Sub-1417), filed March 31, 1981. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Rd., N.E., 5th Floor-Lenox Towers south, Atlanta, GA 30309 (404) 262–7855. Transporting *general commodities* (except classes A and B explosives), between the facilities of Mobile Oil Corporation, on the one hand, and, on the other, points in the U.S.

MC 123255 (Sub-231), filed April 2, 1981. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: Phillip D. Patterson (same address as applicant) (614) 522–8111. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 123314 (Sub-28), filed April 1, 1981. Applicant: JOHN F. WALTER, INC., P.O. Box 175, Newville, PA 17241. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101 (717) 236–9318. Transporting *food and related products*, between points in Cumberland County, PA, on the one hand, and, on the other, points in the U.S.

MC 127115 (Sub-24), filed April 3, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, 430 Judge Bldg., Salt Lake City, UT 84111 (801) 531–13. Transporting *printed matter*, between points in the U.S., under a continuing contract(s) with Herff Jones Yearbooks (A Division of Carnation Company), of Logan, UT.

MC 133565 (Sub-21), filed April 2, 1981. Applicant: TRUE TRANSPORT, INC., 15 Stockton St., Newark, NJ 07101. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076 (201) 322–5030. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, OH, and WV, restricted to traffic having a prior or subsequent movement by water.

MC 136635 (Sub-54), filed April 2, 1981. Applicant: WHITEFORD TRUCK LINES, INC,. 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317)–847–6655. Transporting *general commodities* (except classes A and B explosives), between Marion County, IN, on the one hand, and, on the other, points in LA.

MC 138805 (Sub-10), filed April 3, 1981. Applicant: S & L SERVICES, INC., RD No. 1., Milton, PA 17847. Representative: Terrence D. Jones, 2033 K St., N.W., Washington, DC 20006 (202) 223–8270. Transporting (1) *pulp, paper, and related products*, and (2) *rubber and plastic products*, between points in Essex County, MA, Allen County, OH, and Adams County, IN, on the one hand, and, on the other, points in PA, MD, DE, NJ, and NY.

MC 138875 (Sub-300), filed March 27, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a Corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant) (208) 376–5757. Transporting (1) *pulp, paper and related products,* and (2) *printed matter,* between points in IL, on the one hand, and, on the other, points in CA and OR.

MC 145035 (Sub-1), filed April 3, 1981. Applicant: B. J. MARSH, d.b.a. MARSH TRAVEL, 532 East Walnut, Springfield, MO 65806. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005 (202) 783–7900. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operation, between Sikeston, MO, and points in Butler, Stoddard, Jasper, Mississippi, Lawrence, Greene, McDonald, Newton, Stone, Taney, Dade, Webster, Polk, Dallas, Cedar, Laclede and Christian Counties, MO, on the one hand, and, on the other, points in the U.S.

MC 145494 (Sub-10), filed April 2, 1981. Applicant: EDINA CARTAGE COMPANY, a Corporation, P.O. Box 42, Mauricetown, NJ 08329. Representative: Laurence J. DiStefano, Jr., 1101 Wheaton Ave., Millville, NJ 08332 (609) 825–1400. Transporting (1) *forest products,* (2) *lumber and wood products,* (3) *pulp, paper and related products,* (4) *printed matter,* (5) *rubber and plastic products,* (6) *clay, concrete, glass or stone products,* (7) *metal products,* and (8) *machinery,* between the facilities of Continental Glass Company and their suppliers, at point in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146285 (Sub-4), filed April 1, 1981. Applicant: JIM CONNER ENTERPRISES, INC., Rt. 37 South, Benton, IL 62812. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Mark Industries, Inc., of Carson, CA.

MC 152724 (Sub-1), filed April 1, 1981. Applicant: MID-ATLANTIC FREIGHT CARRIERS, INC., 865 N. Liberty St., Harrisonburg, VA 22801. Representative: Edward N. Button, 580 Northern Ave. (301) 739–4860. Transporting *printed matter,* between Points in Rockingham County, VA, on the one hand, and, on the other, points in the U.S.

MC 154464 (Sub-1), filed April 2, 1981. Applicant: BOB HIMES, INC., 8611 New Benton Highway, Little Rock, AR 72209. Representative: Robert H. Himes (same address as applicant) (501) 224–0153. Transporting *general commodities* (except classes A and B explosives), between points in Hancock and Breckenridge Counties, KY, on the one hand, and, on the other, points in the U.S.

FF 395 (Sub-2), filed April 3, 1981. Applicant: KYFI, INCORPORATED, 1101 Rowan St., Louisville, KY 40203. Representative: John T. McGarvey, 601 West Main St., Louisville, KY 40202 (502) 589–2780. As a freight forwarder transporting *general commodities* (excluding classes A and B explosives), between AL, CA, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MS, NJ, NY, NC, OH, OK, OR, SC, TN, TX, VA, WA and WI.

Volume No. OPY4–78

Decided April 13, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher and Williams.

MC 42487 (Sub-1036), filed April 1, 1981. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208 (503) 226–4692. Transporting *general commodities* (except classes A and B explosives), serving points in Cheshire, Hillsborough and Rockingham Counties, NH, as intermediate and off-route points in connection with carrier's otherwise authorized regular route operations. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 5331.

MC 59317 (Sub-20), filed April 7, 1981. Applicant: BISOM TRUCK LINE, INC., 725 1st St., North, Newton, IA 50208. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *rubber and plastic products,* between Minneapolis, MN, on the one hand, and, on the other, points in IA.

MC 65697 (Sub-62), filed April 6, 1981. Applicant: THEATRES SERVICE COMPANY, a Corporation, P.O. Box 1695, Atlanta, GA 30301. Representative: Paul W. Smith (same address as applicant), (404) 521–0730. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Florence, SC and Augusta, GA, over Interstate Hwy 20, (2) between Clinton and Charleston, SC, (a) over Interstate Hwy 26, and (b) from Clinton over U.S. Hwy 76 to Columbia, SC, then over U.S. Hwy 176 to junction U.S. Hwy 52, then over U.S. Hwy 52 to Charleston, (3) between Augusta, GA and Charleston, SC, over U.S. Hwy 78, (4) between Augusta, GA and Hilton Head Island, over U.S. Hwy 278, (5) between Greenwood, SC and junction U.S. Hwy 178 and U.S. Hwy 78, over U.S. Hwy 178, (6) between Savannah, GA and Charleston, SC, over U.S. Hwy 17, (7) between Columbia and Beaufort, SC, over U.S. Hwy 21, (8) between Columbia and Hardeeville, SC, over U.S. Hwy 321, (9) between Camden, SC and junction U.S. Hwy 601 and U.S. Hwy 321, near Pineland, SC, over U.S. Hwy 601, (10) between Greenwood, SC and Augusta, GA, over U.S. Hwy 25, (11) between Williston, SC and junction U.S. Hwy 221 and SC Hwy 39 near Gold Point, SC, over SC Hwy 39, (12) between Savannah, GA and the NC–SC state line, over Interstate Hwy 95, (13) between Macon and Dublin GA, over U.S. Hwy 80; serving all intermediate points in connection with (1) through (13) above, and (14) serving all points in SC as off-route points in connection with carrier's presently authorized regular route operations.

MC 128837 (Sub-31), filed April 6, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *food and related products,* between points in Randolph County, IL and Perry County, MO, on the one hand, and, on the other, points in the U.S.

MC 128837 (Sub-32), filed April 6, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 226, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *agricultural equipment,* between points in Black Hawk County, IA, Allen County, IN, Broome County, NY Snohomish County, WA, and Cook County, IL.

MC 138687 (Sub-6), filed April 6, 1981. Applicant: BYNUM TRANSPORT, INC., 4609 Hwy 92, East, Lakeland, FL 33801. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302 (904) 576–1221. Transporting *food and related products,* between points in FL, on the one hand, and, on the other, points in the U.S.

MC 143127 (Sub-80), filed April 2, 1981. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant) (716) 924–9951. Transporting *general commodities* (except classes A and B explosives), between points in Breckinridge and Hancock Counties, KY,

on the one hand, and, on the other, points in the U.S.

MC 143257 (Sub-3), filed April 2, 1981. Applicant: CHAMBERS LTD., 405 So. DeKalb St., P.O. Box 304, Corydon, IA 50060. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244–2329. Transporting (1) *horticultural equipment, implements, and tools,* (2) *rubber and plastic products,* and (3) *chemicals and related products,* between the facilities of Ross Daniels, Inc., at points in IA, on the one hand, and, on the other, those points in the U.S. in and west of MN, IA, MO, AR, and LA.

MC 143897 (Sub-3), filed March 31, 1981. Applicant: LOOMIS ARMORED CAR SERVICE LTD., 1290 Hornby St., Vancouver, BC, Canada V6Z 1W2. Representative: Jack R. Davis, 1100 IBM Bldg., Seattle, WA 98101 (206) 624–7373. In foreign commerce only, transporting *pulp, paper and related products,* between points on the international boundary line between the U.S. and Canada, in NY, on the one hand, and, on the other, points in St. Lawrence, Clinton, Franklin, and Jefferson Counties, NY.

MC 144387 (Sub-1), filed April 2, 1981. Applicant: YULE TRANSPORT, INC., P.O. Box 56, Medford, MN 55049. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Ardan, Inc., of Des Moines, IA.

MC 147247 (Sub-3), filed April 6, 1981. Applicant: AAA TRUCKING & DISTRIBUTING CO., INC., P.O. Box 24005, Houston, TX 77015. Representative: Jackson Salasky, P.O. Box 45538, Dallas, TX 75245 (214) 358–3341. Transporting *general commodities* (except classes A and B explosives), between Houston, TX, on the one hand, and, on the other, points in TX, OK, LA, and AR.

MC 148437 (Sub-5), filed April 6, 1981. Applicant: BORK TRANSPORT, INC., 600 S.E. 18th St., Des Moines, IA 50317. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282–3525. Transporting *petroleum, natural gas and their products,* between points in Scott County, IA, on the one hand, and, on the other, points in IL.

MC 150617 (Sub-3), filed April 6, 1981. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 So. Archer Ave., Chicago, IL 60608. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603 (312) 236–9375. Transporting *transportation equipment,* between points in DE, IL, IN, IA, KY MI, MO, NY, OH, PA, TX and WI.

MC 152977 filed April 6, 1981. Applicant: FULTONVILLE PLASTICS, Inc., 1 Union St., Fultonville, NY 12072. Representative: Robert Abrams, 1215 Western Ave., Albany, NY 12203 (518) 438–3567. Transporting *general commodities* (except classes A and B explosives), between points in Montgomery and Schenectady Counties, NY, on the one hand, and, on the other, points in NY, NJ, OH, MA, and PA.

MC 155137, filed April 6, 1981. Applicant: TRANSPORT REFRIGERATION, INC., d.b.a. GENERAL TRANSPORTATION SERVICES, 120 Gun Club Rd., Jacksonville, FL 32239. Representative: Eugene Crossway (same address as applicant) (904) 757–7423. Transporting *general commodities* (except classes A and B explosives), (a) between points in Duval County, FL, on the one hand, and, on the other, points in FL and (b) between points in Duval County, FL, on the one hand, and, on the other, points in Chatham County, GA.

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Decided April 13, 1981.

By The Commission, Review Board No. 2, members Carleton, Fisher and Williams.

MC 33317 (Sub-7), filed April 1, 1981. Applicant: BOLUS FREIGHT SYSTEMS, INC., 700 N. Keyser Ave., Scranton, PA 18508. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517 (717) 344–8030. Transporting *general commodities* (except classes A and B explosives), (1) between Philadelphia, PA and Syracuse, NY: from Philadelphia, over U.S. Hwy 309 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 33, then over PA Hwy 33 to junction PA Hwy 611, then over PA Hwy 611 to junction Interstate Hwy 380 at or near Tobyhanna, PA, then over Interstate Hwy 380 to Scranton, PA, then over U.S. Hwy 6 to junction U.S. Hwy 11, then over U.S. Hwy 11 to junction Interstate Hwy 81 at or near Johnson City, NY, then over Interstate Hwy 81 to Syracuse, and return over the same route, serving all intermediate points and the off-route points of Lackawanna, Luzerne, Northampton, Lehigh, Berks, Schuylkill and Montgomery Counties, PA and those points on and north of a line beginning at Hancock, NY and extending over NY Hwy 17 to junction NY Hwy 30, then over NY Hwy 30 to junction NY Hwy 28, then over NY Hwy 28 to Kingston, NY, then over NY Hwy 199 to the NY–CT boundary line, and, (2) Between Scranton, PA and Newark, NJ: From Scranton over Interstate Hwy 380 to junction PA Hwy 611 at or near Tobyhanna, PA, then over PA Hwy 611 to junction Interstate Hwy 80 at or near Stroudsburg, PA, then over Interstate Hwy 80 to junction U.S. Hwy 46 at or near Columbia, NJ, then over U.S. Hwy 46 to junction NJ Hwy 31 at or near Buttzville, NJ, then over NJ Hwy 31 to junction U.S. Hwy 22 at or near Annandale, NJ, then over U.S. Hwy 22 to Newark, NJ, serving all intermediate points and serving as off-route points those points in NJ and those in NY South of NY Hwy 17 beginning at Hancock, NY and extending to junction NY Hwy 30 at East Branch, then over NY Hwy 30 to junction NY Hwy 28, then over NY Hwy 28 to Kingston.

MC 78947 (Sub-24), filed March 31, 1981. Applicant: ELLIOTT BROS TRUCK LINE, INC., Dysart, IA 52224. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55242 (612) 927–8855. Transporting *metal products,* between points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, SD, TN, and WI.

MC 123057 (Sub-15), filed March 17, 1981. Applicant: HO–RO TRUCKING CO., INC., P.O. Box 487, Woodbridge, NJ 07095. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466–0220. Transporting *such commodities* as are dealt in or used by manufacturers of pipe, fittings and pole repair materials, between points in Morris County, NJ, Harford County, MD Cuyahoga County, OH, Winnebago County, IL, Wyandotte County, KS, Richland County, SC and Pasco County, FL, on the one hand, and, on the other, points in the U.S.

MC 123407 (Sub-673), filed April 1, 1981. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route #1, Chesterton, IN 46304. Representative: Sterling W. Hygema (same address as applicant), (219) 926–7575. Transporting *metal products,* and *waste or scrap materials not identified by industry producing,* between points in Lake County, IN and Montgomery County, PA, on the one hand, and, on the other, points in the U.S.

MC 124887 (Sub-130), filed April 1, 1981. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32205, (904) 632–2300. Transporting *metal products* (1) between points in Charleston County, SC, Cook County, IL, Harris County, TX, Jefferson and St. Bernard Parishes, LA, Lake County, IN, Marshall County, KY, Philadelphia

County, PA and Shelby County, TN, on the one hand, and, on the other, points in the U.S., and (2) between the facilities of Intercontinental Metals Corporation and its subsidiaries at points in the U.S., on the one hand, and, the other points in the U.S.

MC 126327 (Sub-18), filed April 2, 1981. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *lumber and wood products,* between points in Ada County, ID, on the one hand, and, on the other, points in Maricopa County, AZ, and Los Angeles, Orange, and San Diego Counties, CA.

MC 128117 (Sub-44), filed March 31, 1981. Applicant: NORTON–RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, NC 28601. Representative: Francis J. Ortman, 4401 East West Hwy, Suite 404, Washington, DC 20114, (301) 986–9080. Transporting *furniture and fixtures,* between points in Montgomery County, NC, on the one hand, and, on the other, points in AR, AZ, CO, LA, OK, and TX.

MC 135507 (Sub-2), filed April 3, 1981. Applicant: WILLIAM C. HARSHMAN, SR, d.b.a. HARSHMAN & SONS, P.O. Box 1, Southington, OH 44470. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *transportation equipment,* between points in Lawrence and Mercer Counties, PA, on the one hand, and, on the other, points in IL, IN, KY, MA, MI, MO, NY, PA, VA, and WV.

MC 136077 (Sub-29), filed March 31, 1981. Applicant: REBER CORPORATION, 2216 Old Arch Rd., Norristown, PA 19401. Representative: Richard L. Thurston, One Franklin Plaza, Philadelphia, PA 19102, (215) 854–6444. Transporting *roofing and building materials,* between points in New Castle County, DE, on the one hand, and, on the other, points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NY, NJ, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI.

MC 138157 (Sub-272), filed April 2, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant), (615) 756–7511. Transporting *such commodities* as are dealt in and distributed by drug and pharmaceutical supply companies, between points in Lake and Winnebago Counties, IL; Santa Clara and San Mateo Counties, CA; Story County, NV, and Middlesex County, NJ, on the one hand, and, on the other, points in the U.S.

MC 144117 (Sub-74), filed April 1, 1981. Applicant: TLC LINES, INC., 1666 Fabick Dr., Fenton, MO 63026. Representative: William D. Brejcha, 10 So. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of welding equipment, between points in Miami County, OH, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–4–080

Decided: April 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 63417 (Sub-305), filed April 1, 1981. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same address as applicant), (703) 342–1835. Transporting *mineral wool products,* between points in Jefferson County, AL, on the one hand, and, on the other, points in Hamilton County, TN and those in GA, IL, IN, MD, MS, OH, PA, and WV.

MC 140916 (Sub-4), filed March 31, 1981. Applicant: R & E HAULING, INC., 2940 Waterview Ave., Baltimore, MD 21230. Representative: Robert L. Cope, Suite 501, 1730 M Street NW., Washington, DC 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives), between Baltimore, MD, Alexandria, VA, and points in Washington County, MD, on the one hand, and, on the other, points in DE, MD, PA, VA, and WV.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11897 Filed 4–20–81; 8:45 am]

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[Volume No. 63]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 16, 1981.

The following restrictions removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

FF–416 (Sub-2)X, filed April 9, 1981. Applicant: IMPERIAL CARRIERS, INC., 151 Oliver Street, Newark, NJ 07105. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its lead freight forwarder permit to (1) broaden the commodity description from general commodities except Classes A and B explosives, household goods, commodities which, because of size or weight, require the use of special equipment, unaccompanied baggage and household goods 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 air in the air forwarding service of Imperial Air Freight Services, Inc. and remove the AK and HI exception.

MC 57880 (Sub-25)X, filed April 1, 1981. Applicant: ASHTON TRUCKING CO., P.O. Box 472, Monte Vista, CO 81144. Representative: Leslie R. Kehl, Suite 1600, 1660 Lincoln St., Denver, CO 80264. Applicant seeks to remove restrictions in its Sub-Nos. 1, 9, 11, 13G, 15, 18F, and 20F certificates, and in No. MC–62538 and Sub-Nos. 17 and 23F permits, to (A) broaden the commodity descriptions as follows: to "machinery and equipment" from contractors' machinery which because of size and weight requires special equipment, and contractors' equipment when its transportation is incidental to the transportation of machinery in the lead,

and Sub-No. 13G; to "food and related products" from potato starch, potato products, dry animal feed, cottonseed products, and feed, feed ingredients and supplements in the lead and Sub-Nos. 15 and 18 certificates, and in the lead and Sub-No. 17 permits; to "clay, concrete, glass or stone products" from cement and pulverized limestone, quicklime, and hydrated lime, in bulk, in bags, in Sub-Nos. 9 and 11; to "furniture and fixtures" from cabinets and parts in Sub-No. 20; remove all restrictions in the general commodities authority "except classes A and B explosives" in the lead certificate, and Sub-No. 23 permit; and remove the "except in bulk" restriction in Sub-No. 18, (B) broaden territorial descriptions in each permit to authorize service between points in the U.S., under continuing contract(s) with named shippers, (C) remove the restriction against transportation of shipments from or to the named facilities in Sub-No. 15; remove the exception excluding service in AK and HI, and the restriction limiting service to transportation of traffic originating at or destined to points in Rio Grande County, CO, in Sub-No. 18; (D) replace certain named cities and plantsites with county-wide authority, and change one-way service to radial service: lead certificate, between points in CO (except described portions), and points in Saguache County, CO, and points in Mineral and Hinsdale Counties, CO (for those portions of Mineral and Hinsdale Counties lying east of the Continental Divide, except incorporated towns and cities), and points within 35 miles of Monte Vista, CO, including Monte Vista; and between points in Rio Grande County, CO (Monte Vista, CO), and points in Eddy County, NM (Carlsbad, NM and points in NM within 25 miles thereof); Sub-No. 9, between points in Boulder County, CO (plantsite near Lyons, CO), and points in four States; and between Fremont County, CO (Florence, CO), and points in NM; Sub-No. 11, between Mesa County, CO (Grand Junction, CO), and points in two States; and between Garfield County, CO (Glenwood Springs, CO), and points in two States; Sub-No. 13, between points in CO (except described portions), and points in NM; Sub-No. 15, between Adams County, CO (Fort Lupton, CO), and points in two States; Sub-No. 18, between points in Rio Grande County, CO, and points in the U.S.; Sub-No. 20, (a) between points in Nemaha County, NE (Auburn, NE) and Bexar County, TX (San Antonio, TX), and points in Mesa County, CO, and (b) between points in Mesa County, NM, and Albuquerque, NM; and (e) expand points in Mineral and Hinsdale Counties lying east of the Continental Divide to allow service at all points in the two Counties in Sub-No. 1.

Note.—The Carrier's Authority to tack will be governed by 49 CFR 1042.

MC 40898 (Sub-33)X, filed April 2, 1981. Applicant: S & W MOTOR LINES, INC., P.O. Box 11439, Greensboro, NC 27409. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Applicant seeks to remove restrictions in its lead and Sub-Nos. 9, 10, 14, 18, 19, 21F, 27F and 29F certificates to (1) broaden the commodity descriptions to (a) "such commodities as are dealt in by wholesale or retail grocery or food business houses" from groceries in the lead, and from salt, pepper and materials and supplies used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries in Sub 19; (b) "metal products and rubber and plastic products" from plumbing supplies in the lead; (c) "such commodities as are dealt in by manufacturer of matches" from matches in the lead; (d) "metal products, building materials and chemicals and related products" from hardware, roofing and industrial alcohol in the lead; (e) "lumber and wood products" from dressed lumber and millwork and woodworking material in the lead; (f) "chemicals and related products" from furniture polish in the lead; (g) "clay, concrete, glass and stone products" from chinaware and glassware, in the lead, concrete products in the lead and Subs 9 and 14, from glass containers in Sub 21F, and from architectual and precast stone in Sub 18; (h) "food and related products" from beer in the lead, canned goods and vinegar, animal feed and malt beverages in Sub 10; (i) "metal products: from metalware in the lead; (j) "machinery" from refrigerators in the lead; (h) "textile mill products" from cotton yarn and cotton cloth, rayon yarn, rayon fibre and synthetic yarn, rayon and synthetic fibre, synthetic yarn and fibre, and rayon and celanese yarn in the lead; (l) "pulp, paper and related products" from paper cones in the lead; (m) "food, chemicals, and related products" from feed, fertilizer materials and flour in the lead; (n) "farm products" from baled cotton in the lead; (o) "chemicals and related products, machinery, and petroleum, natural gas and related products" from insecticides, spray guns and motor oils; (p) "waste or scrap materials" from rags and cotton waste, scrap materials in the lead; (q) "tobacco products" from unmanufactured tobacco, tobacco and cigarettes in the lead, manufactured tobacco products, and cured tobacco, in Sub 10; (r) "building materials" from composition roofing in the lead, roofing, siding and roofing and siding materials in Sub 10; (s) "petroleum, natural gas and their products" from petroleum products in the lead and Sub 10; (t) "containers" from empty containers for rayon yarn, yarn and fibre, and rayon and celanese yarn in the lead; empty malt beverage cases and containers in Sub 10; (u) "textile mill products, rubber and plastic products, metal products and containers" from rayon, rayon products and materials and empty cones, cases and trays used in the manufacture and handling thereof in the lead; (v) "rubber and plastic products, textile mill products, containers, pulp, paper and related products and furniture and fixtures" from trays, cones, cases and boxes used in packing and shipping rayon yarn and fibre and synthetic yarn and fibre, and cellophane, canned goods and new furniture in the lead; (w) "furniture and fixtures" from new furniture in the lead; (x) "metal products" from structural and ornamental steel in Sub 10; (y) "metal products and such commodities as are dealt in or used by service stations" from steel tanks and filling station equipment in Sub 10; (z) "building materials, metal products, plastic and rubber articles and lumber and wood products" from metal roofing, wire nails and fencing materials in Sub 10; (aa) "tobacco products and containers" from leaf tobacco in hogsheads, sheets of baskets and empty containers for leaf tobacco in Sub 10; (bb) "such commodities as are dealt in by plumbing supply houses and home improvement stores" from plumbing fixtures, plumbing supplies and fitting and accessory parts in Sub 27F; and (cc) "petroleum, natural gas and their products, chemicals and related products" from petroleum products, vehicle body sealers or sound deadening compounds in Sub 29F; (2) remove all exceptions to the general commodities authority in Sub 10 other than classes A and B explosives; (3) change city to county-wide authority: Biglerville to Adams Co., PA, Swedesboro to Gloucester Co., NJ, Austin to Scott Co., IN, Cambridge to Dorchester Co., MD, Westminster to Carroll Co., MD Christianburg, Tucker Hill, Cambria, and Cheriton to Montgomery and Northampton Cos., VA, Wilmington to New Hanover Co., NC, North Wilkesboro to Wilkes Co., NC Boone to Watauga Co., NC, Burlington to Burlington Co., NJ, Reading to Hamilton Co., OH, York to York Co., PA, Winston Salem and Madison to Forsyth and

Rockingham Cos., MN, Greensboro to Guilford Co., NC, Syracuse to Onondage Co., NY, Clarksburg to Harrison Co., WV, Weehawkin to Hudson Co., NJ, Spray, Fayetteville, and Lexington, NC to Rockingham, Cumberland, and Davidson Cos., NC, Mt. Joy, Lenni, Swarthmore, Glen Riddle to Lancaster, Berks, Chester and Delaware Cos., PA, Manville to Somerset Co., NJ, Wilmington to New Castle Co., DE, Mt. Holly and Riverside to Burlington Co., NJ, Spray to Rockingham Co., NC, Altavista to Campbell Co., VA, Madison, Reidsville, Walnut Cove and Leaksville to Rockingham and Stokes Cos., NC, Burlington to Alamance Co., NC, Meadville and Marcus Hook to Wood Co., PA, Kingsport to Sullivan Co., IN, Amcelle to Allegheny Co., MD, Hemp and Newton to Catawba Co., NC, Nitro to Kanawaha Co., WV, Meadsville to Crawford Co., PA, Lewistown to Mifflin Co., PA, Front Royal to Warren Co., VA Parkersburg to Wood Co., WV, in the lead; Greensboro to Guilford Co., NC in Sub 9; Biglerville to Adams Co., PA Jarratt to Sussex Co., VA, Raleigh to Wake Co., NC, York to York Co., PA, Millington to Union Co., NJ, Coatesville, Phoenixville and Bethlehem to Chester, Lehigh and Northampton Cos., PA, Marcus Hook to Delaware Co., PA, Durham and Apex to Durham and Apex Cos., NC Reidsville to Rockingham Co., NC Wilkesbarre to Luzerne Co., PA, Royce to Sumerset Co., NJ, Raleigh to Wake Co., NC, in Sub 10; Greensboro to Guilford Co., NC in Sub 14 and 18; Rittman to Wayne Co., OH in Sub 19; Clarion to Clarion Co., PA, Eden, Greensboro and Clemmons to Rockingham, Guilford and Forsyth Cos., NC in Sub 21F, Trenton to Mercer Co., NJ, Tifflin to Seneca Co., OH in Sub 27F and facilities at or near Reno and Rouseville to Venango Co., PA, facilities at or near Emlenton and Farmers Valley to Kean Co., PA, facilities at or near Congo and St. Mary's to Hancock and Pleasants Cos., WV; and (4) authorize radial operations in place of one-way service between the above counties and counties and States in the eastern half of the US.

MC 99567 (Sub-7)X, filed April 7, 1981. Applicant: KANE FREIGHT LINES, INC., 229 Maple Street, P.O. Box 931, Scranton, PA 18501. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) remove all exceptions from its general commodities authority except classes A and B explosives; (2) replace the facilities at or near Scranton and Taylor, PA with authority to serve Lackawanna County, PA, in part (a); and (3) replace authority to serve named cities with county-wide authority: Ashley, Avoca, Croops Glen, Dallas, Dupont, Duryea, Edwardsville, Exeter, Forty-Fort, Georgetown, Glen Lyon, Kingston, Larksville, Luzerne, Miners Mills, Nanticoke, Old Forge, Parsons, Pittston, Plains, Plymouth, Scranton, Swoyerswille, Taylor, West Naticoke, West Pittston, Wilkes-Barre, and Wyoming, PA, with Luzerne, Lackawanna, and Beaver Counties, PA, in part (b).

MC 103490 (Sub-87)X, filed March 4, 1981, previously noted in the **Federal Register** of March 23, 1981, republished as corrected in this issue. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, NY 12550. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-Nos. 36, 55, 57, 60, 62, 64, 68G, 69, 71, 72F, 73F, 74F, 75F, 76F, 77F, 78F, 79F, 81F, 82F, 83F, 85F, certificates, and E1, E2, letter notices to (1) broaden the commodity description from (a) petroleum products, aviation gasoline, petroleum wax, to "petroleum, natural gas and their products" in Sub-Nos. 36, 68G, 69, 72, 73, 76, 78, 79, 81, E2 (b) alcohols, esters, Ketones, naptha, coating material solvents, thinners, zinc fumes, dry ammonium nitrate, disobutylene, to "chemicals and related products" in Sub-Nos. 35, 36, 64, 72, 75, 77, 79, 81, 82, 85, E1 (c) coal tar products to "coal and coal products" in Sub-No. 36; (d) stone, processed aggregates, sand, gravel, fill, paving materials, bituminous concrete, dry cement, concrete pipe fittings, materials, supplies and equipment to "clay, concrete, glass, or stone products" in Sub-Nos. 36, 57, 60, 62, 71; (e) liquid condensed fish solubles, vegetable oil to "food and related products" in Sub-Nos. 74 and 82; (f) ores and aggregates to "ores and minerals" in Sub-Nos. 62 and 82; (2) delete the commodity restrictions in Sub-Nos. 36, 55, 57, 62 ,64, 68, 69, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 85, E1, E2 (3) remove the exceptions of AK and HI in Sub-Nos. 75, 77, 82, 83, (4) eliminate an originating at and/or destined to restriction in Sub-Nos. 74, 81; (5) authorize radial service between specified origins and points in the U.S. in lieu of existing one-way authority in Sub-Nos. 36, 55, 57, 60, 62, 64, 68, 69, 72, 73, 74, 75, 76, 78, 79, 81, E1, and E2; (6) authorize county-wide service for city authority: Fairfield County for Stanford and E. Portchester, CT; Westchester and Putnam Counties for Bedford, Poundridge, Lewisboro, Somers, North Salem, Carmel, Mount Vernon, White Plains, New Castle, Scarsdale, North Castle and Bedford, NY; Gloucester County for Paulsboro, NJ; Cattaraugurs and Ulster Counties for Olean, and Mt. Pleasant, NY; York County for York, PA; Broome County for Vestal, NY; Dutchess County for Poughkeepsie, NY; Allegany County for Wellsville, NY; New Castle County for Delaware City, DE, in Sub-No. 36; New York City for Tottenville, NY; Middlesex County for Carteret, NJ, in Sub-No. 55; Fairfield County for Brookfield, CT, in Sub-No. 57; Ulster County for Rosendale, NY, in Sub-No. 60; Rockland County for Haverstraw, NY in Sub-No. 62; Schuylkill County for Reynolds, PA, in Sub-No. 64; Gloucester County for Paulsboro, NJ and Camden County for Pettys Island, NJ in Sub-No. 68; Rockland County for Haverstraw, NY, in Sub-No. 71; Gloucester County for Westville, NJ, in Sub-No. 73; Essex County for Gloucester, MA, in Sub-No. 74; Rockland County for Stony Point, NY, in Sub-No. 75; Middlesex County for Sewaren, NJ, in Sub-No. 76; Mobile County for Theodore, AL, in Sub-No. 77; Butler County for Petrolia, PA, and Passaic County for Passaic, NJ, in Sub-No. 78; Haverhill County for Groveland, MA; Northfield County, for Macedonia, OH; New Haven County for Milford, CT; Warren County for Warren, PA, and Middlesex County for Woburn, MA, in Sub-No. 79; Fairfield County for Brookfield, CT, in Sub-No. 81; Newcomb County for Tahawas, NY; Middlesex County for Sayreville, NJ, in Sub-No. 82; Gloucester County for Paulsboro, NJ and Camden County for Pettys Island, NJ, in El; Bristol County for Fall River, MA; Hartford, New Haven and Middlesex Counties for Hartford, New Haven and Middletown CT; Plymouth, Hampden, Middlesex, Bristol, Essex, Hampshire, Worcester Counties for Brockton, Chicopee Falls, Chelmsford, Lawrence, Salem, Marlboro, Northampton, Springfield, Worcester, and New Bedford, MA; Litchfield, Windham, Middlesex, and New Haven Counties for Canaan, Middletown, Putnam and Torrington, CT; and (7) remove the exceptions of service to Marcy and Utica, NY in Sub-No. 36, sheet 2. The purpose of this republication is to expand Tottenville, NY to New York City in Sub-No. 55.

MC 107544 (Sub-158)X, filed March 17, 1981, previously noticed in the **Federal Register** of March 27, 1981, republished as corrected this issue. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, VA 24354. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions

in its Sub-No. 153F certificate to (1) broaden the commodity description from chemicals, in bulk to "commodities in bulk"; (2) remove the "in tank vehicles" restriction; (3) expand city-wide to county-wide authority from Jonesboro to Atlanta, GA Garyville to St. John the Baptist Parish, LA, and Muscle Shoals to Colbert County, AL. The purpose of this republication is to modify in part (3) the territorial expansion of Jonesboro to Atlanta, GA, previously published as Clayton County, GA.

MC 112989 (Sub-139)X, filed April 2, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99S, Eugene, OR 97405. Representative: John A. Anderson, Suite 1600, One Main Pl., 101 SW Main St., Portland, OR 97204. Applicant seeks to remove restrictions in its Sub-Nos. 20 and 78F certificates to (1) broaden the commodity description from (a) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in both certificates; and (b) lumber, lumber mill products, mill work and wood products to "lumber and wood products" in Sub-No. 78F part (A); (2) remove the restriction "in mixed loads with commodities the transportation of which, because of size or weight, require the use of special equipment or special handling when the mixed load moves on a single bill of lading from a single consignor," as it applies to the general commodities description, in both certificates; (3) remove the restriction prohibiting the transportation of (a) specified commodities to and from named points, (b) commodities in bulk, and (c) new passenger automobiles in truckaway service, in Sub-No. 20; and, (4) expand the existing one-way authority to radial authority between (a) CA, ID, MT, OR and WA, and, AR, IL, IN, IA, KS, MI, MN, MO, NE, OH, OK, PA, TX and WI in Sub-No. 78F part (A), and (b) AR, IL, IN, KS, MI, MN, MO, NE, OH, OK, PA, TX and WI, and, AZ, CA, ID, NV, OR and WA in Sub-No. 78F part (B).

MC 117415 (Sub-9)X, filed April 6, 1981. Applicant: JENSEN TRUCKING CO, INC., P.O.B. 402, American Fork, UT 84003. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. Applicant seeks to remove restrictions in its Sub-No. 4F certificate to (1) broaden the commodity description from steel and prefabricated steel buildings to "metal products" and (2) broaden city to county-wide authority and permit radial operations in place of existing one-way service between Utah County, (Spanish Fork), UT and points in TX, NM, CO, WY, NV, AZ, CA, WA, OR and ID.

MC 118959 (Sub-261)X, filed April 6, 1981. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Missouri 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 14, 26, 36, 43, 44, 45, 46, 47, 52, 68, 75, 81, 85, 93, 98, 114G, 124, 126, 127, 129, 149, 153, 166, 201 and 226 certificates, and E-1(A), E-1(B), E-1(C), E-1(D), E-1(E), E-1(F), E-1(G), E-1(I), E-36(a), E-36(d), and E-36(e) E-letter notices, to (A) broaden the commodity descriptions in all of those authorities from pipe; building wall or insulating boards; composition board, asphalt and prepared roofing; iron and steel building materials and supplies; gypsum and gypsum products; building and paving materials; bituminous fibre pipe; plastic pipe; cement asbestor pipe, fittings, compound, joint sealer, bonding cement plastic siding; plastic conduit, siding moldings; insulation; electrical conduit; plastic pipe, tubing, moldings, valves, fittings, siding compound, joint sealers, cement and accessories; building materials; iron and steel building materials; fibreboard and fibreboard products; electrical junction boxes, troughing, wire ways, pipe fasteners, accessories; plywood, paneling, gypsum board, composition board and molding; building board, wall board and insulation board; bituminous fibre pipe fibreboard and wood fibreboard to "building and construction materials"; (B) broaden the territorial scope by replacing one-way with radial authority in all of the above authorities and replacing city-wide and/or named facilities with county-wide authority as follows: in Sub-No. 26, Pensacola with Escambia and Santa Rosa Counties, FL; in Sub-No. 36, Birmingham with Jefferson County, AL, and Camben with Quachita County, AR; in Sub-No. 43 and E-1(B), Port Clinton with Ottawa County, OH; in Sub-No. 45, Louisiana with Pike County, MO; in Sub-No. 46 and E-1(c), Social Circle with Walton County, GA; in Sub-No. 47, McPherson with McPherson County, KS; and Waco with McLennan County, TX; in E-36(a) and E-36(D), Waco with McLennan County, TX; in Sub-No. 52 and E-1(f), Birmingham with Jefferson County, AL; in Sub-No. 68 and E-1(i), Parsonburg with Wicomico County, MD; in Sub-No. 81, Waco with McLennan County, TX; in Sub-No. 85, Springfield with Washington County, KY; in Sub-No. 98, Waterloo with Black Hawk County, IA; in 114G Pensacola with Escambia and Santa Rosa Counties, FL, and Alton with Madison County, IL; in Sub-No. 124, Meridian with Lauderdale and Laurel with Jones County, MS; in Sub-No. 126, Laurel with Jones County, MS; in Sub-No. 127, Bardstown with Nelson County, KY; in Sub-No. 149, Jacksonville with Duval County, FL; in Sub-No. 153, Drew with Sunflower County, MS; in Sub-No. 166, Macon with Bibb County, GA; Pensacola with Escambia and Santa Rosa Counties, FL; and Beaver Falls and Marietta with Beaver and Lancaster Counties, PA; in E-1(G), Pensacola with Escambia and Santa Rosa Counties, FL; in Sub-No. 201F, West Bend with Washington County, WI; and in Sub-No. 226F, Laurel with Jones County, MS; (C) remove the "size and weight" restriction in Sub-No. 14, and the "in-bulk" restriction in Sub-Nos. 43, 44, 85, 93 (as well as the restriction against lumber, plywood and veneer), 98, 124, 127, 153, 166F, 114G and E-36(e); (D) remove the restriction limiting transportation to traffic originating at and/or destined to a named shipper in Sub-Nos. 93, 126, 127, 129 and 226F, and the restriction against service destined to named facilities in Sub-No. 127, and (E) remove the AK and HI exceptions wherever they appear in the above Sub-Nos.

MC 121654 (Sub-44)X, filed April 8, 1981. Applicant: COASTAL TRANSPORT & TRADING CO., P.O. Box 7438, Savannah, GA 31408. Representative: Alan E. Serby, Fifth Floor, Lenox Towers S., 3390 Peachtree Rd., NE., Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub 27F certificate to (1) broaden the commodity description from general commodities (with the usual exceptions) to "general commodities (except Classes A and B explosives"; and (2) remove the restriction limiting service to that in containers or trailers having an immediately prior or subsequent movement by water.

MC 121838 (Sub-1)X, filed April 6, 1981. Applicant: GROSKOPF-WEIDER TRUCKING CO., INC., 1761 Denmark Street, Sonoma, CA 95476. Representative: Daniel W. Baker, 100 Pine Street #2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its MC-141341 permit to (1) broaden the commodity description from wine and materials, equipment, and supplies used in the production and distribution of wine to "such commodities as are dealt in by the wine production and distribution industry", (2) eliminate the ex-water restriction and (3) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 125433 (Sub-469)X, filed April 1, 1981. Applicant: F-B TRUCK LINE COMPANY, 1945 South Redwood Road,

Salt Lake City, UT 84104.
Representative: Roger E. Crum (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 336F, 337F, 339F, 340F, 341F, 343F, 350F, 351F, 352F, 353F, 354F, 355F, 356F, 360F, 361F, 362F, 363F, 364F, 365F, 366F, 368F, 371F, 373F, 374F, 375F, 376F, 380F, 381F, 382F, 383F, 384F, 385F, 386F, 387F, 388F, 389F, 391F, 392F, 393F, 394F, 395F, 397, 398F, 399F, 401F, 402F, 403F, 404F, 405F, 406F, 408F, 409F, 413F, 414F, 417F, 418F, 421F, 422F, 423, 424, 427F, 428, 433F, 435F, 436F, 439F, 440F, and 451, certificates to (1) broaden the commodity descriptions from (a) buildings, complete, knocked down, or in sections, building sections, and building panels, metal prefabricated structural components and panels and accessories to "buildings, building materials, and fabricated metal products" in Sub-No. 336; (b) furnaces, air conditioning units and water heaters, plastic articles, and equipment, materials and supplies to "equipment for heating, cooling, humidifying or moving air, gas or liquid, and rubber and plastic products" in Sub-No. 337; (c) alumium flexible conduit to "metal products" in Sub-No. 339; (d) household and commercial laundry and kitchen appliances, and related repair parts to "appliances, electrical equipment, machinery and supplies" in Sub-No. 340;(e) refrigerators, freezers, and microwave ovens, air conditioners, central heating furnaces, stoves and electric ranges, to "appliances, electrical equipment; and machinery and supplies" in Sub-No. 341; (f) lead scrap to "waste or scrap materials" in Sub-No. 343; (g) power tools and accessories to "machinery and supplies, and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling" in Sub-No. 351; (h) construction equipment and material handling equipment, parts, attachments, and accessories to "machinery" in Sub-No. 353; (i) plastic and styrofoam articles to "rubber and plastic products" in Sub-No. 355; (j) garage door operators, parts and accessories to "machinery" in Sub-No. 356; (k) vacuum pressure vessels, truck mounted pressure vessels, parts, attachments and accessories to "pressure vessels, and commodities, the transportation of which, because of their size or weight, require the use of special equipment or handling" in Sub-No. 360; (l) plastic pipe and fittings for plastic pipe to "rubber and plastic products" in Sub-No. 362; (m) scaffolding, forming and shoring systems, personnel and material hoist towers, elevating work platforms, ladders, power buggies, and fork-lift and parts and attachments, and accessories to "machinery and supplies and construction equipment and materials" in Sub-No. 364; (n) iron and steel articles, pipe, fabricated iron and steel articles, and such commodities used in the manufactures, distribution and assemblage to "metal products" in Sub-No. 365; (o) stone, natural or cast to "clay, concrete, glass, or stone products" in Sub-No.366; (p) mechanical work platforms to "mandatory" in Sub-No. 368; (q) plastic foam materials to "rubber and plastic products" in Sub-No. 371; (r) hose and hose fittings, equipment, materials and supplies to "rubber and plastic products" in Sub-No. 373; (s) extruded aluminum construction forms, equipment, materials and supplies to "metal products" in Sub-No. 374; (t) building and construction materials and supplies to "building and construction materials, forest products, and lumber and wood products" in Sub-No. 375; (u) plastic film and sheeting to "rubber and plastic products" in Sub-No. 380; (v) resins, adhesives, and paint material to "chemicals and related products" in Sub-No. 381; (w) prefabricated buildings, knocked down, or in sections and equipment, supplies and parts to "metal products, buildings, and construction equipment" in Sub-No. 382; (x) plastic articles and styrofoam articles to "rubber or plastic products" in Sub-No. 383; (y) outdoor recreational equipment and heating and air conditioning apparatuses to "recreational equipment and heating and air conditioning equipment" in Sub-No. 384; (z) beverage preparation agents and citrus powders to "food and related products" in Sub-No. 385; (aa) uranium concentrates to "radioactive materials" in Sub-No. 386; (bb) yard tractors to "machinery" in Sub-No. 387; (cc) multiple hearth furnaces, equipment, materials and supplies to "metal products" in Sub-No. 388; (dd) (1) plastic liquid, plastic film and sheeting, chemicals, cleaning and scouring compounds, defoaming compounds, laminating machinery, parts for laminating machinery, and ink, (except commodities in bulk), and (2) materials, equipment, and supplies (except commodities in bulk), used in the manufacture and distribution of the commodities in (1) above, to "rubber or plastic products, chemicals or allied products or compounds, machinery and supplies, and ink" in Sub-No. 389; (ee) water beds and accessories to "furniture and fixtures" in Sub-No. 392; (ff) (1) chemicals, and (2) additives used in petroleum and gas exploration, (except commodities in bulk), to "chemicals and related products" in Sub-No. 393; (gg) lumber and lumber mill products to "lumber and wood products" in Sub-No. 395; (hh) games, toys, juvenile furniture, playground apparatus, and clothing, to, "games, toys, furniture and fixtures, playground apparatus, and clothing and other finished textile products," in Sub-No. 397; (ii) (1) iron and steel articles, and (2) equipment, materials, and supplies used in the manufacture or distribution of the commodities in (1) above to "metal and metal products" in Sub-No. 398; (jj) water heaters, heating boilers, hot water storage tanks, and solar collectors to "equipment for heating, cooling, humidifying or moving air, gas or liquid" in Sub-No. 399; (kk) (1) power pumps, and (2) parts and accessories for power pumps, to "machinery and supplies" in Sub-No. 401 (ll) (1) hydraulic platform lifts, scissor type, and (2) parts, attachments and accessories used in the assemblage and distribution of the commodities in (1) above, to "machinery and supplies" in Sub-No. 402; (mm) (1) fireplaces and parts for fireplaces, and (2) materials, equipment and supplies, used in the manufacture and distribution of the commodities in (1) above, to "fabricated metal products" in Sub-No. 403; (nn) (1) air conditioning units, air handling units, and heating units, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, to "equipment for heating, cooling, humidifying or moving air, gas or liquid" in Sub-No. 404; (oo) (1) air filtration equipment, (2) hydraulic equipment, and (3) parts and accessories for the commodities in (1) and (2) above to "air filtration equipment, machinery and supplies" in Sub-No. 405; (pp) foodstuffs to "food and related products" in Sub-No. 408; (qq) (1) plastic, plastic articles, plastic pipes, tubing, fittings, connections and (2) materials and supplies used in the manufacture, installation and distribution of the commodities in (1) above (except in bulk), to "rubber or plastic products" in Sub-No. 414; (rr) (1) video game sets, electronic game sets, video game set cartridges, home computers, and home computer cartridges, and (2) materials, equipment, and supplies used in the manufacture and distribution of the commodities in (1) above, to "electronic equipment, games and supplies" in Sub-No. 417; (ss) vehicle parts and accessories, boat parts and accessories, construction materials, and plastic, metal and rubber articles and products, to "transportation equipment, construction materials, rubber or plastic products, and metal and metal products," in Sub-No. 418; (tt) general commodities (except household goods as defined by the Commission) to

"general commodities" in Sub-No. 422; (uu) (1)iron and steel articles, (2) commodities, the transportation of which, because of size or weight, require the use of special equipment, and (3) materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above (except commodities in bulk), to "(1) metal and metal products, (2) commodities the transportation of which, because of size or weight require the use of special equipment and handling, and (3) materials, equipment and supplies used in the manufacture and distribution of commodities in (1) above" in Sub-No. 427; (vv) iron and steel articles, and commodities, which because of size or weight, require the use of special equipment, to "metal and metal products and commodities, the transportation of which, because of their size or weight, requiree the use of special equipment or handling" in Sub-No. 436; (ww) (1) store fixtures and store equipment, and (2) materials, equipment and supplies used in the manufacture and distribution of the commodities in (1) above, to "furniture and fixtures, and store equipment", in Sub-No. 439; (xx) (1) glass and metal containers, (2) containers, closures, and (3) materials and supplies used in the manufacture of the commodities in (1) above to "clay, concrete, glass or stone products, containers, and fabricated metal products" in Sub-No. 440; (yy) (1) machinery (except electrical), (2) electrical machinery or equipment, and (3) transportation equipment, as described in Items 35, 36, and 37, respectively of the Standard Transportation Commodity Code Tariff, to "machinery and supplies, electrical equipment, and transportation equipment" in Sub-No. 451; (2) delete the commodity restrictions, such as in bulk, in tank vehicles, in Sub-Nos. 337, 351, 352, 355, 356, 361, 365, 371, 375, 381, 382, 383, 385, 389, 391, 393, 408, 414, 422, 424, 427, 451; (3) remove the exceptions of service to AK and HI in Sub-Nos. 337, 339, 340, 351, 353, 354, 355, 356, 360, 361, 362, 363, 365, 366, 368, 371, 373, 374, 380, 381, 383, 384, 387, 388, 389, 392, 393, 394, 395, 398, 401, 402, 403, 404, 405, 406, 408, 409, 413, 414, 417, 418, 421, 422, 423, 424, 428, 435, and 439; (4) authorize radial service in lieu of existing one-way authority between points throughout the U.S., in Sub-Nos. 336, 337, 339, 340, 341, 343, 350, 351, 352, 353, 355, 356, 360, 361, 362, 366, 368, 371, 373, 374, 376, 380, 381, 382, 383, 385, 386, 387, 391, 397, 398, 399, 401, 403, 405, 406, 408, 409, 413, 421; (5) delete plantsite restrictions in Sub-Nos. 336, 350, 351, 352, 353, 354, 355, 360, 361, 363, 364, 365, 373, 374, 375, 376, 384, 388, 394, 399, 401, 403, 405, 406, 413, 423, 427; (6) eliminate an originating at or destined to named points restriction in Sub-Nos. 336, 351, 352, 361, 364, 373, 388, 399, 401, 403, 405, 406, 413, 423, 427 and (7) authorize country-wide service in place of city-wide authority in Sub-No. 336, Kings County, CA, for Hanford, CA; in Sub-No. 337, Sebastian County, AR, for Ft. Smith, AR: Butler and Montgomery Counties, AL, for Greenville and Montgomery, AL; Baldwin County for Milledgeville, GA; Marion County, IN, for Indianapolis, IN, Brazos County, TX, for Bryan, TX, Middlesex County, NJ, for Edison Township, NJ; Sub-No. 339, Los Angeles County for Long Beach, CA; Sub-No. 340, Jasper County, IA, for Newton, IA; Sub-No. 341, Iowa County, IA, for Amana, IA, and Lincoln County, TN, for Fayetteville, TN; Sub-No. 343, San Bernardino County for Ontario, CA, and Lewis and Clark County for E. Helena, MT; Sub-No. 351, Washoe County, NV, for Reno, NV; Sub-No. 352, Platte County, NE, for Columbus, NE; Sub-No. 353, Sedgwick County, KS, for Wichita, KS; Sub-No. 354 Williamson County, IL, for Marion, IL; Sub-No. 355, Maricopa County, AZ, for Phoenix, AZ; Los Angeles County, CA, for City of Industry, CA; DeKalb County, GA, for Stone Mountain, GA; Cook County, IL, for Des Plaines, IL; Caddo Parish, LA, for Shreveport, LA; Lafayette County, MO, for Higginsville, MO; Hillsboro County, NH, for Milford, NH; Monmouth County, NJ, for Tinton Falls, NJ; Huron and Madison Counties, OH for Mt. Sterling and Monroeville, OH; Tarrant and Bexar Counties, TX for Ft. Worth, and San Antonio, and, King County for Renton, WA; Sub-No. 356, Sana Cruz County, AZ for Nogales, AZ, and Cook County, IL, for Alsip, IL; Sub-No. 360, Los Angeles County, CA, for Long Beach CA; Sub-No. 361, Yolo County, CA for West Sacramento, CA; Sub-No. 362, San Joaquin and Orange Counties, CA, for Stockton and Santa Ana, CA; Sub-No. 363, Franklin County, IL, for Frankfort, IL; Sub-No. 365, Multnomah County, OR, for Portland, OR, and Ada County, ID, for Boise, ID; Sub-No. 366, Napa County, CA, for Napa, CA; Sub-No. 371 Macomb County, MI, for Romeo, MI; Sub-No. 373, Payne County, OK, for Stillwater, OK; Dallas County, TX, for Dallas and Farmers Branch, TX; Giles and Henderson Counties, TN, for Elkton and Lexington, TN; Crawford and Franklin Counties, OH, for Bucyrus and Columbus, OH; Washoe County, NV, for Sparks, NV; Cook County, IL, for Elk Gover Village, and Los Angeles County, CA, for Los Angeles and Santa Fe Springs, CA; Sub-No. 374, Dallas County, TX, for Grand Prairie, TX; Los Angeles County, CA, for Long Beach, CA, and Dade County, FL, for Hialeah, FL; Sub-No. 375, San Joaquin County, CA, for Tracy, CA; Sub-No. 376, Linn County, IA, for Cedar Rapids, IA, and Wilson County, TN, for Lebanon, TN; Sub-No. 381, Riverside County, CA, for Riverside, CA; Sub-No. 382, Larimer County, CO, for Ft. Collins, CO; Sub-No. 384, Sedgwick County, KS, for Wichita, KS; Sub-No. 385, Riverside County, CA, for Corona, CA; Columbia County, PA, for Berwick, PA; Hudson County, NJ, for Jersey City, NJ; Clayton County, GA, for Forest Park, Ga, and Duval County, FL, for Jacksonville, FL; Sub-No. 386, Sequoyah County, OK, for Gore, OK, and Massac County, IL, for Metropolis, IL; Sub-No. 387, Arapohoe County, CO, for Littleton, CO; Sub-No. 388, San Mateo County, CA, for Belmont, CA; Sub-No. 391, Pueblo County, CO, for Pueblo, CO; Sub-No. 394, Montgomery County, PA, for Horsham, PA; Sub-No. 397, Du Page County, IL, for Bensenville, IL; Wayne County, MI, for Southgate, MI, Hudson County, NJ, for Secaucus, NJ; Bristol County, MA, for Mansfield, MA and Prince Georges County, MD, for Beltsville, MD; Sub-No. 398, Jefferson County, CO, for Golden, CO; Sub-No. 399, Kankakee County, IL, for Kankakee, IL; Sub-No. 401, Fresno County, CA, for Fresno, CA; Sub-No. 402, Mesa County, CO, for Grand Junction, CO; Sub-No. 403, Los Angeles County, CA for Leynwood, CA; Sub-No. 404, Smith County, TX, for Tyler, TX; Sub-No. 405, Tulare County, CA, for Visalia, CA; Sub-No. 408, Santa Clara County, CA, for San Jose and Sunnyvale, CA; Sub-No. 409, Los Angeles County, CA, for Irwindale, CA; Sub-No. 413, Washoe County, NV, for Reno, NV; Sub-No. 421, Adams County, CO, for Henderson, CO; Sub-No. 423, Milwaukee County, WI, for Milwaukee, WI; Sub-No. 427, York County, SC, for Catawba and Rock Hill, SC, and Mecklenberg County, NC, for Charlotte, NC: Sub-No. 433, Jefferson County, AL, for Birmingham, AL; Sub-No. 436, Tulsa County, OK, for Tulsa, OK, and Potter County, TX, for Amarillo, TX; and Sub-No. 451, Los Angeles County, CA, for City of Industry, CA; Gordon County, GA, for Calhoun, GA, and Williams County, OH, for Bryan, OH.

MC 125499 (Sub-4)X, filed April 6, 1981. Applicant: L V COMPANY, INC., R.D. No. 1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3 permits to (1) broaden the commodity descriptions to (a) "building material and supplies"

from concrete building blocks, concrete beams, concrete pipes, concrete lintels and concrete brick, in Sub-No. 2F; and (b) "commodities in bulk" from shale derived aggregate, in bulk, in Sub-No. 3; and (2) authorize service between points in the U.S. under continuing contract(s) with named shippers.

MC 125689 (Sub-16)X, filed April 9, 1981. Applicant: BEATTYVILLE TRANSPORT, INC., Ice Dam Lane, P.O. Box 675, Catlettsburg, KY 41129. Representative: Fred H. Daly, 2550 M Street, N.W., Suite 475, Washington, DC 20037. Applicant seeks to remove restrictions from its Sub-No. 10F certificate to (1) broaden its commodity description from asphalt and asphalt products, in bulk, in tank vehicles, to "commodities in bulk"; (2) replace Marietta, OH, with Washington County, OH; and (3) change one-way to radial authority between Washington County, OH, and points in WV.

MC 126255 (Sub-11)X, filed March 13, 1981, previously noticed in the **Federal Register** of March 13, 1981, republished as corrected this issue. Applicant: BUTLER-JONES AIR FREIGHT, INC., P.O. Box 1964, Salisbury-Wicomico Airport, Salisbury, MD 21801. Representative: Peter A. Greene, 1920 N Street NW., Suite 700, Washington D.C. 20036. applicant seeks to remove restrictions and broaden authorities in Sub-Nos. 1, 4, 6F, 7F, 8F, 9 (incorrectly issued as Sub-No. 82) and 10 (incorrectly issued as Sub-No., 83) by: (1) elimination of all exceptions to general commodities authorizations other than "classes A and B explosives;" in all referenced authorities; (2) elimination of the restiction against handling traffic other than that having an immediately prior or subsequent movement by air in Sub-Nos. 1, 4, 6F, 7F and 8F; (3) changing authorized service points from named airports to specified counties or cities served by those airports: Baltimore, MD for Friendship International Airport or Baltimore Washington International Airport in Sub-Nos. 1, 4, 7F and 9F (former Sub-No. 82); Washington, DC for Washington National Airport in Sub-Nos. 1, 4, 7F and 9F (former Sub-No. 82); Philadelphia, PA, for Philadelphia International Airport in Sub-Nos. 6 and 10 (former Sub-No. 83); Wicomico County, MD, for Salisbury-Wicomico County Airport in Sub-No. 1, 4, 6F and 7F; Fairfax and Loudoun Counties, VA, for Dulles International Airport in Sub-NOs. 4 and 7; (4) broadening authority in Sub-No. 1 to serve all points in Dorchester, Somerset and Worcester Counties, MD from points within 25 miles of the Salisbury-Wicomico County Airport, Salisbury, MD and (5) broadening authority in Sub-No. 4 to serve all of Somerset County, MD rather then only that portion beyond a radius of 25 miles from the Salisbury-Wicomico Airport, Salisbury, MD. The purpose of this republication is to expand service at Dulles to county-wide authority in Sub-No. 7F and to add item (4) to the list of modifications.

MC 127902 (Sub-19)X, filed April 3, 1981, Applicant: DIETZ MOTOR LINES, INC., P.O. Drawer 1427, Hickory. NC 28601. Representative: robert B. Walker, 915 Pennsylvania Building, 425 13th St., NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 2, 6, 7, 9F, 10F, 11F, 14F, and 17 certificates to (A) broaden existing commodity descriptions: to "furniture and fixtures" from furniture, new furniture and furniture stock and parts (except office furniture and equipment), and returned and damaged shipments in the lead, and Sub-No. 2, 6, 7, and 9 certificates; to "food and related products" from sugar, in containers, in Sub-Nos. 10 and 14; to "machinery and metal products" from tire racks, machinery and parts in Sub-No. 11; and to "lumber and wood products" from rough hardwood lumber in Sub-No. 17; (B) broaden the territorial descriptions from city-wide to county-wide authority, and change existing one-way service to authorize radial service: lead certificate, between points in Catawba County, NC (Hickory and Conover, NC), and points in AL; Sub-No. 2, between points in Buncombe, Caldwell, Iredell, Rutherford, and McDowell Counties, NC (Asheville, Black Mountain, Lenoir, Statesville, Rutherfordton, and Marion, NC), and Catawba, Burke, and Alexander Counties, NC, and points in AL, AR, LA, and MS: Sub-No. 6, between Madison County, MS (Flora, MS), and points in Caldwell and Swain Counties, NC (Lenoir and Bryson City, NC); Sub-No. 7, between Lincoln County, NC (Lincolnton, NC), and points in four States; Sub-No. 9, between points in Graham County, NC (Robbinsville and Altapass, NC), and points in four States; Sub-No. 10, between points in Lafourche Parish, LA (Mathews, LA), and points in seven States; Sub-No. 11, between points in Catawba County, NC (Hickory, NC), and points in seven States; Sub-No. 14, between points in St. James and Jefferson Parishes (Gramercy and Kenner, LA), and points in two States; and Sub-No. 17, between points in Pulaski, Cleburne, and Monroe Counties, AR (North Little Rock, Heber Springs, and Clarendon, AR), and New Orleans, LA, and points in NC, TN, MS, and those in VA on and south of U.S. Hwy 60.

MC 128543 (Sub-11)X, filed April 13, 1981, Applicant: CRESCO LINES, INC., 13900 South Keller Avenue, Crestwood, IL 60445, Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 14F and 21F permits to (1) broaden the commodity descriptions from zinc, zinc alloys, and zinc products to "metal products" in both Sub-Nos.; (2) authorize service between points in the U.S., under continuing contract(s) with its existing named shippers.

MC 133590 (Sub-37)X, filed March 10, 1981, previously noted in the **Federal Register** of March 25, 1981, republished as corrected this issue. Applicant: WESTERN CARRIERS, INC., P.O. Box 925, Worcester, MA 01613. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. Applicant seeks to remove restrictions in its certificate No. 133590 Sub-No. 27F certificate which authorizes service over irregular routes, transporting alcoholic beverages, malt beverages, wines, and drink mixes (except in bulk), between points in CT, MA, MD, NJ and NY, and points in the U.S., to eliminate the in bulk exception from the commodity description. The purpose of this republication is to reflect the correct MC-Number as MC–133590 (Sub-No. 37)X, in lieu of MC–152823 (Sub-No. 3)X.

MC 136782 (Sub-32)X, filed April 6, 1981. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Thomas M. O'Brien, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 28 and 30 certificates to (1) broaden the commodity description from dairy products and fresh and cured meats in part (1) and from food products in part 2(a) to "food and related products" in Sub-No. 28; and from meats, meat products and meat by-products, dairy products, and articles distributed by meat-packing houses, to "food and related products" in Sub-No. 30; (2) remove a plantsite restriction in Sub-No. 30 (3) change city to county-wide authority: Trenton and Camden, NJ with Mercer and Camden Counties, NJ, and Wilmington, DE with New Castle County, DE in Sub-No. 28, (4) change one way to radial authority between points in 2 states, and, points in New York, NY, 2 NJ counties, Philadelphia, PA, 1 DE county, and described portions of PA and OH in part 1 of Sub-No. 28, and (5) remove an in bulk restriction in part 2(b) of Sub-No. 28.

MC 140943 (Sub-11)X, filed April 1, 1981. Applicant: CHEYENNE ROAD TRANSPORT, LTD., 1495 Pembina Highway, Winnipeg, Manitoba, Canada R3T 2C6. Representative: Grant J. Merritt, 4444 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4F, 5F and 8F certificates, which Kleysen Transport Ltd. has temporary authority to operate and control, to (1) broaden the commodity descriptions from lumber and lumber mill products, wood products and fibreboard to "lumber and wood products" in Sub-Nos. 4F and 8F; (2) remove specific ports of entry at Sweetgrass, MT, Eastport, ID, and Portal, ND in the lead and Sub-Nos. 4F and 5F, and Sumas and Oroville, WA in Sub-Nos. 4F and 5F; and authorize radial service between (a) ports of entry on the international boundary line between the U.S. and Canada located in MT, ID, and ND, and, points in MT, WA, OR, ID, ND, SD, WI, and MN in the lead; (b) ports of entry on the international boundary line between the U.S. and Canada located in ND, MT, ID, and WA, and, points in 19 named States in Sub-No. 4F; (c) Lancaster County, NE and points in IA and MN, and, ports of entry on the international boundary line between the U.S. and Canada located in ND, MT, ID, and WA in Sub-No. 5F; and (d) ports of entry on the international boundary line between the U.S. and CN located in WA, ID, and MT, and, points in AZ, CA, ID, NM, NV, OR and WA; and points in MT and ID, and, ports of entry on the international boundary line between the U.S. and Canada located in MT, ID, and WA in Sub-No. 8F; (3) change city-wide to county-wide authority from Lincoln to Lancaster County, NE, in Sub-No. 5F; and (4) remove the restrictions "originating in Provinces of Alberta and British Columbia, Canada in the lead, and "traffic moving in foreign commerce to points in British Columbia, Canada", in Sub-No. 5F.

MC 141914 (Sub-97)X, Filed April 2, 1981. Applicant: FRANKS AND SON, INC., Rt. 1, Box 108A, Big Cabin, OK 74332. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 1, 12, 14, 29 and 76 certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)", in Sub-No. 1; from maple syrup products to "food and related products", in Sub-No. 12; from rubber piping, tubing, and hose, and fabric or steel re-inforced rubber hose to "rubber and plastic products", in Sub-No. 14; from manufactured wooden products to "lumber and wood products", in Sub-No. 76F; and from floor coverings (except carpeting and rugs), and adhesives used in the installation of floor coverings to "building materials", in Sub-No. 29, (2) remove restrictions to traffic originating at named Canadian facilities, in Sub-Nos. 14 and 29, (3) expand specified ports of entry on the international boundary line between the U.S. and Canada to all ports of entry in the involved states: ports of entry at or near Trout River, NY, to NY in Sub-Nos. 1 and 12; ports of entry at or near Norton, VT, to VT, in Sub-No. 14; and ports of entry at or near Champlain, NY to NY, (4) replaces one-way with radial authority (a) between ports of entry in NY and points in 7 states in Sub-No. 1; (b) between ports of entry in NY and Chicago, IL, and Kansas City, MO, in Sub-No. 12; (c) between ports of entry in VT and points in the U.S. (except NY and NJ) in Sub-No. 14; (d) between ports of entry in NY and points in the U.S. in Sub-No. 29; and (e) between ports of entry on the U.S.-Canadian Boundary line and the U.S. (except AZ, CA, CO, MT, OR, and WA) in Sub-No. 76F, and (5) eliminate the AK and HI exceptions in Sub-Nos. 14, 29 and 76.

MC 145700 (Sub-7)X, filed April 6, 1981. Applicant: TIGATOR, INC., d.b.a. TIGATOR TRUCKING SERVICE, P.O. Box 1748, 866 Anselmo Lane, Baton Rouge, LA 70821. Representative: J. H. Campbell, Jr., P.O. Box 1748, Baton Rouge, LA 70821. Applicant seeks to remove restrictions from its Sub-No. 6 permit to (1) broaden the commodity description from pet food products and by-products, pickle products and by-products, processed vegetable and fruit products and by-products, and charcoal in bags, to "such commodities as are dealt in or used by retail grocery stores" and (2) expand the territorial description to between points in the United States, under contract(s) with a named shipper.

MC 146329 (Sub-10)X, filed April 6, 1981. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Applicant seeks to modify its MC-139847 Sub Nos. 1, 3, and 4F permits to (1) expand the territorial description to between points in the United States, under continuing contract(s) with named shippers and (2) change the commodity description in Sub-No. 1 from building and housing units, complete knocked down, or in sections, and component parts thereof, wood products, composition wood products, laminated products, and parts and accessories for each of these commodities, to "building and housing units, building materials and materials, equipments, and supplies used in the manufacture, sale, distribution, erection, and completion thereof", and (3) to remove the "in bulk" restriction in Sub-No. 1.

MC 147108 (Sub-3)X, filed April 6, 1981. Applicant: CARRIER TRANSPORT SERVICE, 2553 Wyandotte Street, Mountain View, CA 94043. Representative: Daniel W. Baker, 100 Pine Street #2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (1) remove the "in containers" restriction, (2) remove restriction to traffic having an immediate prior or subsequent movement by water or air (3) eliminate the restriction which limits service to the transportation of traffic moving on the bills of lading of freight forwarders, and (4) remove the AK and HI exception.

MC 147227 (Sub-10)X, filed April 6, 1981. Applicant: ATLANTIC MARKETING CARRIERS, INC., 4025 South Golden State Highway, Suite No. 6, Fresno, CA 93725. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 2 certificate to (1) broaden its commodity description from general commodities (with exceptions), to "general commodities (except classes A and B explosives)"; (2) replace Willsboro, NY, with Essex County, NY; and (3) change its one-way to radial authority between Essex County, NY, and points in MA and VT, and, points in IN, OH, MI, MO, IL, WI, MN, and CA.

MC 147467 (Sub-2)X, filed April 13, 1981. Applicant: SUPERIOR CARTAGE OF OREGON, INC., 1830 SE Center St., Portland, OR 97202. Representative: Michael J. Stecher, 256 Montgomery St., 5th Floor, San Francisco, CA 94104. Applicant seeks to remove restrictions in its lead and Sub-No. 1F certificates to (1) remove all exceptions in its general commodities authorities except "classes A and B explosives", and (2) remove the restrictions limiting service to traffic moving on bills of lading of freight forwarders in both certificates.

MC 148380 (Sub-10)X, filed April 9, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 2F certificate to (a) change the commodity description from composition board, and

roofing materials and supplies, to "construction and building materials, and materials, equipment and supplies used in the manufacture and sale of construction and building materials"; (b) change city to county-wide authority: Meridian, MS, to Lauderdale County, MS; (c) eliminate the facilities restriction, and (d) change one-way to radial authority between points in Lauderdale County, MS, and Kansas City, KS, and, points in 8 states.

MC 148546 (Sub-3)X, filed April 6, 1981. Applicant: TRANSPORT MANAGEMENT SERVICE CORPORATION, P.O. Box 39, Burlington, NJ 08016. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, D.C. 20036. Applicant seeks to remove restrictions in its MC–142999 lead and Sub-Nos. 3, 4, 5, 6, 7, 8, 9, 11, 14, 16, 17, 19, 20, 21, 25, 27, 28 permits and MC–148546 lead certificate to (1) broaden the commodity description to "chemical and related products" from chemicals in the lead and Sub-Nos. 3, 5, 17, and 20; from herbicides, insecticides and fungicides in Sub-No. 6; from dyes in part of Sub-No. 7; from pesticides, fertilizer compounds, and chelating compounds in Sub-Nos. 14 and 25; from chemicals and drugs in Sub-No. 16; from paint and paint products in Sub-No. 21; to "rubber and plastic products" from plastic articles in Sub-Nos. 7 and 17; to "food and related products" from starch in the lead, and Sub-Nos. 3 and 20; from feed supplements in Sub-No. 7; from vegetable oils, shortening, and cooking and salad oils in Sub-No. 9, to "pulp, paper and related products" from paper and paper products in Sub-Nos. 4 and 19; from printing paper in Sub-No. 8; to "petroleum, natural gas and their products" from petroleum products in Sub-No. 16; and to "general commodities (except Class A and B explosives) from general commodities (with exceptions) in Sub-Nos. 26, 27, 28, and in MC–148546F, (2) remove the "in bulk" restriction in the lead, Sub-Nos. 5, 6, 7, 8, 9, 11, 14, 16, 17, 20, 25, and MC–148546, (3) replace the shippers association facilities limitation at Brestol, PA with Bucks County, PA in MC–148546, (4) broaden the territorial description to between points in the U.S. under contract(s) with named shippers in all permits.

MC 148786 (Sub-5)X, filed April 10, 1981. Applicant: JOE GOOD, d.b.a. GOOD TRANSPORTATION, P.O. Box 335, Lovell, WY 82431. Representative: John T. Wirth, 717–17th St., Suite 2600, Denver, CO 80202. Applicant seeks to remove restrictions from its No. MC–135213 Sub-Nos. 5, 7, 14F, and 16F permits to (1) broaden its commodity descriptions (a) in Sub-Nos. 5 and 14F, from bentonite clay and processed bentonite clay, in bags, and in bulk, and bentonite and bentonite products, in containers, to "clay, concrete, glass or stone products," and (b) in Sub-No. 7, from gypsum wallboard, gypsum board paper, and scrap paper and waste paper, to "such commodities as are dealt in or used by manufacturers and distributors of gypsum and gypsum products, pulp, paper and related products, and building materials"; and (2) broaden its territorial authority to between points in the U.S., under continuing contract(s) with a named shipper, in all of the above sub-numbers.

MC 150392 (Sub-2)X, filed April 13, 1981. Applicant: RICHARD S. FRANCIS, d.b.a. FRANTRAN, 1882 Noblestown Road, Pittsburgh, PA 15205. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219. Applicant seeks to remove restrictions in its Sub-No. 1 certificate by eliminating the restriction which limits service to traffic having an immediate prior or subsequent movement by rail or water.

[FR Doc. 81–11899 Filed 4–20–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carrier 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** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP3–225

Decided: April 10, 1981.

By the Commission Review Board No. 2, members Carleton, Fisher, and Williams.

MC 127834 (Sub-129), filed February 2, 1981. Applicant: LIGON TRANSPORTATION COMPANY, Highway 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting *general commodities,* between Camercon City, KS, Drew, Rome, Doddsville, Blaine and Isola, MS, Paris and Paris Crossing, IN, Chilesburg and Barlow, KY, Curtis and Murdock, FL, Ursa, IL, Grandfield, OK and Burburnett, Crandall, Poynor, Gallatin, Reklaw and Cushing, TX, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service. To the extent the certificate in this proceeding authorizes the transportation of

classes A and B explosives, it will expire 5 years from the date of issuance.

Volume No. OP3–226

Decided: April 13, 1981.

By the Commission, Review Board No. 2, members Carleton, Fisher, and Williams.

MC 154024, filed January 27, 1981, previously noticed in the **Federal Register** March 6, 1981. Applicant: TERRY L. HEIRONYMUS, d.b.a. T. & L. TRANSFER, 182 South Kansas St. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *food and other edible products and byproducts intended for human consumption* (Except alcoholic beverages and drugs), *agriculture limestone and fertilizers and other soil conditions*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Note.—This republication indicates that the applicant is a owner operator.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11962 Filed 4–20–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably by expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the execption of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly note problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

Volume No. OP3–392

Decided: April 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 150094 (Sub-1), filed May 5, 1980. Applicant: FRANK A. SUTTON, d.b.a.

SUTTON TRANSPORT, P.O. Box 72, Elderon, WI 54429. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *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 points in Ashland, Clark, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Taylor, Vilas, and Wood Counties, WI, on the one hand, and, on the other, Green Bay, Milwaukee, and Neenah, WI, restricted to traffic having a prior or subsequent movement by air, under continuing contract(s) with Burlington Northern Airfreight, Inc., of Milwaukee, WI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11960 Filed 4-20-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier 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 programs (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 publications (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-123

Decided April 13, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 113561 (Sub-2), filed March 18, 1981. Applicant: MDCI CORPORATION, d.b.a. TRANSTOP UNITED, Box 54001, Terminal Annex, Los Angeles, CA 90054. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036 (202) 463-6044. As a broker of *general commodities* (except household goods), between points in the U.S.

MC 130161 (Sub-1), filed April 2, 1981. Applicant: MAGIC VALLEY TRUCK BROKERS, INC., 7990 Overland Rd., Boise, ID 83705. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343-3071. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 144741 (Sub-6), filed April 6, 1981. Applicant: NETTLETON ENTERPRISES CO., INC. d.b.a. NORWOOD TRANSPORT, INC., Route 1, Box 96, Spaulding Road, Elgin, IL 60120. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782-8880. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-3-043

Decided April 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 154464 (Sub-2), filed April 2, 1981. Applicant: BOB HIMES, INC., 8611 New Benton Highway, Little Rock, AR 72209. Representative: Robert H. Himes (same address as applicant) (501)-224-0153. Transporting *general commodities* (except classes A and B explosives) between Mintz, NC, Primrose and Luthersville, GA, Cardwell, Arbyard and Hornersville, MO, McHenry, ND, Narcisso, Russellville and Roaring Springs, TX, Raymond, Oakley, Adams and Myles, MS, Winfield, Riverdale and Belle Plaine, KS, Snyder and Hamburg, AR, on the one hand, and on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Volume No. OPY4-081

Decided April 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 117327 (Sub-10), filed April 2, 1981. Applicant: AIR CARGO TERMINALS, INC., 3163 Fairfax Trafficway, Kansas City, KS 66115. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001 (202) 628-9243. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY4-082

Decided April 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

MC 70267 (Sub-18), filed April 6, 1981. Applicant: ECKERT TRUCKING, INC.,

1090 E. Springettsburg Ave., York, PA 17403. Representative: David Zimmerman (same address as applicant), (717) 843–0995. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155127, filed April 6, 1981. Applicant: DEL AMO SHIPPERS INC., P.O. Box 160, Seal Beach, CA 90740. Representative: Richard Jacoby (same address as applicant), (213) 594–0208. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11963 Filed 4–20–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP2–058

Decided: April 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 1743 (Sub-2F) (correction), filed October 8, 1980, published in the **Federal Register**, issue of October 28, 1980, and republished, as corrected, this issue. Applicant: WICKER TRUCKING, INC., 311 Porter Ave., Scottdale, PA 15683. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Transporting *electric power transformers, machinery, foundry supplies, iron and steel articles, and materials and supplies* used in the manufacture and distribution of iron and steel articles, between Scottdale and Mt. Pleasant, PA, on the one hand, and, on the other, points in OH and WV.

Note.—The person or persons who appear to be engaged in common control with another carrier must either file an application under 49 U.S.C. 11343(a) (1978) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. The purpose of this correction is to correct the territorial description.

Volume No. OP4–080

Decided: April 14, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 150707 (Sub-1), filed February 5, 1981, previously noticed in the **Federal Register** issue of March 9, 1981, and republished this issue. Applicant: CASPER MOBILE HOME SALES, INC., 3501 Florida Dr., Loveland, CO 80537. Representative: Richard J. Bara, Steele Park, Suite 330, 50 S. Steele St., Denver, CO 80209. Transporting *mobile homes, factory built housing, and factory built housing sections,* mounted on wheeled undercarriages or readily adaptable to being mounted on wheeled undercarriages, (1) between points in CO, NE, and WY, and (2) between points in (1) above, on the one hand, and, on the other, points in Fairbault County, MN, and points in AZ, KS, MT, NM, NV, OK, ID, SD, TX, and UT.

Note.—The purpose of this republication is to correctly state the commodity description.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–11961 Filed 4–20–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 387 (Sub-26); ICC–SP–C–0006]

Southern Pacific Transportation Company Exemption for Contract Tariff; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice of requirements of 49 U.S.C. 10713(e) and may file this contract tariff on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Southern Pacific Transportation Company (SP) filed on April 10, 1981, a petition for exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests we permit it to advance the effective date of tariff ICC–SP–C–0006 to April 22, 1981, so that the effective date would be on one day's notice.

This contract involves the movement of wheat for export to Mexico over the lines of SP and St. Louis Southwestern Railway Company (SSW) to El Paso, TX for delivery to the National Railway of

Mexico (N. de M.). Exemption is needed to allow the shipper to meet an April 30, 1981 delivery deadline imposed by its Mexican buyer.

Severe congestion of rail cars in Mexico has been experienced by N. de M. over the past year. A general embargo on goods from the United States was lifted by N. de M. on March 1, 1981, but the congested condition still persists. The shipper has secured a permit for movement of the involved shipments to the border and is making necessary arrangements for their entry into Mexico. Authorization of the April 22, 1981 effective date is necessary in order for the shipper to meet the April 30, 1981 deadline.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition shall be granted. The congested rail traffic situation in Mexico is precisely the exceptional or emergency condition which warrants an exemption. In light of the short term of the contract, the carrier's obligation to provide service to other shippers should not be impaired. SP states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted to be effective April 22, 1981.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101(a) and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: April 16, 1981.

By the Commission, Division 2, Commissioners Gresham, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-11958 Filed 4-20-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-81-70-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, Koppers Building, Pittsburgh, Pennsylavnia 15219 has filed a petition to modify the application of 30 CFR 75.1403-9 (criteria-track haulage roads) to its Joanne Mine located in Marion County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that shelter holes be provided on track haulage roads at intervals of not more than 105 feet and that shelter holes and crosscuts used as shelter holes be kept free of refuse and other obstructions.

2. The petition pertains to a section of track where the crosscuts are being used as shelter holes with a clearance depth of 5 to 12 feet and five locations along the mainline in this area which exceed the 105 feet shelter hole interval requirement.

3. This area is an older part of the mine; many crosscuts in this area have fallen in or contain cribbings and stoppings; therefore, the 15 foot clearance depth cannot be fulfilled in nearly 30 locations.

4. Due to the age of the mine as well as the bad roof conditions, cribbings, and stoppings, disturbing the falls to establish a 15 foot depth would expose miners to extremely hazardous roof conditions; cutting additional shelther holdes in the rib of the existing blocks of coal would weaken and create unsafe roof conditions in the haulage entry.

5. For these reasons, petitioner requests that it be permitted to continue:

a. The maintenance of some crosscuts as shelter holes with a clearance depth of 5 to 12 feet rather than the 15 foot clearance where bad top, cribbings, or stoppings exist;

b. The maintenance of specified shelter holes beyond the 105 foot interval requirements.

6. Petitioner states that the proposal outlined above will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 21, 1981. Copies of the petition are available for inspection at that address.

Dated: April 9, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-11984 Filed 4-20-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-64-C]

Island Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Island Creek Coal Company, Post Office Box 11430, Lexington, Kentucky 40575 has filed a petition to modify the application of 30 CFR 75.1707 (escapeways; intake air; separation from belt and trolley haulage entries) to its North Branch and Dobbin Mines located in Grant County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petition's statements follows:

1. The petition concerns the requirement that escapeways required under 30 CFR 75.1704 ventilated with intake air be separated from belt and trolley haulage entries.

2. Insignificant quantities of methane are present in the mines; the roofs are composed of unconsolidated shale with small intermediate sandstone and are supported in areas of conventional mining by a system of resin roof bolts augmented at times with timbers and headers.

3. As an alternate method and to minimize the chances of roof falls, petitioner proposes to drive three entries per development panel; with these three entry development panels, the same entry is used for the intake air course and the track haulage.

4. In support of this proposed alternate method, petitioner states the following safety procedures will be followed:

a. The direct current trolley circuit in the intake air escapeway will be deenergized, except while miners are being transported into and out of the section and while work is being performed in the section to keep it in a safe condition;

b. Procedures will be established to insure that employees in the working areas are informed when the section trolley circuit is energized;

c. A circuit breaker or other such device will be installed at or near the beginning of the section trolley circuit to provide overcurrent protection for the trolley circuit. This breaker setting shall not be greater than the maximum current load required;

d. A switch or other device will be provided at the termination of the trolley circuit on the section to deenergize the circuit by opening the circuit breaker located at the beginning of the circuit;

e. Programs and practices will be established that will result in the trolley circuit in such ares being deenergized while employees are in the working section.

5. Petitioner states that the proposed alternate method will at all times provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 21, 1981. Copies of the petition are available for inspection at that address.

Dated: April 9, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-11955 Filed 4-20-81 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

[TA-W-12, 011]

Apparel Suppliers of California, Inc.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of of eleigibility to apply for worker adjustment assistance.

In order to make an affirmative determiniation and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was intitiated on December 31, 1980 in response to a petition which was filed on behalf of workers at Apparel Suppliers of California, Inc., Chula Vista, California. The workers produce men's pants and women's pants, skirts and blazers.

The investigation revealed that criterion (3) has not been met.

U.S. imports of men's and boys' dress and sport trousers and shorts declined absolutely and relative domestic production in 1979 compared to 1978.

Apparel Suppliers of California, Inc. produced men's pants until May 1980. In June 1980 Apparel suppliers began producing women's pants and skirts. In December 1980, the company began to retool to produce women's blazers. In spite of the change in product line, company sales increased in 1980. Women's pants and skirts were produced for only seven months. Due to the short-term operation of the new product line, particularly when considered in conjunction with the highly seasonal nature of contract work in the apparel industry, it is not possible to relate the trend of U.S. imports of women's pants and skirts to the company's sales decline in the first part of 1981.

Conclusion

After careful review, I determine that all workers of Apparel Suppliers of California, Inc., Chula Vista, California and denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-11945 Filed 4-20-81; 8:45 am]

BILLING CODE 4510-28-M

Baxter Clothes, Inc., et al.; Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatended to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1981.

Interested person are invited to submit written comments regarding the subject matter of the investigations to

the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

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

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Baxter Clothes Inc. (workers)	Trenton, NJ	4-3-81	4-1-81	TA-W-12,591	Men' suits, sportcoats, and slacks.
Climette, Inc. (workers)	New York, NY	do	3-31-81	TA-W-12,592	Children's coats and jackets.
Colorguard Corp. (workers)	Raritan,NJ	do	3-18-81	TA-W-12,593	Vinyl clad residential fence.
Crown Leather Finishing, Inc. (ACTWU)	Johnstown, NY	4-2-81	3-30-81	TA-W-12,594	Tanning of leather.
Ford Aerospace & Communications Corp. PRETSA USA office Subdiv. (company).	Landsale, PA	4-3-81	3-9-81	TA-W-12,595	Auto radio and electronics, auto air conditioning, TV, home radio and Hi Fi.
Gates & Fox Co., Inc. (company)	Naturita, CO	4-6-81	3-12-81	TA-W-12,596	Uranium ore and vanadium ore.
Perry Manufacturing Co. (workers)	Saltville, VA	do	4-3-81	TA-W-12,597	Men's and boy's shirts.
Risedorph, Inc. (ACTWU)	Gloversville, NY	4-2-81	3-30-81	TA-W-12,598	Tanning of leather.
Superior Shake Co., Inc. (workers)	Concrete, WA	4-6-81	do	TA-W-12,599	Cedar shakes and shingles.
Decorative Products Div. of National Gypsum (workers).	Hatfield, MA	do	4-2-81	TA-W-12,600	Vinyl wall covering.
Alpine Togs, Inc. (workers)	New York, NY	4-2-81	3-27-81	TA-W-12,601	Children's outerwear.
Freeman Shoe Co. (workers)	Waynesboro, PA	4-7-81	4-3-81	TA-W-12,602	Women's shoes.
Karg Finishing (ACTWU)	Johnstown, NY	4-2-81	do	TA-W-12,603	Leather tanners.
Karg Brothers, Inc. (ACTWU)	Johnstown, NY	4-2-81	3-30-81	TA-W-12,604	Leather tanners.
GTE Sylvania (workers)	Hillsboro, NH	4-7-81	4-1-81	TA-W-12,605	Sealed beam headlights.
Hurn Shingle Co. (workers)	Concrete, WA	4-2-81	3-30-81	TA-W-12,606	Cedar shakes.
Lactona Corporation (Teamsters)	Philadelphia, PA	4-7-81	4-2-81	TA-W-12,607	Individual false teeth
MKD Corporation (workers)	Cherry Hill, NJ	do	3-27-81	TA-W-12,608	Electronic cash registers.
Modern Coat Annex (ILGWU)	Union City, NJ	3-9-81	2-27-81	TA-W-12,609	Ladies' coats.
Androme (workers)	Gloversville, NY	4-8-81	3-27-81	TA-W-12,610	Finishing leather.
Jones & Laughlin Steel Corp. (Coal Division) (workers).	California, PA	4-6-81	3-3-81	TA-W-12,611	Office for coal division.
Powellton Company (workers)	Mallory, WV	4-9-81	4-7-81	TA-W-12,612	Metallurgical coal.
Selmer Company (workers)	Elkhart, IN	4-8-81	4-2-81	TA-W-12,613	Band instruments.
Sheep Mates, Inc. (workers)	New York, NY	4-9-81	3-27-81	TA-W-12,614	Ladies' leather coats.
Sue Brett (ILGWU)	New York, NY	11-3-80	10-29-80	TA-W-12,615	Ladies' apparel.
Toni Totes of Vermont, Inc. (workers)	Londonderry, VT	4-8-81	4-2-81	TA-W-12,616	Canvas and fabric handbags and totebags.
Transport Oil Co. (workers)	Menesha, WI	4-2-81	3-30-81	TA-W-12,617	Gasoline—fuel oil—motor oil.
Transport Oil Co. (workers)	Antigo, WI	do	do	TA-W-12,618	Gasoline—fuel oil—motor oil.
Uddeholm Corp., Stora Steel Div. (workers)	Fairfield, NJ	4-9-81	4-3-81	TA-W-12,619	High speed steel for auto industry.

[FR Doc. 81-11953 Filed 4-20-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9781]

Dott Manufacturing Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on August 4, 1980 in response to a petition which was filed by the United Rubber Workers Union on behalf of workers at Dott Manufacturing Company, Deckerville, Michigan. Workers at the Deckerville plant produce plastic automotive emblems, instrument covers and instrument lenses and perform electrostatic painting operations on metal parts.

The investigation revealed that criterion (3) has not been met.

With respect to the production of plastic automotive emblems, ornaments including emblems, and plastic instrument covers and lenses, the Department conducted a survey of major customers of the Deckerville, Michigan plant of Dott Manufacturing Company. Most major customers did not purchase imported plastic automotive emblems, ornaments including emblems, or plastic instrument covers or lenses during the period under investigation. Customers which purchased imported ornamentation including emblems accounted for a relatively small portion of total plant sales of emblems. Customers which purchased imported plastic instrument covers and lenses reported that purchases of such products had decreased during the period under investigation.

Petitioners allege that increased imports of automobiles have contributed importantly to declines in sales, production and employment at Dott Manufacturing Company, Deckerville, Michigan. Although imported automobiles incorporate automotive emblems, instrument covers and instrument lenses, imports of the whole product are not like or directly competitive with their component parts. Imports of automotive emblems, instrument covers and instrument lenses must be considered in determining import injury to workers producing such products at Dott Manufacturing Company.

The Deckerville, Michigan plant of Dott Manufacturing Company performs electrostatic painting operations on metal parts on a subcontract basis. The operations are performed for customers not related by ownership or control. The

parts painted by the Deckerville plant are owned by the customers.

With respect to the electrostatic painting operations, the investigation revealed that the workers of the subject firm do not produce an article within the meaning of Section 222(3) of the Act. The Department of Labor has consistently determined that the performance of services does not constitute production of an article, as required by Section 222; and this determination has been upheld in the U.S. Court of Appeals. Therefore workers of the subject firm may be certified only if their separation was caused importantly by a reduced demand for their services from a parent firm, a firm otherwise related to the subject firm by ownership, or a firm related by control. In any case the reduction in demand for services must originate at a production facility whose workers independenlty meet the statutory criteria for certification and the reduction must directly relate to the product impacted by imports. These conditions have not been met for workers of the subject firm in this case.

Conclusion

After careful review, I determine that all workers of Dott Manufacturing Company, Deckerville, Michigan are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-11946 Filed 4-20-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8047]

Fox Point Sportswear, Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on May 19, 1980 in response to a petition which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers at the Port Washington, Wisconsin plant of Fox Point Sportswear, Incorporated. The workers at the Port Washington plant produce primarily women's outerwear.

U.S. imports of women's, misses' and children's coats and jackets increased in 1979 compared to the average level of imports for the period 1975 through 1978. Imports increased absolutely during the first half of 1980 compared with the first half of 1979.

As a percentage of total domestic production of women's, misses' and children's coats and jackets, imports represented over fifty percent in each year from 1976 through 1979.

A Department survey of retail outlets which purchased women's outerwear from Fox Point Sportswear revealed that customers accounting for the majority of the sales decline in women's wear experienced by Fox Point in 1979 compared with 1978 reduced purchases from Fox Point while increasing purchases of imported women's outerwear both absolutely and relative to total outerwear purchases.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's outerwear produced at the Port Washington, Wisconsin plant of Fox Point Sportswear, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Port Washington, Wisconsin plant of Fox Point Sportswear, Incorporated who became totally or partially separated from employment on or after May 9, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of April 1981.

James F. Taylor,

Director, Office of Management Administration and Planning.

[FR Doc. 81-11947 Filed 4-20-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,280]

Patapsco and Back Rivers Railroad Co.; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

The investigation was initiated on October 14, 1980 in response to a petition which was filed by the United Transportation Union on behalf of workers at Patapsco and Back Rivers Railroad Company, Sparrows Point, Maryland. The workers at Patapsco and Back Rivers Railroad Company are engaged in the transportation of raw materials and finished products.

The investigation revealed that the Patapsco and Back Rivers Railroad Company does not produce an article within the meaning of Section 222(3) of the Act. The Department of Labor has consistently determined that the performance of services does not constitute production of an article, as required by Section 222 of the Trade Act of 1974; and this determination has been upheld in the U.S. Court of Appeals. Therefore, workers of the Patapsco and Back Rivers Railroad Company may be certified only if their separation from employment was caused importantly by a reduced demand for their services from a firm which produces an article and which is related to the service workers' firm by ownership or by a substantial degree of proprietary control, or if the workers are determined to be *de facto* (according to the facts of this case) employees of the producing firm. In addition, the reduction in demand for services must be determined to have originated at a production facility whose workers independently meet the statutory criteria for certification, and that reduction must directly relate to the product adversely affected by increased imports. These conditions have not been met for workers of the Patapsco and Back Rivers Railroad Company.

The Patapsco and Back Rivers Railroad Company is a wholly owned subsidiary of Bethlehem Steel Corporation. The railroad transports raw materials to the Sparrows Point steel plant of Bethlehem Steel Corporation and transports finished products from the facility. The Patapsco and Back Rivers Railroad Company transports articles exclusively for the Sparrows Point facility.

All workers of the Sparrows Point plant of Bethlehem Steel Corporation engaged in employment related to the production of basic steel and the preponderance of finished steel products were denied eligibility to apply for adjustment assistance benefits on November 12, 1980 and January 30, 1981 (TA-W-9051). The only finished product which has been determined to have

been adversely affected by imports comprises an insignificant portion of the Sparrows Point plant's total sales and production.

Thus, the separations of workers at the Patapsco and Back Rivers Railroad Company cannot be related to a facility whose workers independently meet the statutory criteria for certification.

Conclusion

After careful review, I determine that all workers of the Patapsco and Back Rivers Railroad Company, Sparrows Point, Maryland are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-11948 Filed 4-20-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,825]

Ranger Fuel Corp. (Bolt Tipple, Beckley No. 2 and Beckley No. 4); Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on November 28, 1980 in response to a petition which was filed by the United Mine Workers of America, Local 29 on behalf of workers at the Ranger Fuel Corporation, Beckley, West Virginia. Workers at the company produce metallurgical coal for use in making coke.

The investigation revealed that criterion (3) has not been met.

Workers at the Ranger Fuel Corporation are engaged in employment related to the mining and cleaning of metallurgical grade bituminous coal. Metallurgical grade bituminous coal, after being processed into coke, is used in the production of steel.

Pittston Company, the parent firm of the Ranger Fuel Corporation, distributes all the metallurgical coal mined and processed at the Ranger Fuel Corporation to foreign users. Therefore, any imports of coal or coke would have a negligible effect on production and employment at the Ranger Fuel Corporation.

Conclusion

After careful review, I determine that all workers of the Ranger Fuel Corporation, Beckley, West Virginia are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Reserach.

[FR Doc. 81-11950 Filed 4-20-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-8358]

Sunshine Contracting Corp. (Formerly Sunshine Sportswear Corp.); Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) The Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on May 27, 1980 in response to a petition which was filed on behalf of workers at Sunshine Contracting Corporation, formerly Sunshine Sportswear Corporation, Passaic, New Jersey. The workers produced women's shorts, blouses and handbags.

The ratio of U.S. imports of women's, misses' and children's blouses and shirts to domestic production was greater than 62 percent in 1978 and 1979.

U.S. Imports of women's, misses' and children's slacks and shorts increased in the first nine months of 1980 compared to the like period in 1979. The ratio of imports to domestic production was greater than 43 percent in 1978 and 1979.

U.S. imports of handbags increased in the first nine months of 1980 compared to the like period in 1979. The ratio of imports to domestic production was greater than 147 percent in 1978 and 1979.

Sunshine Sportswear ceased operations as a garment manufacturer at the end of November, 1979. The owners then changed the company name to Sunshine Contracting Corporation and attempted operations as a sewing contractor, employing the same workers, at the same location, and sewing handbags and the same type of garments as Sunshine Sportswear. Sunshine Contracting went out of business on May 1, 1980.

Retail customers of Sunshine Sportswear, representing a significant portion of total sales declines, responded to a Department survey. The customers reported increased purchases of imported women's shorts, blouses and handbags and decreased purchases from the subject firm in 1979 compared to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's shorts, blouses and handbags produced at Sunshine Contracting Corporation, formerly Sunshine Sportswear Corporation, Passaic, New Jersey contributed importantly to the decline in sales or production and to the total or partial separation or workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Sunshine Contracting Corporation, formerly Sunshine Sportswear Corporation, Passaic, New Jersey who became totally or partially separated from employment on or after May 13, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-11951 Filed 4-20-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,578]

U.S. Steel Corp., American Bridge Division; Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the absolute decline in sales or production.

The investigation was initiated on October 31, 1980 in response to a petition which was filed by the United Steelworkers of America on behalf of workers at the headquarters of the U.S. Steel Corporation's American Bridge Division, Pittsburgh, Pennsylvania. Workers at the Division's Pittsburgh headquarters are engaged in providing sales and administrative services related to the fabrication and erection of structural steel at American Bridge facilities located throughout the country.

The investigation revealed that criterion (3) has not been met.

The investigation revealed further that the separations of workers at the American Bridge Division's Pittsburgh headquarters were primarily attributable to the closing of the Division's Commerce, California and Gary, Indiana plants, and the subsequent reorganization of the Division.

The headquarters workers are engaged exclusively in providing sales and administrative services related to the fabrication of structural steel at American Bridge Division facilities, and, therefore may be certified only if their separation was caused importantly by a reduced demand for their services by the fabricating facilities. The reduction in demand for services must originate at facilities whose workers independently meet the statutory criteria for certification and that reduction must directly relate to the products impacted by imports. The latter condition has not been met for workers of American Bridge Division's headquarters.

Workers at the Commerce, California plant were denied eligibility to apply for trade adjustment assistance benefits on September 19, 1979 (TA-W-5659). The plant closed in March 1980.

Workers at the Gary, Indiana plant were denied eligibility to apply for adjustment assistance benefits in September 8, 1980 (TA-W-8571). The plant closed in July 1980.

None of the workers at any of the American Bridge Division's remaining plants are currently certified as eligible to apply for adjustment assistance benefits. Thus the separation of workers at the headquarters cannot be related to a facility whose workers independently meet the statutory criteria for certification at this time.

Conclusion

After careful review, I determine that all workers of headquarters of the U.S. Steel Corporation's American Bridge Division, Pittsburgh, Pennsylvania are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 14th day of April 1981.

James F. Taylor,

Director, Office of Management, Administration and Planning.

[FR Doc. 81-11952 filed 4-20-81; 8:45 am]

BILLING CODE 4510-28-M

MERIT SYSTEMS PROTECTION BOARD

Opportunity To File Amicus Brief in Board Proceeding on Actions Appealable to the Board

AGENCY: Merit Systems Protection Board.

ACTION: Notice of opportunity to file amicus brief in Board Proceedings.

SUMMARY: The Merit Systems Protection Board has before it the case of Robert V. Lawrence v. Department of the Army, involving a mandatory separation by retirement of law enforcement officers and firefighters who have attained 55 years of age or who have completed 20 years of service if over that age, pursuant to 5 U.S.C. 8335(b), and the extent of the reviewability of an agency head's discretion not to consider an exemption as provided for in that section. In consideraton of the pending petition for review, the Board has before it the following issues: (1) Is the Board's jurisdiction limited to appeals from any individual or agency whose rights or interest under 5 U.S.C. Chapter 83, Subchapter III, are affected by a final decision of the Associate Director for Compensation, Office of Personnel Management, or is the right of appeal from any adminsitrative action or order affecting rights or interests under 5 U.S.C. Chapter 83, Subchapter III? (2) If there is a right of appeal to the Board from any administrative action or order affecting the rights or interests of an individual under 5 U.S.C. Chapter 83, Subchapter III, does a determination to separate an employee under 5 U.S.C. 8335(b) rather than to grant a discretionary exemption constititute such an administrative action or order? (3) If a mandatory separation pursuant to 5 U.S.C. 8335(b) is an administrative action or order appealable under 5 U.S.C. 8347(d), what factors should the Board consider in the adjudication of such appeals?

DATE: Amicus briefs will be considered by the Board if received in the Office of the Secretary at the address below listed on or before May 2, 1981.

ADDRESS: Merit Systems Protection Board, Office of the Secretary, 1717 H Street, N.W., Room 226, Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT: David C. Kane, Acting Director, Office of Appeals, Merit Systems Protection Board, (202) 632-4480.

Dated: April 14, 1981.

By order of the board:

Ruth T. Prokop,

Chairwoman.

[FR Doc. 81-11940 Filed 4-20-81; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL SCIENCE FOUNDATION

Ad Hoc Subcommittee for Review of the Seq-Air Exchange (SEAREX) Project as the Advisory Committee for Ocean Sciences; Meeting

In accordance with the Federal Advisory Committee Act, as amended, P.L. 92-463, the National Science Foundation announces the following meeting:

Name: *Ad Hoc* Subcommittee for Review of the Sea-Air Exchange (SEAREX) Project of the Advisory Committee for Ocean Sciences

Date and time: 11-12 May 1981, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., 628, Washington, DC 20550

Type of meeting: Closed

Contact person: Dr. Rodger W. Baier, Program Manager for Environmental Quality, Room

611; National Science Foundation, Washington, DC 20550; telephone (202) 357–7932

Purpose of subcommittee: To provide additional expertise in the review and evaluation of proposals relating to oceanographic research in Sea-Air Exchange (SEAREX) Project

Agenda: Detailed review and evaluation of proposals for support of the SEAREX Project

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

April 15, 1981.

[FR Doc. 81–11914 Filed 4–20–81; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published Mar. 27, 1981 (43 FR 19123). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Advanced Reactors,* April 21–22, 1981, Des Plaines, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria.

**Susquehanna Steam Electric Station Units 1 and 2,* April 23, 1981, Wilkes-Barre, PA. The Subcommittee will discuss the applicant's request for an Operating License. Notice of this meeting was published April 8.

**Three Mile Island Unit 1,* April 23–24, 1981, Washington, DC POSTPONED.

**Fluid Dynamics,* April 28–29, 1981, San Francisco, CA. The Subcommittee will review the Mark II Containment Long-Term Program, status of generic item A–2, (Asymmetric Blowdown Loads on the Reactor Vessel), and discuss comments associated with the reliability of pumps and valves used in nuclear power plants. Notice of this meeting was published April 13.

**Shoreham Nuclear Power Station Unit 1,* April 30, 1981, Riverhead, NY. The Subcommittee will discuss the applicant's request for an Operating License. Notice of this meeting was published April 14.

**Site Evaluation,* April 30 and May 1, 1981, Washington, DC. The Subcommittee will discuss siting rulemaking. Notice of this meeting was published April 15.

**Reactor Fuels and Emergency Core Cooling Systems,* May 5, 1981, Washington, DC. The Subcommittee will review the Departure from Nucleate Boiling Ratio (DNBR) correlations for pressurized water reactors.

**Decay Heat Removal Systems,* May 5, 1981, Washington, DC. The Subcommittee will discuss the adequacy of the decay heat removal systems of the North Anna Units 2 type.

**Safety Philosophy, Technology and Criteria,* May 6, 1981. The Subcommittee will discuss matters relating to the development of requirements for new (beyond Near-Term Construction Permit) plants and methods of developing requirements for new plants.

**Babcock and Wilcox Reactors,* May 6, 1981, Washington, DC. The Subcommittee will review the proposed power level increase for Crystal River Unit 3.

**Advanced Reactors,* May 14–15, 1981, Des Plaines, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria. Notice of this meeting was published March 27.

**Metal Components,* May 19, 1981, Washington, DC. The Subcommittee will discuss bolt failures, and Unresolved Safety Issue A–12 (Fracture Toughness of Steam Generator and Reactor Coolant Pump Supports).

**Transportation of Radioactive Materials,* May 20, 1981, Washington, DC. The Subcommittee will review NRC's package certification procedures. Notice of this meeting was published March 27.

**Class 9 Accidents,* May 21 and 22, 1981, Washington, DC. The Subcommittee will discuss the use of the MARCH and KESS codes.

Reactor Radiological Effects, May 26–27, 1981, Toronto, Ontario, Canada. The Subcommittee will discuss siting, waste management and disposal, emergency procedures and other nuclear safety matters of common interest with representatives of the Advisory Committee on Radiological Protection of the Atomic Energy Control Board of Canada.

**Electrical Power Systems,* May 28, 1981, Washington, DC. The Subcommittee will discuss core water-level instrumentation.

**Regulatory Activities,* June 2, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations.

**NRC Safety Research Program,* June 3, 1981, Washington, DC. The Subcommittee will discuss the draft ACRS Report to the Commission on the NRC FY–83 Research Program and Budget.

**Class 9 Accidents,* June 16, 1981, Washington, DC. The Subcommittee will review filtered-vented containment concepts.

**Waterford Unit 3,* June 18–19, 1981, New Orleans, LA. The Subcommittee will review the Operating License application.

**Three Mile Island Unit 1,* June 25–26, 1981, Washington, DC. The Subcommittee will review the restart modifications required as a result of the TMI–2 accident.

**Comanche Peak,* June 25–26, 1981, Texas location to be announced. The Subcommittee will review the Operating License application.

**Regulatory Activities,* July 7, 1981, Washington, DC. The Subcommittee will

discuss proposed Regulatory Guides and Regulations. Notice of this meeting was published March 27.

NRC Safety Research Program, July 8, 1981, Washington, DC. The Subcommittee will discuss the ACRS Report to the Commission on the NRC FY–83 Research Program and Budget. Notice of this meeting was published March 27.

**Fermi 2,* July 16, 1981, Detroit, MI. The Subcommittee will review the application of Detroit Edison for an Operating License.

**Emergency Core Cooling Systems,* July 21–22, 1981, Idaho Falls, ID. The Subcommittee will review the NRC Research Program for the Semiscale Facility.

**Reliability and Probabilistic Assessment,* July 28–29, 1981, Los Angeles, CA. The Subcommittee will review some of the techniques being used and will discuss the future of risk assessment in the nuclear power licensing process. Notice of this meeting was published March 27.

**Indian Point 2/Metal Components,* date to be determined, Washington, DC. The Subcommittee will review the possible reactor pressure vessel degradation caused by the flooding incident which flooded the outside of the lower portion of the pressure vessel assembly.

ACRS Full Committee Meetings

May 7–9, 1981—Items are *tentatively* scheduled.

*A. *Proposed NRC Interim Rule (10 CFR 50) on Hydrogen Control and Certain Degraded Core Conditions*—discuss proposed rule.

*B. *Shoreham Nuclear Power Station Unit 1*—proposed plant operation (Tentative).

*C. *Susquehanna Steam Electric Station Units 1 and 2*—proposed plant operation (Tentative).

*D. *Improved Decay Heat Removal Systems*—proposed changes at North Anna Nuclear Power Station Unit 2 and other nuclear plants.

*E. *Review of NRC Siting Policy*—ACRS Subcommittee report.

*F. *Revised Cladding Swelling and Rupture Models (NUREG–0630)*—clarify ACRS report of September 9, 1980 to NRC.

*G. *Control System Failures that Could Be Cause of Exacerbate Nuclear Power Plant Accidents*—discuss proposed ACRS report to NRC.

*H. *DOE Nuclear Facilities*—report by DOE re review of TMI–2 lessons learned.

*I. *Quantitative Risk Criteria*—report by NRC Steering Panel re development of quantitiative risk criteria.

*J. *Probabilistic Assessment of Nuclear Facilities*—report by NRC Staff re use of probabilistic assessment in the NRC regulatory licensing process.

*K. *Crystal River Nuclear Power Station Unit 3*—ACRS Subcommittee report re proposed power level increase.

*L. *Meeting with NRC Chairman and other Commissioners*—discuss safety related matters.

*M. *Accident Mitigation Features for Nuclear Plants*—NRC Staff report re proposed additional features for Zion and Indian Point nuclear power plants.

*N. *Emergency Planning*—report by NRC Staff re consideration of natural disasters in emergency planning.

*O. *Anticipated Transient Without Scram*—proposed ACRS report re actions taken subsequent to partial failure to scram at the Browns Ferry Nuclear plant.

*P. *New Safety Requirements for Future Nuclear Plants*—report by ACRS Subcommittee.

June 4–6, 1981: Agenda to be announced.

July 9–11, 1981: Agenda to be announced.

Dated: April 14, 1981

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–11777 Filed 4–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Babcock and Wilcox Water Reactors; Meeting

The ACRS Subcommittee on Babcock and Wilcox Water Reactors will hold a meeting on May 6, 1981, in Room 1167, 1717 H St., NW., Washington, DC to review the Crystal River Nuclear Power Plant, Unit 3 power upgrade. Notice of this meeting was published March 27.

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 during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). 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 the subject meeting shall be as follows:

Wednesday, May 6, 1981

8:30 a.m. Until the Conclusion of Business Each Day

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 considerd during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, the Babcock and Wilcox Company, their consultants, and other interested persons.

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. Garry Young (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. John C. McKinley.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting 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. 81–11882 Filed 4–20–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Safety Philosophy, Technology and Criteria; Meeting

The ACRS Subcommittee on Safety Philosophy, Technology and Criteria will hold a meeting on May 6, 1981, in Room 1046, 1717 H Street, N.W., Washington, DC to discuss matters relating to the development of requirements for new (beyond Near-Term Construction Permit) plants and methods of developing requirements for new plants.

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 Designated 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 during which the Subcommittee finds it necessary to discuss matters specifically exempted from disclosure by statute (Section 147 of the Atomic Energy Act) and portions which would involve discussions of trade secrets and commercial or financial information obtained from a person and privileged or confidential. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTIONS (3) and (4)). 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:

Wednesday, May 6, 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.

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.

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. The authority for such closure is Exemptions (3) and (4) to the Sunshine Act, 5 U.S.C. 552b(c)(3)(4).

Dated: April 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81–11883 Filed 4–20–81; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. STN 50–498 OL; STN 50–499 OL]

Houston Lighting & Power Co., et al.; (South Texas Project Units 1 and 2)

April 14, 1981.

Location and Time of Evidentiary Hearing

Notice is hereby given that the location of the evidentiary hearing scheduled for May 18–22 and June 1–4, 1981, in Houston, Texas, has been changed from that announced in the Notice of Evidentiary Hearing dated April 3, 1981 (published at 46 FR 21289, April 9, 1981). The hearing on those days will be held at the Joe M. Green, Jr. Auditorium, South Texas College of Law, 1303 San Jacinto Street (fourth floor), Houston, Texas 77002. The hearing will continue at the same location during the week of June 15–20. (The time and location of the hearing in Bay City, Texas, from May 12–16, 1981, remain as announced in the April 3, 1981 Notice.)

The hearing on May 18, 1981 will commence at 9:30 a.m. and will include an evening session from 7:30–9:00 p.m. The hearing will continue at 9:00 a.m. on May 19–22, June 1–4 and June 15–20. The session on Friday, May 22 will terminate no later than 3:30 p.m. The session on Saturday, June 20, 1981, will conclude by 1:00 p.m. The location and time of hearing sessions to be scheduled for the weeks of June 22–27 and June 29–July 2 will be announced in a subsequent order.

In addition to the sessions at Bay City, Texas, as previously announced, oral limited appearance statements will be taken (to the extent necessary) during both the daytime and evening sessions on May 18, 1981.

Dated at Bethesda, Maryland, this 14th day of April 1981.

For The Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 81–11881 Filed 4–20–81 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP): Deadline for Acceptance of Petitions Requesting Modification of List of Articles Eligible for Duty-Free Treatment Under the GSP

Notice is hereby given that, in order to be considered during the 1981 GSP product review, all petitions to modify the list of articles eligible for duty-free treatment under the Generalized System of Preferences (GSP) must be received no later than the close of business, Tuesday, June 2, 1981. The GSP provides for the duty-free importation of qualifying eligible articles when imported from designated beneficiary developing countries. The GSP was authorized by Title V of the Trade Act of 1974, implemented by Executive Order 11888 of November 24, 1975, and modified by subsequent Executive orders.

Interested parties or foreign governments may submit petitions (1) to designate additional articles as eligible for the GSP; or (2) to withdraw, suspend or limit GSP duty-free treatment accorded either to eligible articles under the GSP or to individual beneficiary developing countries with respect to specific GSP eligible articles; or (3) to otherwise modify GSP coverage.

Requests to modify GSP treatment should be submitted in English, in 20 copies, in conformity with regulations codified in 15 CFR, Chapter XX, especially Part 2007 (published in the September 9, 1977 **Federal Register**, 42 FR 45532), and addressed to the Chairman, GSP Subcommittee, Trade Policy Staff Committee, Office of the United States Trade Representative, Room 516, 600 Seventeenth Street, N.W., Washington, D.C. 20506. Further information may be obtained by calling the GSP Information Center at (202) 395–6971.

In general, the less advanced developing countries do not have the productive capacity and infrastructure required to produce many of the items currently included on the GSP eligible list. Therefore, to expand GSP duty-free opportunities for less advanced developing countries, a special effort will be made to include in the GSP products of particular export interest to low income beneficiary developing countries, including handicraft articles. In addition, interested parties may request limitation of GSP treatment for economically advanced developing countries with respect to specific eligible products where they have demonstrated competitiveness. In addition to the required statutory criteria, the following criteria will be taken into account by the GSP Subcommittee in considering such requests: the economic development level of individual beneficiaries, their competitive position with respect to the product or products in question, and the overall economic interests of the United States. When requesting withdrawal, suspension or limitation of GSP treatment for an individual beneficiary

developing country with respect to a particular product, a petitioner should submit information on the domestic industry as enumerated in part 2007.1(5) of the regulations cited above.

Limitation of GSP treatment for competitive beneficiaries also will be considered when new products are added to the GSP eligible list. For additional information on limitation of GSP duty-free treatment for beneficiary countries which are found to be competitive in certain products, reference should be made to the Report to the Congress on the First Five Years' Operation of the U.S. Generalized System of Preferences (GSP), transmitted by the President of the United States on April 17, 1980, for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Notice of petitions accepted for review will be published in the **Federal Register** on or about Wednesday, July 15, 1981. Public hearings on accepted petitions will begin at 10:00 a.m., Monday, September 14th, in Room 2008 of the New Executive Office Building (entrance on 17th Street between Pennsylvania Avenue and H Streets, N.W.), Washington, D.C., and will continue on that and subsequent days until all witnesses wishing to appear have been heard.

Ann H. Hughes,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-11922 Filed 4-20-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17713; File No. SR-CBOE-81-5]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Proposed Rule Change Relating to Combination Orders

Comments requested on or before May 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 2, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Additions are italicized; deletions are bracketed.

Rule 6.53. (e) Combination Order. A combination order is an order [to by a number of call option contracts and the same number of put option contracts on the same underlying security, which contracts do not have both the same exercise price and expiration date; or an order to sell a number of call option contracts and the same number of put option contracts on the same underlying security, which contracts do not have both the same exercise price and expiration date. (e.g., an order to buy two XYZ April 50 calls and to buy two XYZ July 40 puts is a combination order.)] *involving a number of call option contracts and th same number of put option contracts in the same underlying security.* In the case of adjusted option contracts, a combination order need not consist of the same number of put and call contracts if such contracts both represent the same number of shares at option.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change.*

The proposed change expands the definition of combination orders, which take priority over the book pursuant to Exchange Rule 6.45(d). At present, combination orders must be on different sides of the market and must involve different exercise prices and different expiration dates. Under the proposed change, combination orders also could be on the same side of the market and also could involve the same exercise prices and the same expiration dates. In other words, the new definition means that a combination order may be any order involving the same number of puts and calls.

This proposed expansion will facilitate market participants engaging in conversions and reversals, which involve the same side of the options market and include a related stock position. The expanded availability of put options has resulted in an increased use of this type of hedge. The proposed change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934, its statutory basis, because it will facilitate transactions in securities that will make the market place more efficient.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The Exchange does not believe the proposed rule change will impose any burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.*

No comments on the proposed rule change were solicited or were received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted on or before May 12, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 13, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11920 Filed 4-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11735; 812-4838]

Lloyds Bank International LTD.; Filing of Application

April 14, 1981.

Notice is hereby that Lloyds Bank International Limited ("Applicant") c/o Townsend J. Knight, Esq., Curtis, Mallet-Prevost, Colt & Mosle, 100 Wall Street, New York, New York 10005, filed an application on March 10, 1981, and amendments thereto on March 30, 1981, and April 13, 1981 for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statment of the representations contained therein, which are summarized below.

Applicant states that it is a company incorporated in the United Kingdom whose registered office is located at 40 66 Queen Victoria Street, London, England. Applicant is a wholly-owned subsidiary of Lloyds Bank Limited ("Lloyds"), the fourth largest banking organization in the United Kingdom and the thirty-seventh largest in the world by assets at December 31, 1979. Lloyds Applicant engage in a wide range of banking and related financial services through more than 2,350 offices in the United Kingdom and in over 40 countries worldwide. Lloyds, through a wholly-owned subsidiary, Lloyds First Western Corporation, a Delaware corporation ("Lloyds First"), owns a United States subsidiary bank, Lloyds Bank California ("LBC"), the ninth largest bank in California. Through the indirect ownership of LBC, Lloyds has been required to register as a bank holding company under the Bank Holding Company Act of 1956, as amended.

According to the application, Applicant is principally engaged in retail and wholesale banking activities. At September 30, 1980, Applicant had total assets of approximately $17.8 billion, of which approximately $16.5 billion consisted of loans and overdrafts and placings with banks, and total liabilities and capital of $17.8 billion of which $16.6 billion consisted of deposits.

Applicant states that as a recognized bank for the purposes of the Banking Act of 1979, it is subject to extensive regulation and supervision under the provisions of that Act by the Bank of England. According to the application the Bank of England is broadly empowered to request information from and make recommendations to banks, and to issue directives requiring compliance with such requests or recommendations. According to Applicant all United Kingdom banks are required to maintain reserves in defined form. The Bank of England, as the central bank, also supervises foreign exchange activities and the foreign currency liquidity of United Kingdom banks. In the United States Applicant maintains bank branches in New York, Chicago, and Pittsburgh, and Lloyds (as noted above) indirectly owns a state-chartered bank in California. These entities are licensed by state banking authorities under the banking laws of the states in which they are located; they are examined by such state banking authorities, and they must observe the banking regulations of such states.

As a foreign bank having branches in the United States, Applicant states that it is also subject, pursuant to the International Banking Act of 1978 ("IBA"), to most of the provisions of the United States Bank Holding Company Act, including the filing of annual reports regarding its operations, and to the regulation of the Federal Reserve Board. The principal effect of the applicable provisions of the IBA is to restrict the United States nonbanking activities of a foreign bank with a branch or agency to generally the same activities as those which may be performed by domestic bank holding companies.

Applicant proposes to issue and sell unsecured, prime quality commercial paper notes ("notes") in minimum denominations of $100,000 or more to institutional investors and other comparable purchasers in the United States who normally purchase commercial paper. The notes are intended to be of prime quality and of the type eligible for discounting by a Federal Reserve Bank. The notes will not be offered for safe to the general public, and will mature not more than nine months from the date of issuance with no provision for extension, renewal or automatic roll-over at the option of either the holders or Applicant. Applicant represents that it anticipates that during the first year it will not have outstanding in the United States notes in excess of an aggregate principal amount of $275 million at any one time.

The application states that the notes will rank *pari passu* among themselves and equally with other unsecured indebtedness (including deposit liabilities) of Applicant and ahead of its share capital. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("Securities Act"), in reliance upon an option of its United States counsel that the offering will qualify for the exemption from the registeration requirements of the Securities Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not issue its notes until it has received such an opinion. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the proposed issue of notes and any future issue of debt securities in the United States shall have received, prior to issuance, one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization, and that its United States counsel shall have certified that such rating has been received.

Applicant undertakes to ensure that each offeree who has indicated an interest in the notes, prior to any sale of notes to such offeree, will be provided with a memorandum describing Applicant's business and containing Applicant's most recent publicly available annual audited financial statements which will include a five year financial summary, consolidated profit and loss account, consolidated balance sheet and parent only balance sheet, and Applicant's most recent publicly available unaudited semi-annual financial statements which will include a consolidated profit and loss statement. Such memorandum will describe the material differences between United Kingdom accounting principles applicable to United Kingdom banks and "generally accepted accounting principles" applicable to United States commercial banks. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in offering commercial paper in the United States and that they will be updated periodically to reflect material changes in Applicant's business and financial condition. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act

expressly conditioned upon Applicant's compliance with all of its undertakings regarding disclosure documents. Applicant represents that any future offering of its debt securities in the United States will be made on the basis of disclosure documents at least as comprehensive in their description of Applicant, its business and its financial statements as those used in the presently proposed offering. In no event will such disclosure documents be less comprehensive than is customary for United States offerings of similar debt securities. Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered by Applicant, prior to any sale of such securities to such offeree. In case of a public offering of long term debt securities in the United States Applicant will, prior to offering such securities, file a registration statement under the Securities Act with the Commission and will not sell such securities until that registration statement has been declared effective by the Commission. Applicant will not offer equity securities for sale in the United States without further order of the Commission pursuant to Section 6(c) of the Act.

Applicant represents that it will appoint an agent to accept service of process in any action based on the notes and instituted in any state of federal court by the holder of any of its notes. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York with respect to any such action. Applicant states that both its appointment of an authorized agent for service of process and its consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the notes have been paid by Applicant. Applicant will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the notes or otherwise. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of process in suits arising from any other offerings of securities that it may make in the United States, which may include debt securities but not shares of its capital stock.

Section 3(a) (3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act because of uncertainty as to whether a foreign commercial bank such as Applicant would be considered an investment company as defined under the Act. Applicant states that, among other things, compliance by it with a number of substantive provisions of the Act would, as a practical matter, conflict with its operation as a bank and that Applicant would thus be effectively precluded from selling securities in the United States if it were required to register as an investment company and comply with such provisions of the Act. Applicant further submits that an exemptive order pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States because they would otherwise be precluded from purchasing Applicant's commercial paper notes. Applicant additionally argues that its activities are extensively regulated by United Kingdom banking authorities and that the limitations imposed by United Kingdom banking laws together with the requirements of Section 3(a)(3) of the Securities Act and the anti-fraud provisions of the Securities Act and the Securities Exchange Act of 1934 will afford substantial protection to investors in its debt securities. As a closely regulated banking entity, Applicant also states that it is different from the type of institution that Congress intended the Act to regulate. It is asserted that the particular abuses against which the Act is directed are not present in Applicant's case. Finally, Applicant states that granting its requested order will not give it an advantage over domestic banks in the issuance of commercial paper. Applicant concludes that granting its requested exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interest person may, not later than May 11, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81–11921 Filed 4–20–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 22007; 70–6506]

Columbia Gas System, Inc.; Proposed Issuance and Sale of Debentures at Competitive Bidding

April 15, 1981.

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to Section 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder. Columbia proposes to issue and sell at competitive bidding up to $125,000,000 principal amount of % Debentures, Series due June 1996. The terms will be determined

by competitive bidding. The debentures will be issued under Columbia's indenture, dated as of June 1, 1961, as supplemented and to be further supplemented. Net proceeds from the sale of the debentures, together with other available cash, will be used by Columbia to finance, in part, its business and the business of its subsidiaries. The subsidiaries' 1981 capital expenditure program presently is estimated to be $573,000,000.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 7, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11918 Filed 4-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22008; 70-6488]

Windsor Power House Coal Co. and Southern Ohio Coal Co.; Transactions Regarding Mining Equipment Leases by Coal Mining Subsidiaries

In the Matter of Windsor Power House Coal Company, 301 Cleveland Avenue, S.W., Canton, Ohio 44702, and Southern Ohio Coal Company, P.O. Box K, Moundsville, West Virginia 26041.

April 15, 1981.

Windsor Power House Coal Company ("WPHCCo") and Southern Ohio Coal Company ("SOCCo"), coal mining subsidiaries of Ohio Power Company, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, have filed with this Commission a post-effective amendment to the application previously filed in this proceeding. This amendment was filed pursuant to Sections 9, 10, 12(b) and 13(b) of the Public Utility Holding Company Act of 1935 ("Act").

By order dated September 24, 1980 (HCAR NO. 21726), Cedar, CACCo, SACCo, COCCo and SOCCo were authorized to enter into a separate master leasing agreement ("Lease") with Connecticut Bank and Trust Company and Donald E. Smith, as Trustees for the Bank of New York ("Lessor") pursuant to which the Trustees will commit to lease during 1980 and 1981 to such companies coal mining equipment with a total cost to Trustees not exceeding $25,000,000.

By Commission order dated February 18, 1981 (HCAR NO. 21921), WPHCCo was authorized to be included as an applicant in the application, as amended, filed in this proceeding. That order also authorized applicants to lease coal mining equipment during 1980 and 1981 under the Lease having a total estimated value as set forth below:

Company	Estimated new equipment cost	Estimated replacement equipment cost	Contingency allowance	Total
	(000)	(000)	(000)	(000)
Cedar	$1,256	$3,270	$274	$4,800
CACCo	1,310	650	90	2,050
COCCo	150	3,711	239	4,100
SACCo	3,865		235	4,100
SOCCo	6,637	1,070	443	8,150
WPHCCo	1,730		70	1,800
	14,948	8,701	1,351	25,000

A post-effective amendment has now been filed seeking authorization to increase the total value of coal mining equipment which SOCCo may lease from $8,150,000 to $9,150,000, and to reduce the total value of coal mining equipment which WPHCCo may lease from $1,800,000 to $800,000. The increase for the SOCCo Lease represents an expenditure by SOCCo of $1,252,000 for three continuous miners. Requisitions for 18 continuous miners had been made by SOCCo and 14 had been acquired and leased as of March, 1980. Delivery was postponed on four continuous miners because it was not known how many would actually be required for longwall operations. It was ultimately determined that four additional continuous miners were necessary. One was acquired by SOCCo by entering into a lease with another lessor. In January, 1981, three continuous miners were placed under the SOCCo Lease although they had not been included in the list of equipment previously filed with the Commission.

Two continuous miners leased to SOCCo pursuant to another leasing arrangement which has been in existance for a number of years were determined to be no longer efficiently and productively useable to SOCCo as a result of the fact that SOCCo's coal is slightly harder and more difficult to cut with these miners. SOCCo continues to lease these two miners. One miner is leased through May, 1982 at a monthly rental of $2,346 and the other is leased through March, 1985 at a monthly rental of $2,073. SOCCo has arranged to sublease these two miners to WPHCCo and WPHCCo will reimburse SOCCo for its monthly rentals and will assume all other obligations of SOCCo, as lessee, on the underlying lease during the period it uses these miners.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 7, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as amended, or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-11919 Filed 4-20-81; 8:45 am]

BILLING CODE 8010-01-M

TENNESSEE VALLEY AUTHORITY

Class Review of Repetitive Actions in 100-Year Floodplain

AGENCY: Tennessee Valley Authority.

ACTION: Second public notice for a class review of repetitive actions in the 100-year floodplain.

TVA's Floodplain Management and Protection of Wetlands procedures, 44 FR 45513–24 (1979), implementing Executive Order Nos. 11988 (Floodplain Management) and 11990 (Protection of Wetlands), require TVA to evaluate potential impacts on and consider alternatives to siting in the 100-year floodplain (or a larger floodplain for critical actions) or permitting or taking actions in a wetland in connection with the issuance of licenses, permits, and approvals for land-use activities, and in connection with the acquisition, management, and disposition of TVA facilities and Federal lands under TVA control. Item No. 12 of those procedures permits TVA to evaluate, as a class, routine or recurring actions when the considerations of whether to locate in a floodplain are substantially similar. TVA will continue to individually review proposals to permit or take actions within a wetland due to the individual characteristics of wetlands.

There are certain recurring activities usually occurring adjacent to streams or TVA reservoirs that TVA has evaluated as a class to determine their impacts on natural and beneficial floodplain values. These activities are conducted at times by TVA or other governmental entities but principally by members of the public. In the latter two cases, TVA is involved due to the need to obtain TVA approval pursuant to Section 26a of the Tennessee Valley Authority Act of 1933, *as amended,* 16 U.S.C. 83ly–1, the need to obtain a license or property interest from TVA, or because of a cooperative agreement to which TVA is a party. The following actions were evaluated to determine their impacts on natural and beneficial floodplain values:

1. Private and public water use facilities (*e.g.,* fixed or floating boat docks, fixed or floating boathouses, floats, fixed piers, rafts, floating ski jumps and slalom courses, and buoy lines for swimming areas);

2. Commercial recreation boat dock and water use facilities (*e.g.,* docks, fixed piers, floats, fixed or floating boat slips, fixed or water-related dock buildings but not including habitable structures; fuel handling facilities, floodproof buildings for dry boat storage, and minor dredging for boat channels and harbors);

3. Picnic tables, benches, grills, and fences on TVA lands;

4. Underground, overhead, or anchored utility and relataed lines and support structures (*e.g.,* cable TV, electric, pipeline, sewer, telephone, and water);

5. Water intake structures;

6. Outfalls;

7. Mooring and loading facilities for barge terminals;

8. Agricultural use of TVA land;

9. Minor grading and fills (*e.g.,* slopes for boat launching ramps, public highways, railroad crossings, pedestrian walkways and crossings, private driveways, retaining walls and riprap for bank stabilization, and parking lots);

10. Bridges and culverts for pedestrian, highway, and railroad crossings; and

11. Small private land-based storage sheds and buildings having less than 25 square feet of floor space and used for storage of water use related equipment.

Preliminary notice of this proposal was published January 15, 1,981, in the **Federal Register,** and resulted in no public comments. TVA has determined that there is normally for each of these actions no practicable alternative, consistent with TVA's policy, to siting in the floodplain, and through application of routine criteria, the adverse impact of these actions on natural and beneficial floodplain values is minimized. These criteria are:

1. All facilities should be designed and constructed to withstand flooding with minimum damage.

2. All activities will adhere to the minimum standards of the National Flood Insurance Program published at 44 CFR 60.1–60.8 (1980), and any future amendments thereto, and comply with local floodplain management regulations. In accordance with these minimum standards, proposed actions will be evaluated to ensure that development (1) will not significantly increase 100-year flood elevations; and (2) will not involve placement of fill or other flow obstructions in the floodway portion of the floodplain unless compensatory adjustments are also included.

3. To the extent practicable, contruction and maintenance will be scheduled during dry periods.

4. Existing vegetation (ground cover and canopy) will be left in place and undisturbed to the maximum extent practicable.

5. "Best Management Practices" will be used as a minimum to control surface water runoff and erosion. These practices are described in *Guidelines For Erosion and Sediment Control Planning and Implementation* (EPA Environmental Protection Technology Series Report No. EPS–R2–72–015, August 1972). Disturbed areas will be reseeded as soon as possible with species adapted to existing conditions.

6. Dredge spoil will be disposed of properly in accordance with local, State, and Federal regulations at an inland site outside identified floodways.

7. Riprap, as opposed to soil, will be utilized as fill material below the maximum normal pool elevation.

8. Prior to crossing areas harboring threatened or endangered species, or areas specifically identified as "sensitive," biologists will be contacted and will assist in the determination of mitigative measures necessary to negate or minimize impacts to these areas.

9. In areas where overhead structures are constructed, streambanks will not be disturbed and equipment will not be driven in streams; selective cutting will be used to remove intruding vegetation; stumps will be left at a height which will encourage resprouting, retain soil, and reduce overland waterflow; and no areas will be stripped of vegetation.

Normally, when such criteria are met, the floodplain would not be irreparably damaged by construction activities, altered significantly in volume and rate of flow, or significantly reduced in flood storage capacity.

Appropriate conditions and terms to require all practical measures to minimize harm on the floodplain will be included in the authorizations and approvals issued by TVA. TVA will also take these measures if it maintains or constructs any of these facilities.

This review will in no way constitute or evidence approval by TVA, where TVA property rights are involved, or within the meaning of Section 26a of the TVA Act, of any structure or facility falling within the class. Persons wishing to undertake the activities listed here or other activities requiring TVA approval are cautioned that they must apply for TVA approval in the same manner as they are currently required to do.

Any comments on this review by TVA should be submitted to: John R. Paulk, Director, Division of Land and Forrest Resources, Tennessee Valley Authority, Norris, Tennessee 37828, no later than May 21, 1981. Comments may also be telephoned to TVA's Citizen Action Line at 1–800–362–9250 (inside Tennessee), 1–800–251–9242 (outside Tennessee), and 632–4100 in Knoxville or by contacting TVA's Information Office, 400 Commerce Avenue, Knoxville, Tennessee 37902.

Dated: April 14, 1981.

Lawrence L. Calvert,

Assistant Director, Division of Land and Forest Resources.

[FR Doc. 81–11941 Filed 4–20–81; 8:45 am]

BILLING CODE 8020–01–M

DEPARTMENT OF THE TREASURY

[Department Circular, Public Debt Series No. 11-81]

Treasury Notes of April 30, 1983; Series Q-1983

April 16, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,250,000,000 of United States securities, designated Treasury Notes of April 30, 1983, Series Q-1983 (CUSIP No. 912827 LU 4). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated April 30, 1981, and will bear interest from that date, payable on a semiannual basis on October 31, 1981, and each subsequent 6 months on April 30 and October 31, until the principal becomes payable. They will mature April 30, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, April 22, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, April 21, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks , will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of

their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Thursday, April 30, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, April 28, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-11991 Filed 4-17-81; 11:07 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 76
Tuesday, April 21, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD.

[M-313; Apr. 16, 1981]

TIME AND DATE: 9:30 a.m., April 23, 1981.

PLACE: Room 1027, 1825 Connecticut Ave. N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 34136, *Chicago/Texas/Southeast-Western Mexico Route Proceeding*, Opinion and Order per Board instructions (Memo 169-b, OGC)
3. Docket 29186, *Memphis-Twin Cities/Milwaukee Case* (Memo 448, OGC)
4. Docket 27840, *Frontier Airlines, Inc., Eastern Montana-North Dakota Service* (Memo 451, OGC)
5. Dockets 33361, 32413, *Former Large Irregular Air Service Investigation; Application of Standard Airways;* Order on Discretionary Review (Memo 450, OGC)
6. Docket 33283, *Pan American/National Merger Proceeding*, Petition of the Janus Group for clarification of Orders 79-12-163/164/165 and a stay of seniority list integration proceedings (OGC)
7. H.R. 2021—Reverse Freedom of Information Act (Memo 452, OGC)
8. H.R. 902—a bill to accelerate the sunset of the Board and transfer of its remaining functions to January 1, 1983 (OGC)
9. H.R. 1744—a bill to require operators of commuter service airports and comuter carriers to set up passenger security programs (Memo 453, OGC)
10. Dockets 38300 and 38323—Petitions by the American Institute for Foreign Study and the United States Tour Operators Association for rulemakings to raise the 10 percent limit on charter price increases (OGC, BDA)
11. *Semiannual Agenda of Significant Rules under Development or Review* (OGC)
12. Docket 35139, Fare Summaries: Notice of Proposed Rulemaking (Memo 454, OGC, BCCP)
13. Dockets 38585 and 34138; Joint Fares; Notice of Proposed Rulemaking (OCG, BDA)
14. Dockets 37818 and 37976, *In the Matter of Intra-Hawaii Service Mail Rates* (BDA)
15. Docket 32484, The Fifth Review of Class Rate IX (BDA, OCCR, OC)
16. dockets 39020 and 35390, Petition for an adjustment of its 419 subsidy rate for service to the Nebraska Panhandle (Memo 449, BDA, OCCR, OC)
17. Docket 37336, Application of Mid-South Aviatin to operate an alternate service pattern at Danville, VA. (Memo 446, BDA, OCCR)
18. Dockets 39369 and 39368; Frontier's notice to terminate service between Lawton Ft. Sill and Oklahoma City and to terminate the last nonstop and single-plane service between Lawton/Ft. Sill and Denver and Casper and Application of Frontier for an exemption to terminate early (BDA, OCCR)
19. Dockets 39428 and 39430, Altair Airlines' notice to terminate service at Elmira, NY, and request for exemption for early termination (Memo 445, BDA, OCCR)
20. Discussion of CAB legislative package concerning early sunset (OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-630-81 Filed 4-17-81; 3:46 pm]

BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Wednesday, April 22, 1981.

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTTERS TO BE DISCUSSED:

1. Freedom of Information Act Appeal No. 81-2-FOIA-10-ME, concerning a request for intra-agency memoranda withheld from a closed Age file.
2. Freedom of Information Act Appeal No. 81-3-FOIA-13-MK, concerning a request for documents submitted by respondent and by charging party in regard to a charge.
3. Semiannual Agenda required by the Regulatory Flexibility Act of 1980.
4. Additions to Volume II of the Compliance Manual.
5. Public Affairs Informational Brochure.
6. Waiver of Calendar Year 1980 Filing Requirements of Apprenticeship and Local Union Information Reports (EEO-2, 2E, and 3).
7. Memorandum of Understanding with the Office of the Federal Inspector of the Alaska Natural Gas Transportation System.
8. A report on Commission Operations by the Executive Director.

Closed to the Public:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued April 15, 1981.

[S-626-81 Filed 4-17-81; 12:44 pm]

BILLING CODE 6570-06-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

April 16, 1981.

TIME AND DATE: 12 noon, April 16, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE DISCUSSED: Docket No. CP74-92, MIGC, Inc. (Formerly McCulloch Interstate Gas Company).

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

Kenneth F. Plumb,

Secretary.

[S-628-81 Filed 4-17-81; 3:22 pm]

BILLING CODE 6450-85-M

4

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of Directors meeting

In Accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on April 30, 1981.

A. The meeting will be held on Thursday, April 30, 1981, in the Pierre Suite, Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, S.W., Washington, D.C. beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow.

Agenda—National Railroad Passenger Corporation, Meeting of the Board of Directors—April 30, 1981

(9:30) Closed Session

1. *Internal Personnel Matters*
2. *Litigation Matters*

(10:30) Open Session

3. *Approval of Minutes of Regular Meeting of March 25, 1981*
4. *Approval of FY81 Capital Plan*
5. *Commitment Approval Requests:*
   - 81–76 Remodeling of Pennsylvania Station, New York—Conversion of Former YMCA Space
   - 81–86 Pollution Control—Wilmington, Delaware—Phase I
   - 81–87 Acquisition of Washington Terminal Company and Associated Operating Property
6. *Equipment Retirement Policy*
7. *Board Committee Reports:*
   - Equipment
   - Finance
   - Northeast Corridor Improvement Project
   - Organization and Compensation
8. *President's Report*
9. *New Business*
10. *Adjournment*

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383–3754.

Sandra Spence,

Corporate Secretary.

April 17, 1981.

[S-627-81 Filed 4-17-81; 1:48 pm]

5

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-14]

TIME AND DATE: 9 a.m., Tuesday, April 28, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report:* Union Light, Heat, and Power Company, Natural Gas Explosion and Fire, Simon Kenton High School, Independence, Kentucky, October 9, 1980, and *Recommendations* to Union Light, Heat, and Power Company, the Research and Special Programs Administration, and the American Gas Association.
2. *Railroad Accident Report:* Derailment of Amtrak Passenger Train No. 21 on the Illinois Central Gulf Railroad, at Springfield, Illinois, October 30, 1980, and *Recommendation* to the Illinois Central Gulf Railroad, Amtrak, and the Federal Railroad Administration.
3. *Railroad Accident Report:* Head-end Collision of Amtrak Passenger Train No. 74 and Conrail Freight Train OPSE–7 at Dobbs Ferry, New York, November 7, 1980, and *Recommendations* to Consolidated Rail Corporation, National Railroad Passenger Corporation, and the Federal Railroad Administration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–472–6022.

April 17, 1981.

[S-625-81 Filed 4-17-81; 8:45 am]

BILLING CODE 4910-58-M

6

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 21136, April 8, 1981.

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, April 6, 1981.

CHANGES IN THE MEETING: Additional item. The following additional item was considered at a closed meeting scheduled for Thursday, April 16, 1981, following the 10:00 a.m. open meeting.

Litigation matter.

Commissioner Evans, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Brandon Becker at (202) 272–2467.

April 17, 1981.

[S-629-81 Filed 4-17-81; 3:30 pm]

BILLING CODE 8010-01-M

federal register

Tuesday
April 21, 1981

Part II

Department of Agriculture

Agricultural Marketing Service

Wheat and Wheat Foods Research and Nutrition Education

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1280

[Docket No. WR-1]

Wheat and Wheat Foods Research and Nutrition Education

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the procedure for collecting assessments from and defines the responsibilities of wheat end product manufacturers under the Wheat and Wheat Foods Research and Nutrition Education Order. The Order which was issued May 12, 1980 and published in the **Federal Register** May 16, 1980 (45 FR 32572) is authorized by the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 *et. seq.*).

EFFECTIVE DATE: June 1, 1981.

FOR FURTHER INFORMATION CONTACT: W. David Spalding, Livestock, Poultry, Grain, and Seed Division, AMS, USDA, Washington, D.C. 20250, Phone: (202) 447-2068.

SUPPLEMENTARY INFORMATION: The Wheat Industry Council has formulated and submitted to the Secretary of Agriculture for approval and issuance regulations which provide for: (1) the policy and objectives of the Council, (2) the payment of U.S. Department of Agriculture referendum and administrative costs, (3) the designation of wheat end product manufacturers for paying and reporting, (4) a method for obtaining refunds, (5) end product manufacturer records and reports, and (6) related matters.

The regulations begin by defining terms used in the Act and Order and include terms newly used in this subpart. Newly defined terms include "scheduled for payment" and "distributor of processed wheat." These terms provide a further understanding of the assessment, collection, and remittance process.

The overall policy and objectives of the Council are stated in § 1280.306. The Council is directed to show no undue preference to any of the various industry segments.

The enabling legislation for the Wheat Industry Council provides that USDA costs incurred in conducting the referendum and in the administration of the Order will be paid from end product manufacturer assessments. Section 1280.309 directs the Council to pay these costs when determined periodically by the Secretary.

The major portion of these regulations concerns the assessment, the payment, the collection, and remittance by wheat end product manufacturers of up to 5 cents per hundredweight of processed wheat purchased. However, during the first 2 years of the program the assessment rate will not exceed 1 cent per hundredweight.

Section 1280.316 details those end product manufacturers and end products that are exempt from the payment of the assessment. Retail bakers as defined in the regulation and any end product manufacturer who does not purchase more than 2,000 hundredweights of processed wheat per year for use in the manufacture of end products, are exempt.

The Act and the Order contain specific requirements that refund provisions be provided for those end product manufacturers who do not wish to participate in the program. The Act and the Order require that a summary of the Council's annual budget be published in the **Federal Register** at least 60 days prior to the start of the budget year. Each registered end product manufacturer will be mailed a copy of the budget summary and shall have 60 days from the date of publication of the summary to reserve the right to seek refunds.

Section 1280.322 describes the method the end product manufacturer should follow when seeking a refund. All applications for refunds must be submitted with proof that an assessment has been paid to the Wheat Industry Council within 60 days after the end of the quarter in which the assessment accrued and payment of the refund must be made by the Wheat Industry Council within 60 days of the receipt of the request.

All end product manufacturers not exempt under § 1280.316 as retail bakers or otherwise are required to register with the Wheat Industry Council. Upon registration, end product manufacturers will receive an identification number to be used in conjunction with required reports and official communications. Registration of end product manufacturers is covered in § 1280.325.

End product manufacturers are required to submit, for each reporting period (calendar quarter or 3-month accounting period unless otherwise approved by the Council), reports which show the amount of processed wheat on which assessments are due.

All end product manufacturers will maintain records for at least 2 years beyond the fiscal period of their applicability. These records are required to be available for inspection by employees of the Department of Agriculture or the Wheat Industry Council to insure compliance with the provisions of the Order.

Statement of Consideration

The regulations were published in proposed form in the **Federal Register** on December 5, 1980 (45 FR 80535), and interested persons were invited to submit comments on the proposal by January 19, 1981.

Only seven comments were received concerning the proposed rules and regulations. Four of those comments were from individual end product manufacturers who are subject to the rules and regulations. Two of the comments were submitted by trade associations representing end product manufacturers and the remaining comment was submitted by an organization representing producers.

Three commenters requested exemption from the mandatory assessment provisions of the Act, the Order, and the Rules and Regulations. It is the intent of the enabling legislation that all end product manufacturers, except as specifically exempted in the Act or the Order, shall pay assessments on all assessable end products. However, the Act further provides that those persons not wishing to participate in the program shall be permitted to obtain refunds of assessments paid. In addition, the Act provides for exemption of specified end products, or types, or categories thereof from assessment. On the basis of the rulemaking record, the final decision and Order limited this exemption to those end products in which wheat is not a characterizing or major ingredient. Moreover, the legislative history of the Act and rulemaking record establish clearly that this exemption authority does not extend to the exemption of individual end product manufacturers who do not wish to support the program. Since the scope of the assessment provisions of the Order and the Rules and Regulations are mandated by the Act such a request for voluntary exemptions must be denied because its adoption would conflict with the statutory framework and legislative intent of Congress as well as the rulemaking record upon which the Order is based.

Two respondents objected to the requirement in § 1280.326(a) for the reporting of the following information: (1) the total amount of processed wheat purchased including intra-company transfers, (2) the amount of processed wheat purchased or transferred for use in the manufacture of exempted end products, and (3) the names and addresses of suppliers from whom

processed wheat was purchased and the amount purchased from each, on the grounds that such information is not necessary to effectuate the policy of the Act and would encompass products and processing which do not fall within the purview of § 1280.315. Since the intent of § 1280.326(a) is to provide the Wheat Industry Council with information limited to that necessary to ensure that the proper amount of assessments are paid, it appears that this objection is well-founded. Accordingly, the comments of the respondents are adopted herein and § 1280.326(a)(1)(iv) of the proposed rules and regulations is changed to read as follows: "Total number of hundredweights of processed wheat purchased (including intra-company transfers) for use in the manufacture of any end products listed in § 1280.315(b) and on which an assessment was not previously collected;" and § 1280.326(a)(1)(v) of the proposed rules and regulations is deleted. However, information listed in (1), (2), and (3) above must be retained by end product manufacturers in order to verify reports submitted to the Council.

A commenter requested that § 1280.326(a)(1)(vii) of the proposed Rules and Regulations be deleted. Reporting requirements under the Rules and Regulations are listed in § 1280.326(a)(1). Items (i) through (vi) are specific reporting requirements. Item (vii) reads "such other information as may be required by the Council." The commenter expressed concern that such a reporting requirement is even necessary and could place an undue reporting burden on an end product manufacturer. Item (vii) is authorized by the Act and is necessary in order to provide the flexibility that is needed in a new program. This provision permits the Council to initiate a new program with a minimum number of specific reporting requirements and still meet its responsibilities under the Act. If an end product manufacturer fails to keep the required records, this provision authorizes the Council to request other information necessary for it to fulfill its responsibilities under the Act. In addition, if experience shows that the information reported is not sufficient for the Council to meet its responsibilities under the Act, the Council will amend the reporting requirements in the Rules and Regulations. Item (vii) authorizes the Council to request the necessary information to maintain continuity during the time it takes to amend the Rules and Regulations. The Council intends to make minimum use of this provision. However, for the above reasons the request is denied.

One commenter requested that the regulations be revised to permit assessments to be paid on an annual basis rather than on a quarterly basis in order to reduce the reporting burden in § 1280.326(a). The Council has determined, however, that remitting assessments on a quarterly basis is the most reasonable and practical method of assuring the financial integrity of the Order and that the annual payment of assessments would place undue financial restraints on the Council. Accordingly, this request must be denied.

One commenter requested that § 1280.322 be revised to permit end product manufacturers to request refunds on an annual basis in order to reduce the reporting burden in § 1280.326(a). As mentioned above the reporting requirement in § 1280.326(a) has been reduced. The regulations provide that the right to receive a refund must be reserved on an annual basis during the 60-day period following publication of the annual budget summary in the **Federal Register**. The Council has elected to require remittance of assessments on a quarterly basis in order to minimize reporting requirements and yet not place an undue financial burden on the Council. However, if end product manufacturers were permitted to request refunds on an annual basis the Wheat Industry Council would not be able to budget and plan its activities with continuity. The refunding of assessments on an annual basis would also place unreasonable and unnecessary financial restraints upon the Council. For these reasons, the request must be denied.

A commenter suggested that the Council, in order to simplify reporting requirements, accept individual manufacturers' own 3-month accounting periods for the purpose of reporting and paying assessments. This suggestion is already included in Section 1280.317(a) of the regulations which provides that other accounting periods may be used when approved in writing by the Council. Thus, if end product manufacturers request and receive written approval for the use of their own 3-month accounting period they will be permitted to use such an accounting period for reporting and assessment purposes.

A commenter expressed concern about ambiguities in § 1280.315 concerning which end products are subject to assessment and which are not, because "major or characterizing ingredient" in wheat end products is not defined which the commenter stated left the determination of assessment status under the Order unclear. However, § 1280.315(b) establishes unequivocally and without exception those products which are subject to assessment. Thus, no determination by an end product manufacturer with respect to those products has any effect on which products are subject to assessment. Further, the end product manufacturer should be aware that all products listed in § 1280.315(b) and only those products are subject to assessment. Therefore, no change in the regulation is warranted.

The commenter also requested that refunds be made by endorsing the assessment check and returning it to the end product manufacturer. The commenter was concerned that those requesting refunds might be denied the use of the funds for up to 60 days. The Act requires that end product manufacturers pay assessments to the Council and it further provides that those not wishing to support the program shall be permitted to obtain refunds in conformance with a refund procedure outlined in the Act. The requested procedure would violate the statutory requirements providing that assessments be paid to the Council and refunds be made in accordance with the statutory directives because the assessment would never have been "paid" to the Council. It should be noted that although the Council must deposit checks of end product manufacturers who request refunds, it is anticipated that refunds will be made promptly after the receipt of the refund request. For these reasons, this request must be denied.

A commenter raised a question as to whether the manufacturer of macaroni or the manufacturer of macaroni and cheese would be considered the end product manufacturer for recordkeeping and assessment purposes. The Secretary's final decision (44 FR 72866) published in the **Federal Register** on December 14, 1979, discusses this situation in general terms and states: "Products * * * which may be consumed in their present form or used as an ingredient of another end product are within the definition of end product. Therefore, the assessment on the processed wheat purchased for use in the manufacture of such substances would be paid by the end product manufacturer who first manufactures them into a substance which can be consumed as human food. No further assessment, however, would be due from subsequent end product manufacturers using such end products as ingredients of other end products."

Thus, in the instance raised by the commenter, as well as in other analogous situations where end products are used for further food processing, the recordkeeping and assessment responsibility rests on the end product manufacturer who first manufactures processed wheat into an end product which can be consumed as human food.

A commenter expressed concern that the reporting of the amount of processed wheat purchased might result in the disclosure of the formulas used in certain proprietary products. The rules and regulations have taken this concern into account by providing in § 1280.326(b) that "persons selling or transferring processed wheat in combination with other ingredients to such end product manufacturers for use in the manufacture of end products shall disclose to such end product manufacturers the amount or proportion of processed wheat contained in such products, plus or minus 3 per centum." Therefore, the 3 percent variance allowed in § 1280.326(b) protects the transferor from being required to reveal exact formulas or trade secret information concerning formulated goods.

A respondent asked that small end product manufacturers be exempt from reporting requirements. The Order and the Rules and Regulations take this concern into consideration by specifically exempting end product manufacturers who purchase less than 2,000 hundredweight of processed wheat per year and as well as those who qualify as a retail baker under the definition of "retail baker."

A clarifying change has been made in § 1280.316. In the list of exempt end products the line item "2038—Frozen dinners" has been changed to read "2038—Frozen dinners (complete)." This change was made because complete frozen dinners are exempt end products but certain frozen entrees are assessable. For example, a complete frozen dinner including spaghetti and meatballs is exempt under § 1280.316, however a frozen dinner entree such as "spaghetti and meat balls," is an assessable end product and is listed in § 1280.315(b) under Standard Industrial Classification code 2038.

The example in the paragraph § 1280.317(b) was revised to provide specific dates for the assessment procedure.

It is hereby determined that 30 days notice prior to the effective date of these regulations is appropriate and reasonable because this formal rulemaking proceeding has been before the public since January 1979, has been well publicized, and provides four distinct periods for public input totaling 175 days in addition to the opportunity to participate in a public hearing.

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant," therefore, not a major rule. Review of the regulations contained in 7 CFR, Part 1280, for need, currency, clarity, and effectiveness will be made within the next 5 years.

It has been determined that no analysis of the impact on small business entities pursuant to the Regulatory Flexibility Act is required for this rule because the Act applies only to rules for which a notice of proposed rulemaking has been issued on or after January 1, 1981, and the notice of proposed rule herein was issued December 2, 1980.

The two reporting forms outlined in the rules and regulations will be submitted to the Office of Management and Budget for clearance prior to their use.

In accordance with the above, 7 CFR Part 1280 is amended by adding a new Subpart as follows:

PART 1280—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION ORDER

* * * * *

Subpart—Rules and Regulations

Definitions

Sec.

General

Assessments, Collections and Remittances

Refunds

Registration and Reports

Records

Miscellaneous

Authority: Wheat and Wheat Foods Research and Nutrition Education Act, Title XVII, Pub. L. 95-113, 91 Stat. 1037 (7 U.S.C. 3401-3417).

Subpart—Rules and Regulations

Definitions

§ 1280.300 Terms defined.

Unless otherwise defined in this subpart, definitions of terms used in this subpart shall be those definitions of terms defined in the Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 et seq.), hereinafter called the Act, and the Wheat and Wheat Foods Research and Nutrition Education Order (7 CFR § 1280.101 et seq.), hereinafter called the Order.

(a) *Wheat.* "Wheat" means all classes of wheat grains grown in the United States.

(b) *Processed wheat.* "Processed wheat" means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat grown within the United States in form or character by any mechanical, chemical, or other means.

(c) *End product.* "End product" means any product which contains processed wheat as an ingredient and which is intended, as produced, for consumption as human food, notwithstanding any additional incidental preparation which may be necessary by the ultimate consumer.

(d) *Processor.* "Processor" means any person who commercially produces processed wheat within the United States.

(e) *End product manufacturer.* "End product manufacturer" means any person who commercially produces an end product within the United States, but such term shall not include such persons to the extent that they produce end products on the premises where such end products are to be consumed by an ultimate consumer, including, but not limited to, hotels, restaurants, and institutions, nor shall such term include persons who produce end products for their own personal, family or household use.

(f) *Research.* "Research" means any type of research to advance the nutritional quality, marketability, production, functional quality or other qualities of wheat, processed wheat, or end products.

(g) *Nutrition education.* "Nutrition education" means any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of

wheat, processed wheat, and end products.

(h) *Wheat Industry Council or Council.* "Wheat Industry Council" or "Council" means the administrative body established pursuant to § 1280.130 of the Order.

(i) *Fiscal period.* "Fiscal period" means the calendar year or such other period as the Council may determine.

(j) *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in the Secretary's stead.

(k) *Person.* "Person" means any individual, partnership, corporation, association or other entity.

(l) *Part and subpart.* "Part" means 7 CFR Part 1280, containing rules, regulations, orders, supplemental orders and similar matters concerning the Wheat and Wheat Foods Research and Nutrition Education Act. "Subpart" means any portion or segment of such part.

(m) *Retail baker.* "Retail baker" means an end product manufacturer who sells end products directly to the ultimate consumer: *Provided,* That such term shall not include any end product manufacturer who derives less than 10 per centum of gross end product sales revenues from sales to ultimate consumers or who derives 10 per centum or more of gross food or food product sales revenue from the sale of such products manufactured or produced by others.

(n) *Intra-company transfers.* "Intra-company transfers" means sales or transfers of processed wheat for use in the manufacture of end products to end product manufacturers from related companies or divisions of the same company.

(o) *Related companies or divisions of the same company.* "Related companies or divisions of the same company" means subsidiaries, affiliates, or divisions of an end product manufacturer which are controlled by, controlling, or under common control with, such end product manufacturer.

(p) *Control.* "Control", including the terms "controlling", "controlled by", and "under common control with", means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of any person, whether through the ownership of voting securities, by contract, or otherwise.

(q) *Plans and projects.* "Plans and projects" means those research and nutrition education plans, studies or projects pursuant to § 1280.145 of the Order.

(r) *Scheduled for payment.* "Scheduled for payment" means set aside on the books and records of an end product manufacturer, so that once an end product manufacturer has scheduled for payment the assessment on processed wheat, at the point of the original purchase or intra-company transfer of such processed wheat, it will not be required to maintain further records of subsequent intra-company transfers of such processed wheat: *Provided,* That such end product manufacturer must maintain records of such transfers to the extent necessary to support any claim for exemption from assessments under § 1280.316(b).

(s) *Distributor of processed wheat.* "Distributor of processed wheat" means any person who sells processed wheat to an end product manufacturer.

General

§ 1280.305 Communications.

Communications in connection with the Order shall be addressed to the Wheat Industry Council at its business address.

§ 1280.306 Policy and objectives.

(a) It shall be the policy of the Wheat Industry Council to carry out an effective and continuous coordinated program of research and nutrition education, designed to improve and enhance the quality, and make the most efficient use, of American wheat, processed wheat, and wheat end products, and to inform the people of the United States about the nutritional benefits of wheat foods.

(b) It shall be the objective of the Wheat Industry Council to carry out plans and projects which will provide the maximum benefits to the wheat and wheat foods industry and no undue preference shall be given to any of the various industry segments.

(c) It shall be the objective of the Wheat Industry Council in carrying out this program to promote the health and well being of consumers.

§ 1280.307 Contracts.

The Council, with the approval of the Secretary, may enter into contracts with persons for the development and conduct of plans or projects authorized by the Order. Contractors shall agree to comply with the provisions of the Order, this subpart, and applicable provisions of the U.S. Code relative to contracting with the U.S. Department of Agriculture. Subcontractors who enter into contracts or agreements with a primary contractor and who receive or otherwise utilize funds allocated by the Council shall be subject to the provisions of this subpart.

§ 1280.308 Procedure.

The organization of the Wheat Industry Council and the procedure for conducting meetings of the Council shall be in accordance with the By-Laws of the Council.

§ 1280.309 USDA costs.

Pursuant to § 1280.150(b) of the Order, the Council shall reimburse those referendum and administrative costs incurred by the U.S. Department of Agriculture for the conduct of its duties under the Act and the Order as determined periodically by the Secretary. Payment shall be due promptly after the billing for such costs.

Assessments, Collections and Remittances

§ 1280.315 Levy of assessments.

(a) An assessment of 5 cents per hundredweight of processed wheat, or such lesser amount as set by the Council and approved by the Secretary, hereinafter called the assessment, is hereby levied on each hundredweight of processed wheat purchased (including intra-company transfers of processed wheat with respect to which no assessment has been paid or scheduled for payment) on and after June 1, 1981, by nonexempt end product manufacturers for use in the manufacture of nonexempt end products as specified in § 1280.315(b): *Provided,* That the assessment rate for the first two years during which assessments are in effect shall not exceed 1 cent per hundredweight. No person shall be required to pay more than one assessment with respect to the same processed wheat, whether or not such processed wheat is further processed by such person.

(b) The following end products in which wheat is a major or characterizing ingredient, as described in the Standard Industrial Classification (SIC) codes published by the U.S. Department of Commerce, shall be subject to the assessment levied hereunder:

SIC No.	
2032	Macaroni, canned.
	Ravioli, canned.
	Spaghetti, canned.
2038	Baked goods, frozen.
	Pies, frozen (except meat).
	Pizza, frozen.
	Spaghetti and meat balls, frozen.
	Waffles, frozen.
2041	Dough, biscuit: canned.
	Doughs, refrigerated.
2043	Breakfast foods, cereal (wheat based).
	Wheat flakes.
2045	Dough, biscuit: canned.
	Doughs, refrigerated.

SIC No.	
2051	Bagels.
	Bakery products, partially cooked, except frozen (frozen are included in SIC No. 2038).
	Bakery products, "perishable": Bread, cakes, doughnuts, pastries, etc. (including croutons).
	Biscuits, baked: baking powder and raised.
	Bread, brown: Boston and other—canned.
	Buns (bakery products).
	Charlotte Russe (bakery products).
	Crullers.
	Knishes.
	Pastries: Danish, French, etc.
	Pies, except meat pies.
	Rolls (bakery products).
	Sweet yeast goods.
2052	Bakery products, "dry": biscuits, crackers, pretzels, etc.
	Biscuits, baked: dry, except baking powder and raised biscuit (which are included in SIC No. 2051).
	Cookies.
	Crackers: Graham, soda, etc.
	Saltines.
	Zwieback, machine-made.
2098	Macaroni and products, dry: including alphabets, rings, seashells, etc.
	Noodles: egg, plain and water.
	Spaghetti, except canned (canned is included in SIC No. 2032).
	Vermicelli.
2099	Pizza, refrigerated, except frozen (frozen is included in SIC No. 2038).

§ 1280.316 Exemptions.

(a) The following persons shall be exempt from the assessment levied under § 1280.315:

(1) Retail bakers, as defined in § 1280.300(m), and any end product manufacturer who does not purchase more than 2,000 hundredweights of processed wheat per year for use in the manufacture of end products; and

(2) End product manufacturers who manufacture end products exempted under § 1280.316(b), *Provided,* That such end product manufacturers shall be exempt only to the extent of the processed wheat purchased for use in the manufacture of such exempt end products.

(b) "End products" in which wheat is not a major or characterizing ingredient and not listed in § 1280.315(b) shall be considered exempt end products for the purposes of § 1280.316(a)(2). Such end products shall include, but shall not be limited to, the following end products described in the Standard Industrial Classification (SIC) codes published by the U.S. Department of Commerce:

SIC No.	
2032	Meat pies, canned.
2034	Soup mixes and powders.
2035	Sauces.
2038	Frozen dinners (complete).
2052	Cones, ice cream.
2085	Distilled, rectified, and blended liquors.

§ 1280.317 Reporting period and payment.

(a) For the purpose of the payment of assessments, either a calendar quarter or a 3-month accounting period shall be considered the reporting period; however, other accounting periods may be used when approved by the Council in writing: *Provided,* That the first reporting period will be June 1, 1981, to June 30, 1981, or a Council approved comparable period. Each end product manufacturer not exempt under § 1280.316(a) shall register his reporting period with the Council. All changes in reporting periods shall be requested in writing and subject to approval by the Council.

(b) Each end product manufacturer shall pay the required assessment pursuant to § 1280.315 directly to the Wheat Industry Council, for each period, on or before the thirtieth day following the end of such period. Assessments shall begin to accrue as of June 1, 1981, for those end product manufacturers reporting on a calendar quarter basis. (For those using other Council approved accounting periods assessments shall begin to accrue as of the first day of the first accounting period beginning on or after June 1, 1981.) Thus, for example, those end product manufacturers reporting on a calendar quarter basis must begin as of June 1 to calculate and set aside on their books and records the amount of the assessment payable for the June 1 to June 30 period. For these end product manufacturers the initial assessment must be remitted on or before July 30, 1981. Payment shall be in the form of a check, draft or money order payable to the Wheat Industry Council and shall be accompanied by a report pursuant to § 1280.326(a).

(c) In the event of an end product manufacturer's death, bankruptcy, receivership, or incapacity to act, the representative of the end product manufacturer or his estate, or the person acting on behalf of creditors, shall be considered the end product manufacturer for the purposes of this subpart.

Refunds

§ 1280.320 Budget summaries, refund elections, and election periods.

(a) Under § 1280.140(e) of the Order, the Council is required to prepare a summary of its annual budget, including a brief general description of research and nutrition education programs contemplated therein (hereafter the budget summary). Upon approval by the Secretary, the budget summary is to be published promptly in the **Federal Register.** The Council's initial budget summary, for its initial fiscal period, shall be published at least 60 days prior to the date when the initial assessments are due to be remitted under § 1280.315. In subsequent fiscal periods the budget summary shall be published at least 60 days prior to the beginning of the fiscal period.

(b) With the publication of each budget summary under § 1280.320(a) (or amended budget summary under § 1280.320(d)), the Council shall promptly mail a copy thereof to each registered end product manufacturer.

(c) Each such registered end product manufacturer shall have 60 days each year from the date of publication of the budget summary in the **Federal Register,** (hereafter referred to as the refund election period) within which to elect to reserve the right to seek refunds under § 1280.322 of assessments paid with respect to the fiscal period covered by such budget summary, whether or not such person has personally received a copy of the budget summary.

(d) Ordinarily, one budget summary for each fiscal period will be published at least 60 days prior to the beginning of the fiscal period. However, in the event of midyear amendments to the budget so significant as to substantially change the nature of the Council's ongoing plans and projects, an amended budget summary, upon approval by the Secretary, will be published promptly in the **Federal Register.** Thereafter, all nonexempt end product manufacturers, whether or not they have a refund election then in effect, will be given 60 days from the date of such publication within which to elect to reserve the right to seek refunds under § 1280.322 of assessments paid with respect to the balance of the fiscal period then in effect including the quarter in which the amended budget summary was published.

(e) Nonexempt end product manufacturers who wish to elect to reserve the right to request refunds of assessments under § 1280.322 shall so indicate to the Council by letter, which shall be transmitted to the Council by registered or certified mail, and which must be postmarked not later than the sixtieth day of the applicable refund election period (or the next succeeding business day if such sixtieth day falls on a Saturday, Sunday or Holiday).

§ 1280.321 Eligibility for refunds.

Only those end product manufacturers who have made the described election pursuant to § 1280.320 shall be eligible for refunds of assessments paid with respect to the fiscal period, or (in the case of budget amendments under § 1280.320(d)) portion thereof, to which such refund election applies.

§ 1280.322 Procedure for obtaining refunds.

Any end product manufacturer who has been subject to and has paid an assessment, but who has elected to reserve the right to seek a refund, may obtain a refund of the assessment for any quarter or other reporting period in the following manner:

(a) Every refund request must be made by submitting to the Council a completed Wheat Industry Council refund application form. The form shall be obtained by written request to the Council and shall require the following information:

(1) The end product manufacturer's name(s), address(es), and identification number;

(2) The number of hundredweights of processed wheat on which a refund is requested and the total amount of the refund request;

(3) The date or dates on which assessments were paid;

(4) The end product manufacturer's signature; and

(5) An affirmation that the end product manufacturer has made the necessary election to reserve the right to request refunds. A separate refund application must be filed for assessments paid in each reporting period.

(b) Every refund application must be mailed to the Wheat Industry Council within 60 days after the end of the quarter or other reporting period during which the assessment obligation accured.

(c) Within 60 days following the date of receipt by the Council of each properly executed refund application, and proof of payment of the assessment, the Council shall remit the refund.

Registration and Reports

§ 1280.325 Registration of end product manufacturers.

(a) All end product manufacturers not exempt under § 1280.316 shall, prior to June 1, 1981, register with the Wheat Industry Council by filing a registration statement. Registered end product manufacturers will receive an identification number which must appear on all required reports and official communications with the Wheat Industry Council.

(b) End product manufacturers who are exempt from assessments under § 1280.316 will not be required to register with the Council. However, any such exempt end product manufacturer receiving a registration form shall return the form to the Council indicating thereon his exempt status and the basis for it. Such exempt end product manufacturers shall not be required to submit further proof of their exempt status except upon specific written request of the Council.

(c) New businesses subject to this subpart beginning after June 1, 1981, shall register with the Wheat Industry Council within 30 days following the beginning of operations.

(d) Each registration statement hereunder shall include:

(1) Name and address of the end product manufacturer;

(2) Name of individual(s) responsible for filing reports with the Wheat Industry Council;

(3) Type of reporting period desired; and

(4) For exempt end product manufacturers, spaces for indicating exempt status, the basis for such exempt status, and whether the end product manufacturer wishes to waive exempt status.

(e) Any person exempt under § 1280.316 may waive such exemption, upon application to and approval by the Council, and thereafter will be treated as a nonexempt end product manufacturer under this subpart unless and until such person requests that such exemption be reinstated.

§ 1280.326 Reports.

(a) End product manufacturer reports.

(1) Each nonexempt end product manufacturer shall make reports to the Wheat Industry Council on forms made available or approved by the Council. Each such end product manufacturer shall prepare a separate report form for each reporting period, which shall be mailed to the Council within 30 days after the close of the reporting period, and which shall contain the following information:

(i) Date of report;

(ii) Reporting period covered by report;

(iii) Name and address of end product manufacturer and identification number;

(iv) Total number of hundredweights of processed wheat purchased (including intra-company transfers), for use in the manufacture of any end products listed in § 1280.315(b) and on which an assessment was not previously collected;

(v) The total amount of assessment due for processed wheat purchased or transferred during the reporting period and remitted with the report; and

(vi) Such other information as may be required by the Council.

(2) End product manufacturer reports shall be filed each reporting period until such time as the Wheat Industry Council is notified in writing that the end product manufacturer has ceased to do business.

(b) In order to enable end product manufacturers to calculate the amount of processed wheat they have purchased, persons selling or transferring processed wheat in combination with other ingredients to such end product manufacturers for use in the manufacture of end products shall disclose to such end product manufacturers the amount or proportion of processed wheat contained in such products, plus or minus 3 per centum. End product manufacturers shall be responsible for informing persons selling or transferring to them processed wheat in combination with other ingredients of such persons' obligations under this subpart to disclose the amount or proportion of processed wheat therein, plus or minus 3 per centum.

(c) The Wheat Industry Council may require all persons subject to section 1705(c) of the Act to make reports as needed for the enforcement and administration of this part.

Records

§ 1280.330 Retention of records.

Each person required to make reports to the Wheat Industry Council pursuant to this subpart shall maintain and retain for at least 2 years beyond the fiscal period of their applicability:

(a) One copy of each report submitted to the Council; and

(b) Such other records as are necessary to verify reports submitted to the Council.

§ 1280.331 Availability of records.

Each end product manufacturer subject to the provisions of this subpart, and all persons subject to section 1705(c) of the Act, shall make available for inspection and copying by authorized employees of the Wheat Industry Council and/or the Secretary, during regular business hours, such information as is appropriate and necessary to verify compliance with this subpart.

§ 1280.332 Confidentiality.

(a) All information obtained by the Wheat Industry Council, all employees of the Council, officers and employees of the Department of Agriculture, or any person under contract to the Council or otherwise acting on behalf of the Council, from the books, records and reports of persons subject to this subpart, and all information with respect to refunds of assessments made to individual end product manufacturers, shall be kept confidential in the manner, and to the

extent, provided for in § 1280.162 of the Order.

(b) In order to protect confidential information that may reveal trade secrets or have competitive value, access to information from the books, records and reports of persons subject to this subpart shall be limited to persons within the class described in § 1280.332(a) who have a specific need for such information in order to administer the provisions of the Order and of this subpart.

Miscellaneous

§ 1280.335 Personal liability.

No member, alternate member or employee of the Council in the performance of his or her duties with the Council shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, by such member, alternate or employee, except for acts of dishonesty or willful misconduct.

Done at Washington, D.C. on April 16, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing April 17, 1981]

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with Old Dominion University.

WHAT: Public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: April 29 at 9:00 a.m. and 1:00 p.m. (identical sessions).

WHERE: Webb Center, Old Dominion University, Norfolk, Va.

RESERVATIONS: Call Henry Schmoele, (804) 440-3329.

Now Available 1979 Microfilm Edition of the Federal Register

The microfilm edition of the **Federal Register** for 1979, (volume 44), is now available at a cost of $325. This volume covers 77,498 pages and the annual index, plus the quarterly index of List of CFR Sections Affected. It is microfilmed on 35mm rolls only. This microfilm publication, (M190), now comprises 361 rolls and spans the years 1936–1979. The entire publication is for sale at $4693. Further information concerning the 1979 volume or any other volume may be obtained from the Publications Sales Branch (NEPS), National Archives & Records Service, Washington, D.C. 20408. Institutional orders may be placed directly with NEPS.